

The President



Examination of the case:

Paris, on **27 JAN. 2020**



Our Ref.: MLD/KKR/XD/DAU/CM193696

Case no. 19006478

(to be referenced in all correspondence)

Dear Mr. Director General,

This is further to the exchanges that took place between the CNIL's services and the Data Protection Officer of [REDACTED] in the framework of the examination of the complaint lodged by [REDACTED], which has been transmitted to the CNIL by the Spanish data protection authority ("*Agencia Española de Protección de Datos*") according to the provisions of Article 56.1 of the General Data Protection Regulation (GDPR).

[REDACTED] had lodged a complaint with his national data protection authority against [REDACTED] which would have not granted his request to object to receive direct marketing as well as his request for account deletion.

These exchanges lead me, in agreement with the other European data protection authorities concerned by the direct marketing and customers' account management processing, to issue reprimands to you in accordance with the provisions of Article 58.2.b) of the GDPR.

Indeed, your services have not informed [REDACTED] about the effective deletion of his data.

Yet, in accordance with the provisions of Article 12.3 GDPR, the data controller is required to reply to the individual who made a request pursuant to Articles 15 to 22 GDPR, indicating the action taken further to his or her request without undue delay "*and in any event within one month of receipt of the request*".

Therefore, I hereby issue a reprimands to you on the need to respond to individuals making a request for the exercise of the rights within the legal time limit of one month, which may be extended by two further months where necessary, in particular in case of complexity of the request.

RÉPUBLIQUE FRANÇAISE

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Moreover, you indicate that the unsubscribe link at the bottom of your direct marketing emails refers to the page "My communications" of the concerned customer account. As a result, prospects who do not have a customer account are unable to unsubscribe through this unsubscribe link. Therefore, I invite you to allow to unsubscribe directly following a simple click on this link, without referring to the concerned customer account.

In view of the information provided, however, I note that [REDACTED]'s customer account has been deleted a few days after 20 December 2018 and that the data concerning him have been erased from your direct marketing databases on 22 March 2019.

I also take note of the malfunction on your subsidiary's infrastructure which led to a lack of synchronisation between your direct marketing database and the [REDACTED] tool used to send emails to your members and thus explains the delay for taking into account [REDACTED]'s request to object.

Furthermore, I note that your services only request a copy of an identity document in the event of reasonable doubts concerning the identity of the applicant, in accordance with the provisions of Article 12.6 GDPR. In this case, since [REDACTED]'s account was already deleted when he objected on January 2019, your services requested such additional information in order to avoid any attempt of fraud or identity theft.

The CNIL reserves the right, in case of new claims, to use all of the powers conferred to it under the GDPR and the law of 6 January 1978 as amended.

Yours Sincerely,

[REDACTED]
[REDACTED]

This decision may be appealed before the French State Council within a period of two months following its notification.