

Summary Final Decision Art 60

Complaint

Infringement of the GDPR

Background information

Date of final decision:	22 January 2020
LSA:	CY
CSAs:	DE-Berlin, DK, ES, FR, PL, UK
Controller:	Royal Forex Limited (GMO Trading)
Legal Reference:	Transparency (Article 12), Right of access (Article 15)
Decision:	Infringement of the GDPR, Order to comply
Key words:	Access request

Summary of the Decision

Origin of the case

The complainant requested to have access to any copy of letters, emails, telephone or text messages she and the controller exchanged. After having receiving no reply, she sent a reminder to the controller. As the controller did not acknowledge this reminder, she lodged a complaint to one of the CSAs.

Findings

The LSA found that the controller complied with the complainant's access request only after a year since the request has been lodged. The controller's failure to provide any information on the actions taken within the timeframe provided by the GDPR was due to the misplacement of the complainants' file during the handover of open GDPR related enquiries. Moreover, the controller had to communicate with external advisors regarding the possible interference of the access request with third party data protection rights, thus delaying further any action.

Decision

The LSA found that the controller did not comply with its obligations under the GDPR and instructed it to adopt appropriate technical and organisational measures to comply with Article 12 GDPR and respond to all data subjects' requests within the timeframe provided for by this Article.