

# Summary Final Decision Art 60

Complaint

Erasure order

EDPBI:DK:OSS:D:2020:171

## Background information

Date of final decision:	18 November 2020
Date of broadcast:	18 November 2020
LSA:	DK
CSAs:	DE, FI, NO, SE
Controller:	Entertainment Trading ApS
Legal Reference:	Right to erasure (Article 17), Right to restriction of processing (Article 18)
Decision:	Erasure order
Key words:	Data subject rights, right to erasure, user account

## Summary of the Decision

### Origin of the case

The complainant in the case at stake submitted a request for the erasure of his customer account on the website of the controller. The controller stated that all customer accounts are automatically deleted after one year, except if there is an obligation to retain the personal data or maintain the customer account to respect other laws. In the case at stake, the controller argued that the Sale of Goods Act holds a right to claim compensation for defective products for 2 years after the goods were handed over to the buyer and therefore, that the customer account cannot be deleted before the expiration of this 2 year period. The controller argued that based on Article 17(3) GDPR and the Sale of Goods Act takes precedence over the GDPR and refused the request to erasure of the complainant.

### Findings

The LSA investigated the case and found that it was not necessary for the complainant to have access to his customer account for at least 2 years after the purchase in order for him to exercise his right of complaint under the Sale of Goods Act. The customer could namely exercise his rights under the Sale of Goods Act in a different way than through his customer account, for example by e-mail or by telephone.

## Decision

The LSA found that there are grounds to criticize that the controller's processing of personal data about the complainant's customer account had not been carried out in accordance with the rules of Article 17 GDPR. In addition, the LSA ordered to delete the complainant's customer account.