

**PRESIDENT
OF THE PERSONAL DATA
PROTECTION OFFICE**

Jan Nowak

Warsaw, 29 April 2021

Ref. No.: ZSPR.440.464.2019.PT.BS

(previous Ref. No.: ZSPR.440.464.2019.ZS.AS)

DECISION

On the basis of Article 105 § 1 of the Act of 14 June 1960 Code of Administrative Procedure (consolidated text: Dz. U. [Journal of Laws] of 2020 item 256, as amended) and Article 7 para. 1 of the Act of 10 May 2018 on the personal data protection (consolidated text: Dz. U. [Journal of Laws] of 2019 item 1781), the President of the Personal Data Protection Office in the case of [REDACTED], residing at [REDACTED]), relating to irregularities in the processing of his personal data by [REDACTED], with its registered seat in Luxembourg, [REDACTED]), consisting in not fulfilling the request to erase the personal data of [REDACTED],

decides to discontinue the proceedings.

JUSTIFICATION

On 14 February 2019, the Personal Data Protection Office received a complaint from [REDACTED], residing at [REDACTED], hereinafter referred to as: ‘the Complainant’, on irregularities in the processing of his personal data by [REDACTED], based in Luxembourg with its seat in Luxembourg at [REDACTED] hereinafter referred to as the Company, consisting in failure to comply with the request to erase Complainant’s personal data.

On 27 August 2020, the Personal Data Protection Office received a letter from the Complainant informing that he withdraws the complaint submitted to the President of the Personal Data Protection Office.

Due to the withdrawal of the complaint, the proceedings became redundant, and the present proceedings are subject to discontinuation pursuant to Article 105 § 1 of the Act of 14 June 1960 Code of Administrative Procedure (consolidated text: Dz. U. [Journal of Laws] of 2020 item 256, as amended), hereinafter referred to as: ‘the Code of Administrative Procedure’. In accordance with the above-mentioned provision, when the proceedings for any reason have become redundant in whole or in part, the public administration authority shall issue a decision to discontinue the proceedings, in whole or in part, respectively. The wording of the above-mentioned provision leaves no doubt that in the event when the proceedings are deemed groundless, the authority conducting the proceedings obligatorily discontinues them.

The determination by the public authority of the existence of the premise referred to in Article 105 § 1 of the Code of Administrative Procedure obliges it, as it is emphasized in the doctrine and jurisprudence, to discontinue the proceedings.

In this factual and legal background, the President of the Personal Data Protection Office adjudicated as in the operative part.

Under the authority of the President
of the Personal Data Protection Office




This decision is a final decision. Based on Article 7 para. 2 of the Act of 10 May 2018 on the Protection of Personal Data (consolidated text: Dz. U. [Journal of Laws] of 2019, item 1781) and in connection with Article 13 § 2, Article 53 § 1 and Article 54 of the Act of 30 August 2002 Law on proceedings before administrative courts (consolidated text: Dz. U. [Journal of Laws] of 2019, item 2325), the party has the right to bring a complaint to the Wojewódzki Sąd Administracyjny w Warszawie [Voivodeship Administrative Court in Warsaw] against this decision, within 30 days from the date of delivery of this decision, through the President of the Personal Data Protection Office (address: Urząd Ochrony Danych Osobowych, ul. Stawki 2, 00-193 Warszawa). The fee for the complaint is PLN 200. The party has the right to apply for the right of assistance, which includes exemption from court costs and the appointment of an attorney, legal advisor, tax advisor or patent attorney. The right of assistance may be granted upon application by a party submitted prior to the initiation of the proceedings or in the course of the proceedings. This application is exempt from court fees.