

# Summary Final Decision Art 60

## Complaint

No ongoing infringement of the GDPR

### Background information

Date of final decision:	17 September 2019
LSA:	IT
CSAs:	DE-Baden-Württemberg, DE-Hamburg, DE-Rhineland-Palatinate
Legal Reference:	Right to erasure (Article 17)
Decision:	No ongoing infringement of the GDPR
Key words:	Right to erasure, Spam, Newsletter

### Summary of the Decision

#### Origin of the case

The complainant sent an email to the controller to unsubscribe from a newsletter. The day following the erasure request, he received another SPAM email from the newsletter.

#### Findings

The LSA found that, instead of sending the erasure request to the dedicated email address present in the marketing email footer, the complainant sent it to the wrong email address, thus slowing down the procedure. Despite the complainant's mistake, the controller dealt with the erasure request within a few days.

#### Decision

The LSA found that the controller ultimately complied with his obligations under the GDPR, since some technical processing times are unavoidable especially if the data subject enforces his right writing to the wrong e-mail address, and dismissed the complaint.