

Final decision

The present decision refers to the case/complaint of [REDACTED], lodged with the supervisory authority of Germany, Bavaria, (national reference LDA-1085.4-8170/18-I) and submitted to the Luxembourg supervisory authority via IMI under Article 56 procedure 61900.

The complaint was lodged against the controller [REDACTED] (hereinafter “[REDACTED]”) which has its main establishment in Luxembourg. Pursuant to Article 56 GDPR, the Luxembourg National Data Protection Commission (“CNPD”) is therefore competent to act as lead supervisory authority.

Scope of the complaint and assessment of the case

The initial wording of the complaint on IMI stated that:

“[REDACTED] did not process or did not fully process the complainant's request regarding the access to the personal data relating to him that [REDACTED] is processing.”

The complaint is thus based on Article 15 GDPR.

Based on said complaint, the CNPD requested [REDACTED] to provide a detailed description of the issue relating to the complainant’s data processing as per Article 58.1 a) GDPR, and in particular to the request by the complainant to access his personal data processed by [REDACTED].

The CNPD received the requested information within the set timeframe.

Outcome of the case

Following the enquiry by the Luxembourg supervisory authority, [REDACTED] informed the CNPD that it was not able to locate the letter of the complainant from 2018 attached to the complaint (and the complainant did not communicate a valid proof of sending either).

[REDACTED] confirmed though that the complainant contacted [REDACTED] customer service in June 2019 requesting information about his data, how [REDACTED] is processing it and in about data that is shared with third parties.

[REDACTED] replied to the complainant’s questions, and provided him with the requested information. [REDACTED] also informed the complainant about what data he could further review in his customer account and how he could submit a data subject access request the easiest way by logging in into his customer account and submitting the request via the designated contact form therein. This way he will be properly identified as holder of the respective customer account for which he requests the data set for. However, [REDACTED] did not hear back from the complainant since [REDACTED] last response to him. He did not communicate any further questions regarding the processing of his data, nor complications with or refusal to use the contact form to submit the data subject access

request. [REDACTED] therefore had assumed that the complainant was satisfied with the information provided.

Finally, following receipt of the CNPD's letter regarding the present complaint, [REDACTED] contacted the complainant a second time in order to provide him with the requested data.

Thus, based on the information that was provided, the CNPD is of the view that the controller has taken appropriate measures to satisfy the complainants' right of access, pursuant to Article 15 of the General Data Protection Regulation.

As the complaint had only a limited personal impact, the CNPD has consulted the supervisory authority of Bavaria (Germany) to determine whether the case could be closed. The CNPD and the supervisory authority of Bavaria (Germany) agreed that, in view of the above, no further action is required and that the cross-border complaint should be closed.

Notwithstanding the closure of this case, the Luxembourg supervisory authority might carry out subsequent actions in exercise of its investigative and corrective powers regarding the data processing activities in the event of new complaints.

A draft decision has been submitted by the CNPD to the other supervisory authorities concerned as per Article 60.3 GDPR (IMI entry number 294505).

As none of the other concerned supervisory authorities has objected to this draft decision within a period of four weeks, the lead supervisory authority and the supervisory authorities concerned shall be deemed to be in agreement with said draft decision and shall be bound by it.

For the National Data Protection Commission