

Summary Final Decision Art 60

Complaint

Compliance Order to Controller

Background information

Date of final decision:	27 August 2019
LSA:	LI
CSAs:	DE-Lower Saxony
Legal Reference:	Principles relating to processing of personal data (Article 5), Right of access (Article 15)
Decision:	Compliance order to controller
Key words:	Right of access, Information to data subjects

Summary of the Decision

Origin of the case

The complainant alleged that the controller infringed Article 15 GDPR by providing him with incomplete information concerning the purposes of the processing, the storage period and the right to appeal to a supervisory authority.

Findings

Concerning the processing purpose, the LSA found that the information provided by the controller was incomplete. In fact, it stated that personal data were processed solely for the purpose of participating in a prize competition. However, personal data were also transferred to sponsors for marketing purposes. The controller should have included this additional purpose of the processing when providing information to the data subject.

Concerning the storage period, the LSA found that the information provided by the controller was also incomplete. In particular, there was no specification on the storage period or the criteria according to which the storage period would be determined.

Concerning the right of appeal to a supervisory authority, the LSA found that the controller was under no legal obligation to specify which supervisory authority was competent. Nonetheless, the controller was advised to do so in order to facilitate the exercise of data subjects' rights.

Decision

The LSA found that the controller infringed Article 15 GDPR by not providing the complainant with correct and sufficient information regarding the purposes of the processing and the storage period of the data and therefore ordered compliance.