

Summary Final Decision Art 60

Complaint

Infringement of Article 15 GDPR and reprimand

Background information

Date of final decision:	17 October 2019
LSA:	DE-Hessen
CSAs:	AT, BE, ES, DE (Berlin), DK, FI, FR, IT, NO, SK
Controller:	Nintendo of Europe GmbH
Legal Reference:	Right of access (Article 15)
Decision:	Infringement of Article 15 GDPR and reprimand
Key words:	Right of access, Data subjects' rights, Data subject access request

Summary of the Decision

Origin of the case

The complainant filed a complaint with the AT CSA contending that the controller did not comply with his access request within the one-month period, as established in Article 12(3) GDPR.

Findings

When contacted by the LSA, the controller explained that the number and the complexity of the data-related customer queries at the time of the request justified an extension of the one-month period. Additionally, by mistake, no notice of the extension had been sent to the complainant within the deadline. However, shortly after the deadline, the controller did send the complainant a notice of the extension. The access request was complied with within the extended timeframe.

Decision

The LSA found that there was an infringement of Article 15 GDPR, since the controller did not comply with the complainant's access request in the established timeframe and issued a reprimand to the controller. However, the controller had cooperated with the LSA during the investigation and notified the complainant of the justified need for an extended timeframe shortly after the due date, and answered the request within the extended timeframe. Therefore, the LSA decided not to take any further measures against the controller.

Comments

Comments received on the draft decision from the FI, FR, IT and AT CSAs were fully addressed by the LSA in the final decision. Additionally, the AT CSA indicated that the complaint was withdrawn in the course of the investigation.