

Summary Final Decision Art 60

Complaint

Reprimand

EDPBI:DK:OSS:D:2020:151 XX

Background information

Date of final decision:	29 October 2020
Date of broadcast:	29 October 2020
LSA:	DK
CSAs:	EL, ES, DE, IT
Controller:	eMarketing Institute
Legal Reference:	Lawfulness of the processing (Article 6), right to erasure (Article 17)
Decision:	Reprimand
Key words:	Right to erasure, controller's information obligations

Summary of the Decision

Origin of the case

The complainant requested the controller to erase the personal data that the latter was holding about the complainant, as well as personal data appearing in a number of links. The complainant did not receive any response from the controller and contacted a CSA, which emailed the controller to ensure that it received the complainant's request for erasure. The controller claimed that the request was answered three days after the controller became aware of it, in accordance with Article 12(3) obligation. In addition, the controller stated that they launched a system to be able to automatically delete data subjects' profiles and to make sure that they are not robots. However, the complainant did not follow the required procedure (i.e. including, in the email where it makes the request, a certain text, containing a specific code, in order to receive an answer).

Findings

The LSA found that the controller did not handle the complainant's request in accordance with Article 12(2) and 12(3). According to the LSA, the controller, by demanding data subjects to use a specific code in order to have an answer to their requests, did not facilitate the exercise of their rights (Article

12(2)).The LSA also considered that the controller did not reply to the request in due time (Article 12(3)).

Decision

The SA issued a reprimand and a compliance order to the controller.