

THE HESSIAN COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

02 December 2020

Final Decision

<u>Complaint against</u> <u>– Conditions for consent (Article 7),</u> <u>Lawfulness of the processing (Article 6)</u>

MI Case: MI A61VM: MI A61MA: MI A60DD:	67526 73797 95819, 133342, 138541, 146138, 151701 160490
er "HBDI") refers to against	issioner for Data Protection and Freedom of Information (hereinafo the complaint lodged by Mr. (hereinafter "Complainant") (hereinafter with the Polish Data Protection August alleged transfer of personal data to third parties for the purpose
1. Case Descri	ption
<u> </u>	lleges that has processed his personal data without his has not accepted his requests for access and erasure.
	ne Complainant received an unsolicited phone call from the Polish red him financial products and services even though he did not sign marketing offers.
•	omplainant, he has "received information that my phone number th the bank through the company in 2009".
	he Complainant sent an email to requesting clarification and transfer of his phone number and asking for his personal data
	replied that the Complainant's email address or phone s database and could therefore not be deleted.
different email addr	e Complainant to check whether the registration was made with a ess, as only with the correct email address is it possible to unamed delete personal data.

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In December 2018, the Complainant lodged a complaint with the Polish Data Protection Authority, which was transferred in August 2019 via A61VM 73797 to the HBDI as the Lead Supervisory Authority for further investigation.

2.	Investigation Outcome	9	
The H	IBDI contacted	in May 2020. In its answer,	reiterated that i
could	not find any personal da	ta in its database on the basis	of the e-mail address and
	ملاييط لمملئي ويتعارب مملوسيون	a Campalainant Naithar agula	d the Compleinantie name

phone number provided by the Complainant. Neither could the Complainant's name be used to uniquely identify a record, as the database contained several records on different people with the same name as the Complainant.

stated that it was not able to reconstruct whether the data generated in 2009 via the lottery at had actually ever been transferred to the Polish as the complainant claims, and whether the Polish had ever received data from Although confirmed that it generated data via this lottery in 2009, it could not find any reference in its system to a corresponding campaign with the Polish . Therefore, any transfer of personal data.

In order to investigate the case further, the HBDI asked the Polish Data Protection Authority to request the Complainant to provide evidence to support his claim that his personal data used by the Polish actually came from Eurthermore, the HBDI asked to clarify whether the HBDI may share his address with identification purposes, so that might be able to identify a record in its system by combining the Complainant's address and name.

In June 2020, the Polish Data Protection Authority forwarded the HBDI's questions and request for information to the Complainant. Unfortunately, to date the Complainant has not replied and has not provided the requested information.

3. Decision

On 02 November 2020 the HBDI submitted a Draft Decision (A60DD 160490) stating that neither the HBDI nor are in a position to further investigate the case based on the information provided by the Complainant.

Since the Complainant has not been able to substantiate his complaint and provide the information necessary to handle the case, the HBDI informed the supervisory authorities concerned that it does not see any possibility to take further steps in this case and therefore intends to close the file.

No objections to the Draft Decision were raised by the supervisory authorities concerned. The HBDI therefore submits this Final Decision and closes the file.