



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FIRST SECTION

Applications nos. 16831/24 and 12781/25
Arne Lucas TEN HOEVE against Sweden
lodged on 3 June 2024 and 19 April 2025 respectively
communicated on 8 July 2026

SUBJECT MATTER OF THE CASE

The applications concern the accessibility and possible disclosure of the applicant's personal data in the state personal address register (*statens personadressregister*, SPAR) and the taxation database (*beskattningsdatabasen*), administrated by the Swedish Tax Agency (*Skatteverket*), and in the companies register (*aktiebolagsregistret*) and the trade register (*handelsregistret*), administrated by the Swedish Companies Registration Office (*Bolagsverket*).

In 2021 the applicant sent a message to the Tax Agency in which he objected to any processing of his personal data regarding income or capital for any other purposes than taxation, and requested, *inter alia*, that the Tax Agency restrict the disclosure of his personal data regarding income or capital to third parties. In doing so he relied on provisions of Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, "the GDPR"). His request was denied by the Tax Agency, which essentially held that none of the requirements for restricting such data processing were met.

The applicant appealed against that decision to the Administrative Court and requested that the court refer a question to the Court of Justice of the European Union ("the CJEU") for a preliminary ruling. On 21 November 2022 the Administrative Court dismissed the applicant's request that it seek

a preliminary ruling. It also dismissed his appeal, essentially finding that the Swedish legislator had enacted restrictions on the right to object to data processing, entailing that the right to object provided for in Article 21.1 of the GDPR did not apply to the processing of data in the state personal address register and the taxation database. The court found that those restrictions were in compliance with the GDPR and that they did not violate Article 8 of the Convention.

On 17 August 2023 the Administrative Court of Appeal upheld the Administrative Court's judgment, essentially endorsing its conclusions.

On 9 February 2024 the Supreme Administrative Court dismissed a request from the applicant that it seek a preliminary ruling from the CJEU and refused him leave to appeal.

In 2023 the applicant sent a message to the Companies Registration Office in which he objected to its processing of his personal data, and requested, *inter alia*, that it restrict the disclosure of his personal address, which was registered in the companies register and the trade register since he was the representative of a company, to third parties which were not governmental authorities. In doing so he relied on provisions of the GDPR. His request was dismissed by the Companies Registration Office, which held, *inter alia*, that there were compelling legitimate grounds within the meaning of Article 21.1 of the GDPR to continue with the processing of the personal data in question, which overrode the applicant's interests.

The applicant appealed against that decision. On 14 February 2024 the Administrative Court dismissed his appeal, finding no reason to depart from the assessment made by the Companies Registration Office.

The applicant appealed against that judgment and requested that the Administrative Court of Appeal refer a question to the CJEU for a preliminary ruling. On 24 September 2024 the Administrative Court of Appeal dismissed his request that it seek a preliminary ruling and refused him leave to appeal.

On 20 December 2024 the Supreme Administrative Court dismissed a request from the applicant that it seek a preliminary ruling from the CJEU and refused him leave to appeal.

The applicant complains that the accessibility and possible disclosure to third parties of his personal data in the state personal address register and the taxation database, as well as the companies register and trade register, violates his rights under Article 8 of the Convention. He argues that the interference is not in accordance with the law, in particular because it contravenes EU law, and that it is not necessary in a democratic society.

Invoking Articles 6, 8 and 13 of the Convention he further complains of a lack of an effective remedy and insufficient reasoning by the domestic courts. In particular, he submits that he, in the proceedings against the Tax Agency, argued that the complete exclusion of his right to object under the GDPR went beyond what was necessary and proportional, and deprived him of a remedy to protect his rights under Article 8 of the Convention, but that none of the

courts examined whether this was a necessary or proportionate measure. In regard to the proceedings against the Companies Registration Office, he, in particular, submits that the courts did not adequately respond to his arguments and that the decisions refusing him leave to appeal merely paraphrased legal provisions. Moreover, in regard to both sets of proceedings, he complains that the courts failed to provide sufficient reasons for their refusals to refer a question to the CJEU for a preliminary ruling.

QUESTIONS TO THE PARTIES

1. Has the applicant exhausted all effective domestic remedies, as required by Article 35 § 1 of the Convention?

In particular was (i) lodging a complaint with a supervisory authority (see, for example, Article 77 of the GDPR), and/or (ii) lodging a domestic claim to seek compensation for alleged breaches of the Convention, either by lodging a complaint with the Chancellor of Justice or suing the State before the ordinary courts (see, for example, *Ruminski v. Sweden* (dec.), no. [10404/10](#), §§ 37-38, 21 May 2013; *S.J.P. and E.S. v. Sweden* (dec.), no. [8610/11](#), §§ 72-73, 16 December 2014; and *Paic and Wernersson v. Sweden* (dec.), nos. [12908/23](#) and [24544/23](#), §§ 19 and 57-59, 20 May 2025), an effective remedy within the meaning of this provision in respect of the applicant's complaints?

2. What is the nature of the applicant's personal data stored in the state personal address register (*statens personadressregister*, SPAR) and the taxation database (*beskattningsdatabasen*)? In what manner and pursuant to which domestic laws or regulations can it be accessed by or be disclosed to third parties?

3. What is the nature of the applicant's personal data stored in the companies register (*aktiebolagsregistret*) and trade register (*handelsregistret*)? In what manner and pursuant to which domestic laws or regulations can it be accessed by or be disclosed to third parties?

4. Has there been an interference with the applicant's right to respect for his private life, within the meaning of Article 8 § 1 of the Convention?

In particular, did the accessibility and/or possible disclosure of his personal data in the abovementioned registers/database to third parties, amount to such an interference?

5. If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2 (see, *mutatis mutandis*, *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], no. [931/13](#), §§ 120-66, 27 June 2017, and *L.B. v. Hungary* [GC], no. 36345/16, §§ 102-28, 9 March 2023)?

6. Did the applicant have at his disposal an effective domestic remedy for his complaints under Article 8, as required by Article 13 of the Convention?

In particular, did he have at his disposal such a remedy in view of the restrictions on the right to object to data processing, entailing that the right to object provided for in Article 21.1 of the GDPR did not apply to the processing of data in the state personal address register and the taxation database?

7. Was Article 6 § 1 of the Convention under its civil head applicable to the proceedings in the present case?

In particular, was there a “dispute” regarding a “right” which can be said, at least on arguable grounds, to be recognised under domestic law, in view of the restrictions on the right to object to data processing, entailing that the right to object provided for in Article 21.1 of the GDPR did not apply to the processing of data in the state personal address register and the taxation database?

8. If so, did the applicant have a fair hearing in the determination of his civil rights and obligations, in accordance with Article 6 § 1 of the Convention?

In particular, did the domestic courts provide sufficient reasons for their decisions (i) on the merits (see, for example, *García Ruiz v. Spain* [GC], no. 30544/96, § 26, ECHR 1999-I, and *Paun Jovanović v. Serbia*, no. 41394/15, §§ 100-101, 7 February 2023, with further references); (ii) on the question of leave to appeal (see, for example, *Kukkonen v. Finland* (no. 2), no. 47628/06, § 24, 13 January 2009, and *Hansen v. Norway*, no. 15319/09, §§ 71-83, 2 October 2014, with further references); and (iii) on the requests to make a reference for a preliminary ruling to the CJEU (see, for example, *Harisch v. Germany*, no. 50053/16, §§ 33-43, 11 April 2019; *Sanofi Pasteur v. France*, no. 25137/16, §§ 68-81, 13 February 2020; and *Gondert v. Germany*, no. 34701/21, §§ 35-47, 16 December 2025, with further references)?