

# Summary Final Decision Art 60

## Complaint

Reprimand to controller, Temporary limitation on data processing

EDPBI:RO:OSS:D:2020:163

### Background information

Date of final decision:	8 October 2020
Date of broadcast:	10 December 2020
LSA:	RO
CSAs:	DE, DK, ES, FR
Controller:	Microstockr SRL
Legal Reference:	Right to erasure (Article 17), Conditions for consent (Article 7)
Decision:	Reprimand to controller, Temporary limitation on data processing
Key words:	Right to erasure, consent, cookies, anonymisation

### Summary of the Decision

#### Origin of the case

The complainant requested the erasure of his account on the website of the controller, which the controller denied. The controller alleged that this was the second time the complainant requested to have his account deleted, after the first request to delete his account was already granted by the controller. Following its investigation, the LSA also assessed the legality of processing of personal data collected by the controller on the controller's website.

#### Findings

The LSA found that the use of cookies by the controller was not in accordance with the conditions for consent under Art. 6.1 (a) and Art. 7 GDPR.

#### Decision

The LSA issued a reprimand and a temporary limitation for the use of cookies until the correct implementation of a method for obtaining the prior explicit and informed consent of the users. In addition, the LSA required the controller to implement a method of anonymisation to prevent the risk of re-identification of persons whose personal data are subject to this procedure and to establish a

limited duration (less than 3 years) for the storage of data related to inactive accounts and to apply, in their case, the anonymisation method used also in the case of active accounts.