

COMP AM Article 74

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Article 74

Right to a judicial remedy against a supervisory authority

1. *Without prejudice to any other administrative or non-judicial remedy*, each natural or legal person shall have the right to a judicial remedy against decisions of a supervisory authority concerning them.
2. *Without prejudice to any other administrative or non-judicial remedy*, each data subject shall have the right to a judicial remedy obliging the supervisory authority to act on a complaint in the absence of a decision necessary to protect their rights, or where the supervisory authority does not inform the data subject within three months on the progress or outcome of the complaint pursuant to point (b) of Article 52(1).
3. Proceedings against a supervisory authority shall be brought before the courts of the Member State where the supervisory authority is established.
4. *Without prejudice to the consistency mechanism* A data subject which is concerned by a decision of a supervisory authority in another Member State than where the data subject has its habitual residence, may request the supervisory authority of the Member State where it has its habitual residence to bring proceedings on its behalf against the competent supervisory authority in the other Member State.
5. The Member States shall enforce final decisions by the courts referred to in this Article.

Recitals

(113) Each natural or legal person should have the right to a judicial remedy against decisions of a supervisory authority concerning them. Proceedings against a supervisory authority should be brought before the courts of the Member State, where the supervisory authority is established.

(114) In order to strengthen the judicial protection of the data subject in situations where the competent supervisory authority is established in another Member State than the one where the data subject is residing, the data subject may *mandate* any body, organisation or association ~~aiming to protect the rights and interests of data subjects in relation to the protection of their data acting in the public interest~~ to bring proceedings against that supervisory authority to the competent court in the other Member State.

(115) In situations where the competent supervisory authority established in another Member State does not act or has taken insufficient measures in relation to a complaint, the data subject may request the supervisory authority in the Member State of his or her habitual residence to bring proceedings against that supervisory authority to the competent court in the other Member State. *This does not apply to non-EU-residents*. The requested supervisory authority may decide, subject to judicial review, whether it is appropriate to follow the request or not.