

[REDACTED]
[REDACTED]
[REDACTED]

Secretariaat : [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Uw kenmerk

Ons kenmerk

Bijlage(n)

Datum

DOS-2018-06541

Betreft: Complaint against [REDACTED]

Dear,

Pursuant to article 95, §2 of the law of 3 December 2017 *establishing the Data Protection Authority*, the Litigation Chamber informs you that a dossier has been filed as a result of the complaint.

The complaint concerns the failure of [REDACTED] to comply with the request of [REDACTED] concerning the exercise of her right of erasure ("right to be forgotten"). She received from [REDACTED] on 24/05/2018 an e-mail on the update of their privacy policy and terms of use. She sent an e-mail on 29/05/2018 to [REDACTED], asking for the erasure of her data. One month later, she got an e-mail from [REDACTED] saying that her request needed 60 more days to be performed, giving a link to an area in the website where she could check the progress of the request. She sent again an e-mail to the same address, telling [REDACTED] she had no password to access that section. Some days later, she received a new e-mail by which she was told that the ultimate deadline to meet her request was 30th July 2018. On 03/09/2018 the data subject did not receive any reply, although article 12.3. of the GDPR provides that the controller shall inform the data subject without delay and in any case within one month of receipt of his request about the follow-up of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

It is obvious that the deadline has been exceeded at all levels.

If you want to consult and copy the dossier, you should contact the secretariat of the Litigation Chamber in order to make an appointment.

If you request a copy of the file, you will receive the documents by ordinary mail, unless you want to pick up these documents on location at the secretariat of the Litigation Chamber.

Pursuant to article 58.2. c) of the General Data Protection Regulation¹ (hereinafter GDPR) and article 95, §1, 5 ° of the aforementioned Act of 3 December 2017, the Litigation Chamber has decided to order the controller to comply with the data subject's requests concerning the exercise of his rights, more specifically the right of erasure ("right to be forgotten") (article 17 GDPR).

An appeal may be lodged against this decision within a period of thirty days, from the date of service of the notification², to the Court of Commerce³ (article 108, § 1 of the aforementioned Act of 3 December 2017).

Kind regards,

Dirk Van Der Kelen

President of the Litigation Chamber

¹ REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 *on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing of Directive 95/46/EC*

² The date of this letter is the date of service of the notification

³ Court of Appeal of Brussels