

Summary Final Decision Art 60

Complaint

No violation

Background information

Date of final decision:	10 May 2019
LSA:	LU
CSAs:	AT, BE, CZ, DE - Mecklenburg-Western Pomerania, DE - Berlin, DE - Lower Saxony, DE - Bavaria (Private sector), DE - Saarland, DE - North Rhine-Westphalia, DK, FR, IT, NO, PL, SE, SI, SK
Legal Reference:	Right to Erasure (Article 17), Transparent information, communication and modalities for the exercise of the rights of the data subject (Article 12)
Decision:	No infringement of the right to erasure
Key words:	Right to erasure, e-commerce, Exercise of the rights of data subjects

Summary of the Decision

Origin of the case

The complainant requested the erasure of his customer account in the controller website, and he asserted that the controller did not respond within a month following his request.

Findings

The controller demonstrated that it did not delete the account because the request was lodged via a different email address than the one associated with the customer account. For security reasons, the controller contacted the complainant and asked him to submit the request from the same e-mail address associated with the customer account or, if not possible, to change his login details. The complainant did not take any action and therefore, the controller could not authenticate him as the owner of the customer account.

After receiving the letter from the LSA, the controller contacted the complainant on the e-mail address associated with the customer account and offered him to associate his other e-mail address to the customer account.

Decision

The LSA did not identify any infringement of the obligations set out in Regulation (EU) 2016/679 (GDPR) by the controller. The CSA to which the complaint was lodged informed the LSA that the complainant was satisfied with the answer from the controller and that the cross-border complaint should be closed.