



12 September 2019

Final Decision

Complaint against [REDACTED] – Right of access (art. 15 GDPR)

IMI Article 56 No.: 48365

IMI Case Register entry: 63908

The Hessian Commissioner for Data Protection and Freedom of Information (hereinafter “HBDI”) refers to the complaint of [REDACTED] (hereinafter “Complainant”) against [REDACTED] (hereinafter [REDACTED]) lodged with the Cypriot Data Protection Authority.

1. Case Description

On 26 June 2018, the Complainant requested access to and a copy of his personal data processed by [REDACTED] (Right of access - art. 15 GDPR) via email. According to the Complainant’s allegations, he did not receive a response within the one-month time period set out in art. 12(3) GDPR.

2. Investigation Procedure

HBDI contacted [REDACTED] in April 2019. In its answer [REDACTED] stated that at the time of the Complainant’s request, the number of complex, data protection related customer queries had suddenly increased, resulting in a delay of about two weeks in the processing of all incoming requests.

[REDACTED] stated that on 3 August 2018, the Complainant’s request had been answered for the first time. The Complainant confirmed receipt of this letter on 8 September 2018 but he was not satisfied with [REDACTED] response since he had only received information about his personal data processed in 2018. The Complainant demanded further information about the years 2009 to 2017. [REDACTED] stated that the requested information was sent to the Complainant on 26 September 2018. Upon request, the HBDI received a copy of this letter. But it seems as if the Complainant did not receive this letter. The HBDI could not find out why this letter did not reach the Complainant.

[REDACTED] took the complaint and the HBDI’s intervention as an opportunity to provide the requested information once again to the Complainant via email on 26 April 2019. This time, the Complainant confirmed receipt of the information and was satisfied

with the response. He replied: “Dear [REDACTED] thank you very much for sending this updated information (...)”.

[REDACTED] stated that their internal processes had already been improved to ensure that timely responses can be given in similar cases by now.

3. Decision

[REDACTED] failed to inform the Complainant about the necessary and legitimate extension within the one-month time period set out in art. 12(3) GDPR. [REDACTED] admitted the failure, attributing this to an extraordinary number of customer queries in a period, in which the GDPR had been fully applicable only for one month.

Considering the fact that, in the meantime, the right of access was granted and it cannot be found out why [REDACTED] second letter with the requested information did not reach the Complainant, the mere delay appears a minor infringement, which only slightly affects the Complainant’s rights and freedoms.

After consideration of the significance of the infringement, [REDACTED] cooperation in the investigation process and particularly the improvement actions already taken by [REDACTED] HBDI, in its draft decision dated 04 July 2019 (IMI No. A60DD 71099), [REDACTED] the investigation proceedings can be concluded and no further supervisory measures are necessary. Within four weeks, none of the other SAs concerned expressed a relevant and reasoned objection to this draft decision. Therefore, on 04 September 2019, HBDI sent a concluding letter to the controller and closed the case.

On behalf of the HBDI

[REDACTED]