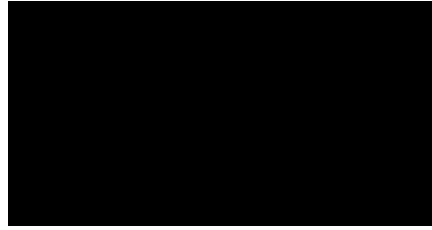


**The President**



Paris, on May 11th, 2020

Our Ref.: MLD/KKR/SGE/DAU/CM201158

**Cases no. 19012057**

**(to be referenced in all correspondence)**

Dear Mr. President,

This is further to the exchanges which took place between CNIL's services and [REDACTED]'s representatives in the context of the examination of [REDACTED]'s complaint, pursuant to the provisions of Article 56.1 of the General Data Protection Regulation (GDPR).

[REDACTED] lodged a complaint with the CNIL regarding the difficulties encountered with [REDACTED] to obtain the deletion of her personal data.

These exchanges lead me, in agreement with the other European data protection authorities that are concerned by the processing of data of [REDACTED] service's customers, **to issue reprimands to [REDACTED] on the following points, in accordance with the provisions of Article 58.2.b) of the GDPR.**

Indeed, [REDACTED] has to ensure and be able to demonstrate that its customers' data are being processed lawfully, fairly and in a transparent manner in relation to them (Articles 5.1.a) and 5.2 GDPR). In addition, pursuant to Articles 17.1 and 21.1 GDPR, when a customer of [REDACTED] asks for the deletion of his or her personal data, the latter shall have the obligation to erase these data without undue delay.

In this particular case, [REDACTED] still had access to her [REDACTED] account and to the data relating to her order history, despite confirmation by [REDACTED]'s services of the deletion of her account and of all her personal data by an email dated February 16th, 2019.

Yet, such confirmation should have been addressed to [REDACTED] only after that [REDACTED] has ensured itself that her data have been effectively deleted.

By a first response letter to the CNIL dated September 25<sup>th</sup>, 2019, [REDACTED] stated that the deactivation of [REDACTED]'s account, which took place though the day after her request (that is on February 16<sup>th</sup>, 2019), was not effective when she tried to connect to her former account with her [REDACTED] ID due to a technical malfunction. It specified that it had resolved this technical malfunction on September 17<sup>th</sup>, 2019 using a script that makes the deactivated accounts unavailable, unless specifically required by its authorized personnel.

However, as indicated by a second letter dated January 14<sup>th</sup>, 2020, [REDACTED]'s investigations revealed that along with these measures, a member of the customer service had previously taken the initiative to obfuscate the sole complainant's account ID for trying to solve her difficulty. This initiative would have prevented the functioning of the script and overall, the deletion of the complainant's account.

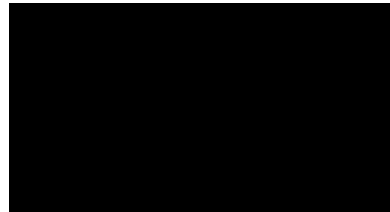
I note that [REDACTED] challenged once more by CNIL's services, [REDACTED] subsequently restored [REDACTED]' account ID and restarted the script so that her account could effectively be unavailable.

It stems from the above that [REDACTED] has not been able to demonstrate the effectiveness of the deletion of [REDACTED]' data, despite a first confirmation to her and then a second one to CNIL's services.

Furthermore, I note that [REDACTED] has indicated that it will proceed with the definitive deletion of the complainant's data at the end of the applicable limitation periods and retention obligations (in particular to respond to the risk of litigation or pursuant to Article L.123-22 of the French commercial code).

For all purposes, I thus draw [REDACTED]' attention on the need to sort through [REDACTED]' data in order to solely store, in intermediate archives with restricted access, data necessary for the exercise of legal claims or for compliance with legal obligations (see, to that effect, the fact sheet entitled "*Limit data retention*" available on CNIL's website at the following URL: <https://www.cnil.fr/fr/limiter-la-conservation-des-donnees>).

Yours Sincerely,



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