

# Summary Final Decision Art 60

Complaint

Compliance order

EDPBI:CY:OSS:D:2020:109

## Background information

Date of final decision:	2 June 2020
Date of broadcast:	2 June 2020
LSA:	CY
CSAs:	BE, DK, FR, NL, NO, SE, SK
Controller:	Gaijin Network Ltd.
Legal Reference:	Right to erasure (Article 17)
Decision:	Compliance order
Key words:	Right to erasure, Identity verification, Data subject rights

## Summary of the Decision

### Origin of the case

The data subject submitted an erasure request to the controller, which was refused on the ground that the controller could not verify the requestor's identity.

### Findings

The controller reported that the account holder had enabled 2-step authentication via email and that individual had stated that he had lost access to the email. The controller suggested that the applicant add a secondary email to the account and asked them to go through the identification procedure to ensure that the request was by the original owner of the account, as per the controller's policy. The applicant failed to provide any of the information that would enable authentication.

The LSA found that the identity verification requirements in the controller's policy for processing personal data rectification and erasure requests were justified and in line with Article 12 (6) GDPR. Namely, the information that could be requested by the controller was already processed by the controller (e.g., current and previous nicknames, registration date of the account and purchases, among others) and was relevant and not excessive in relation to the purpose of the processing, and it

only aimed at identifying the data subject. The policy also provided for the use of an identification algorithm.

The controller informed the data subject that the refusal was temporary and that it would be willing to erase personal data related to the account as soon as the identification of the data subject was successful, together with reasons for that decision. The controller provided the LSA with documentation/evidence that substantiated its assertions.

The LSA considered that the erasure request could not be complied with, in the specific case, as far as the complainant did not provide sufficient information that would enable its identification, in accordance with the controller's requirements. However, the LSA stressed that Article 12 (2) GDPR mandates controllers to provide modalities for facilitating the exercise of data subject rights. The LSA found that the modalities provided in the controller's policy did not fully comply with the GDPR requirements, and additional modalities should be subsequently implemented, enabling later a data subject with a hacked account to justify his or her identity in accordance with provisions of Article 12 (6) GDPR, such as foreseeing a secret question in the registration procedure.

### Decision

The LSA instructed the controller to bring the processing operations into compliance with the provisions of Article 12 (2) GDPR, at the latest within two months from the date of the decision, and namely to implement another authentication process which could both secure and facilitate the exercise of the data subject's rights.