

# Summary Final Decision Art 60

## Complaint

### Reprimand to controller

#### Background information

Date of final decision:	3 December 2018
LSA:	DE - Berlin
CSAs:	BE, DE-Mecklenburg-Western Pomerania
Controller:	Chal-Tec GmbH
Legal Reference:	Right to erasure (Article 17), Lawfulness of processing (Article 6), Transparent information, communication and modalities for the exercise of the rights of the data subject (Article 12)
Decision:	Reprimand
Key words:	Right to erasure, exercise of the rights of the data subject, lawfulness of the processing, e-Commerce

#### Summary of the Decision

##### Origin of the case

The complainant created an account on the controller's website, and the same day he asked for its deletion. Despite receiving a confirmation e-mail about the deletion, the complainant could still log in to his account. In an e-mail, the data controller told the complainant that for legal reasons the account could not be deleted, but only deactivated.

##### Findings

Following a request for information by the LSA, the data controller deleted the account. The improper handling of the data subject's request was due to keeping two separate databases, each handled by a different department of the controller which had miscommunicated in this case.

##### Decision

The LSA decided to reprimand the data controller as the removal of the complainant's personal data was not carried out by the time it was due, i.e. per art. 58(2)(b) GDPR.

## Comments

Even though the request was submitted by the complainant prior to the entry into force of the GDPR, on 25 May 2018 the account had not been deleted yet and therefore, the LSA states that the GDPR is applicable.