



Our ref. 11.17.001.007.125

2 June 2020

[REDACTED]  
[REDACTED]  
GAIJIN NETWORK LTD  
Kyriakou Matsi 10  
LILIANA BUILDING, Flat 204  
1082 Nicosia, Cyprus

**Subject: Investigation of complaint under the GDPR - erasure request of the user** [REDACTED]

Dear [REDACTED]

I am writing further to the exchange of communications between GAIJIN NETWORK LTD and my Office, with regard to the data protection complaint that has been raised with the Commissioner for Personal Data Protection (the Commissioner) about how Gaijin has handled an erasure request submitted by the applicant [REDACTED] (the complainant). I hereby inform you of my decision, following the investigation of this complaint.

**Your organisation's response**

In your initial response of 5 July 2019, you provided the Commissioner with an account of how Gaijin has dealt with this request. You explained that in order to proceed with the erasure request of the complainant, Gaijin needed to identify the applicant and additional information was necessary under these particular circumstances. In accordance with Gaijin internal "Policy for processing personal data rectification and erasure requests" in order to ensure that each erasure request is sent by Gaijin user i.e. the person who registered the game account and has the right to use the account, and not by someone else who received unauthorised access thereto, Gaijin Support Service requests the additional information from the applicant, such as current and previous nicknames, registration date of the account, purchases and DxDiag information. Subsequently, an algorithm is used to identify the user, depending on the extensiveness of answers that will be provided by the applicant.

You then explained the grounds upon which Gaijin based its decision to refuse the erasure request of [REDACTED]. According to your explanations the owner of the account enabled 2-step authentication via email. The applicant stated that he had lost access to the email. In this case, you considered that the applicant should have contacted their email service provider in order to regain access to the email. Gaijin suggested that the applicant add secondary email to the account and asked the applicant to go through the identification procedure in accordance with the internal policies to make sure that the request was sent not by the hacker but by the original owner of the account. The applicant failed to provide any of the information which would enable the authentication.

You affirmed that the current refusal should not be deemed final and that you are willing to erase personal data related to the account as soon as the identification of the data subject is successful.

You further affirmed that you informed the applicant about the refusal, its temporary nature, until the identification procedure is successful and the reasons for your decision.

In your reply of 20.09.2019 you provided to my Office additional documentation/evidence which substantiated your assertions.

### **Commissioner's view**

I have considered the information available to me in relation to this complaint and have the opinion that the erasure request could not be complied with, in this specific case, as far as the complainant did not provide sufficient information which would enable its identification, in accordance with the requirements of Gaijin.

I consider that the identification requirements of Gaijin are justified and in line with article 12.6 of the GDPR. I value that the information requested by the Support Service i.e. current and previous nicknames, registration date of the account, purchases made via the account, game progress etc. is already in possession and processed by the controller. The requirement of Gaijin to provide again this information is therefore considered to be relevant and not excessive in relation to the purpose of the processing and it only aims at identifying the data subject.

Nonetheless, although I recognise that erasure request could not be complied with, within the particular context, you are reminded that according to Article 12.2 of the GDPR the controller is under the obligation to facilitate the exercise of data subject rights. Modalities should be provided for facilitating the exercise of the data subject's rights, including mechanisms to request and obtain, free of charge, in particular, access to and rectification or erasure of personal data (recital 59 of the GDPR).

I consider that the modalities provided in the Policies of Gaijin do not fully comply with the GDPR requirements, and additional modalities should be subsequently implemented, enabling later a data subject with a hacked account to justify his or her identity in accordance with provisions of Article 12.6 GDPR. For instance, **a secret question could be foreseen at registration.**

### **Action required**

In light of the above, and in accordance with the powers conferred to me by Article 58.2.d of the GDPR, you are instructed to bring the processing operations into compliance with the provisions of Article 12.2 of the GDPR, at the latest **within two months** from the date of this letter, and namely to implement another authentication process which could both secure and facilitate the exercise of the data subject's rights.

Commissioner  
for Personal Data Protection