

Summary Final Decision Art 60

Complaint

Reprimand to controller

Background information

Date of final decision:	31 October 2018
LSA:	DE- Berlin
CSAs:	AT, BE, DK, LU, SE, DE- Bavaria, DE-Hesse, DE-Lower Saxony, DE-Mecklenburg-Western Pomerania , DE-Saarland
Controller:	Outfittery GmbH
Legal Reference:	Right to erasure (Article 17), Right to object (Article 21)
Decision:	Reprimand to controller
Key words:	Lawfulness of the processing, Rights of data subjects, Right to erasure, advertising

Summary of the Decision

Origin of the case

The complainant sent an e-mail to the controller requesting that he no longer receives any further emails, in particular advertising e-mails, and that he requests access to and erasure of his personal data. The complainant subsequently received further advertising e-mails. Information on the personal data processed and the notice of erasure were sent to the complainant.

Findings

The LSA considered that the controller had violated art. 17(1)(c) in conjunction with art. 21(2) GDPR because according to it the data subject has the right to require the data controller to erase his personal data as well as to object to its processing for advertising purposes. The controller must comply with such a request immediately. However, the controller did not comply with the request until much later.

Decision

The LSA decided to reprimand the controller.