

Summary Final Decision Art 60

Complaint

Reprimand

Background information

Date of final decision: 20 February 2020

LSA: FR

CSAs: LU

Legal Reference: Transparent information, communication and modalities for the exercise of the rights of the data subject (Article 12) Right to object (Article 21)

Decision: Reprimand

Key words: Right to object, E- commerce.

Summary of the Decision

Origin of the case

The complainant received SMS marketing on his phone. Following his objection to the controller, he received another marketing SMS.

Findings

The LSA has made note of the fact that there was a delay in deletion of the complainant's data of 48 - 72 hours. The controller will now inform individuals when exercising their right to object of the abovementioned delay.

Further, the LSA found out that the controller's procedure for requests to exercise rights required complainants to systematically provide a copy of an identity document, in breach of Article 12(6) GDPR. Also, the information delivered to individuals at the registration stage and when sending direct marketing messages did not meet the objective of transparency, accessibility and clarity as set out in Article 12.2 GDPR.

The controller undertook the necessary actions to adjust its procedure to request an identity document only under specific circumstances and to improve the information delivered to individuals at the registration stage and when sending direct marketing messages, for instance detailing the contact addresses for exercising rights.

Decision

The LSA issued a reprimand in accordance with Article 58(2)(b) GDPR.