

Final decision

The present decision refers to the case/complaint of [REDACTED], lodged with the supervisory authority of Austria (D130.288) and submitted to the Luxembourg supervisory authority via IMI under Article 61 procedure 73146.

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 complaint on IMI stated that the complainant requested the cancellation of her test offer and the deletion of her personal data from [REDACTED] several times by e-mail. She also claimed that her request was apparently not granted.

The complaint is thus based on Article 17 GDPR.

Based on said complaint, the CNPD requested the controller to provide a detailed description of the issue relating to the complainant’s data processing as per Article 58.1 a) GDPR, in particular as regards to her deletion request.

The CNPD received the requested information within the set timeframe.

Outcome of the case

Following the enquiry by the Luxembourg supervisory authority, the legal representative of the controller informed the CNPD that the data of the complainant was indeed erased on request back in 2019, but that due to an human error, the complainant was not informed thereof. A copy of the new information letter was then send to the CNPD.

Thus, based on the information that was provided, the CNPD is of the view that the issue has been resolved and/or the exercised right has been attended.

As the complaint has only a limited personal impact, the CNPD has consulted the supervisory authority of Austria to determine whether the case could be closed. The CNPD and the supervisory authority of Austria agreed that, in view of the above, no further action or additional measures are needed 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 293747).

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