

Summary Final Decision Art 60

Complaint

Compliance Order to Controller

Background information

Date of final decision:	7 June 2019
LSA:	MT
CSAs:	ES
Legal Reference:	Right to erasure (Article 17)
Decision:	Compliance order to controller
Key words:	Right to erasure, Data subject rights, Accuracy

Summary of the Decision

Origin of the case

A Spanish data subject filed a complaint with the Spanish SA as she was receiving unsolicited phone calls even after having filed an erasure request and such erasure had been confirmed by the data controller.

Findings

The complainant's phone number was fraudulently provided to the controller by one of its clients. Since the controller was not aware of this, it tried to contact the client on such phone number. The complainant filed a right of erasure request. During a phone call, the controller erroneously informed the complainant of the need to submit a second erasure request to delete the number from another database held by the controller, whereas only one database existed. From the call logs provided by the controller it transpires that the complainant phone number was erased from the controller's database immediately after the first erasure request. All the erasure requests from the complainant were followed by erasure confirmations sent by the controller. The controller couldn't exclude the possibility that the complainant's residence's phone number was fraudulently provided by the same client, also to other entities/lenders and that these entities/lenders may make use of it.

Decision

The LSA instructed the data controller to implement the appropriate technical and organisational measures to make sure that personal data are accurate and, where necessary, kept up to date, and

that every reasonable step is taken to ensure that personal data that are inaccurate, having regards to the purposes for which they are processed, are erased or rectified without delay.