

[REDACTED]
Georgenstraße 35
10117 Berlin
Germany

Sent by Independent Data Protection Center Schleswig-Holstein - Lander Commissioner for Data Protection

5 February 2020

J.No. 2019-7320-1396
Doc.no. 179147
Caseworker

[REDACTED]

Complaint about data breach

You have filed a complaint to The Independent Data Protection Center Schleswig-Holstein - Lander Commissioner for Data Protection regarding the controller Garnio ApS (hereinafter Hobbii ApS, as Garnio ApS changed its name on 8 April 2019). In accordance with Article 56 of the General Data Protection Regulation¹, the Danish Data Protection Agency (hereinafter the Danish DPA) has been designated as the leading supervisory authority of the case.

The Danish DPA understands that you have requested Hobbii ApS for access to your personal data in accordance with Article 15 of the General Data Protection Regulation, after which Hobbii ApS has sent you personal data regarding another person. The Danish DPA understands that you have contacted Hobbii ApS about the breach but the company has not reacted to your inquiry.

It is the understanding of the Danish DPA that you wish to complain about you having received personal data regarding another person.

1. Decision

The Danish DPA can inform you that according to Section 39(1) of the Danish Data Protection Act², the data subject or the data subject's representative may lodge a complaint with the competent supervisory authority concerning the processing of personal data concerning the data subject, as prescribed by Article 77 of the General Data Protection Regulation. This means that you are only entitled to complain about processing of personal data that concerns you.

After a review of your inquiry, the Danish DPA finds that you are not entitled to complain, as the processing of personal data is not related to you, but instead is related to the person of whom you received the data.

The Danish DPA has taken notice of the security problem and breach of personal data described and it will be included in the Danish DPAs ongoing considerations about which cases the Danish DPA will take during our own operations of audits.

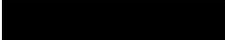
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¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

² Act No. 502 of 23 May 2018 – Act on supplementary provisions to the regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the Data Protection Act)

Kind regards



Appendix: Legal basis.

Appendix: Legal Basis

Extracts from Act No. 502 of 23 May 2018 – Act on supplementary provisions to the regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the Data Protection Act)

Section 39(1) The data subject or the data subject's representative may lodge a complaint with the competent supervisory authority about the processing of data concerning the data subject, as prescribed by Article 77 of the General Data Protection Regulation.

(2) Decisions made by the supervisory authorities or their failure to consider a complaint from a data subject or their lack of reporting can be brought before the courts by the data subject or the data subject's representative to be considered under the rules of the administration of civil justice as set out in Article 78 of the General Data Protection Regulation.

(3) The data subject or the data subject's representative may bring issues of whether data controllers or data processors comply with this Act before the courts to be considered under the rules of the administration of civil justice as set out in Article 79 of the General Data Protection Regulation.

Extracts from Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Article 15(1) The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

- (a) the purposes of the processing;
- (b) the categories of personal data concerned;
- (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- (f) the right to lodge a complaint with a supervisory authority;
- (g) where the personal data are not collected from the data subject, any available information as to their source;
- (h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

(2) Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.

(3) The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based

on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

(4) The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

Article 77(1) Without prejudice to any other administrative or judicial remedy, every data subject shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the data subject considers that the processing of personal data relating to him or her infringes this Regulation.

(2) The supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 78.