

Summary Final Decision Art 60

Complaint

Reprimand to controller

Background information

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| Date of final decision: | 2 July 2019 |
| LSA: | DE-Berlin |
| CSAs: | AT, DE-Rhineland-Palatinate, DE-Hesse, DE-Saarland, DE-North Rhine-Westphalia, FR |
| Controller: | Billpay GmbH |
| Legal Reference: | Right of access (Article 15), Responsibility of the controller (Article 24), Transparent information, communication and modalities for the exercise of the rights of the data subject (Article 12) |
| Decision: | Reprimand to controller |
| Key words: | Right of access, Exercise of the rights of the data subjects, Reprimand, Data Subject Rights not respected |

Summary of the Decision

Origin of the case

The complainant sent an e-mail to the controller, stating his current address, requesting access to his personal data in accordance with Article 15 GDPR. The controller attempted to provide the complainant with the requested information by a registered letter, but it used another postal address than the one specified by the complainant. Therefore, the letter was not delivered to the complainant. The controller sent an e-mail to the complainant requesting his current address. As a result, the complainant was provided with the information about his personal data four months after the deadline established under Article 12 (3) GDPR.

Findings

The LSA determined that the controller infringed Article 12(3) GDPR by exceeding the deadline to answer the complainant's access request, since it was technically possible and reasonable for the controller to send the information to the address given by the complainant, without further delay.

Decision

Taking into account the circumstances of the case and the fact that the controller, after being contacted by the LSA, showed understanding and its willingness to comply with data protection regulations, the LSA issued a reprimand based on Article 58(2)(b) GDPR for violating the complainant's right of access under Article 15 GDPR.