

**Our ref.:**  
DI-2020-10518, IMI case no  
134712

**Date:**  
2021-03-31

# Supervision under the General Data Protection Regulation – Klarna Bank AB

## Final decision of the Swedish Authority for Privacy Protection

The Swedish Authority for Privacy Protection finds that Klarna Bank AB has violated Article 12(3) GDPR<sup>1</sup> by

- regarding complaint 1: not without undue delay respond to a request of access pursuant to article 15.

The Swedish Authority for Privacy Protection gives Klarna Bank AB a reprimand in accordance with Article 58(2)(b) of the General Data Protection Regulation.

## Description of the supervisory case

The Swedish Authority for Privacy Protection (IMY) has initiated supervision regarding Klarna Bank AB (the company) due to two complaints. Each complaints have been submitted to IMY, as responsible supervisory authority for the company's operations pursuant to Article 56 of the General Data Protection Regulation, from the supervisory authority of the country where the complainants have lodged their complaint (Austria and Germany) in accordance with the Regulation's provisions on cooperation in cross-border matters.

The complainants have stated that they have requested access to their personal data in accordance with Article 15 of the General Data Protection Regulation. Due to the complaints, IMY has initiated supervision to investigate whether the complainants' requests for access under Article 15 have been met and whether it has been made within the specified time limit in Article 12(3).

Klarna Bank AB states that they are the controller for the processing of personal data that the complaints concern. The company also states that they handle a large amount GDPR related requests.

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<sup>1</sup>Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with respect to the processing of personal data and on the free flow of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

*Complaint 1 (from Austria with national reference number: D130.247)*

Regarding the first complaint, the company states that the complainant's request for access was received by the company via e-mail on 5, 10 and 29 January 2019. Since the request was received to a different email address than the one referred to by the company for data protection issues, the request was not processed in accordance with the company's internal processing procedures. This led to a longer processing time and that information and a copy of the complainant's personal data according to Article 15 were not sent until 18 June 2019. The company also states that they have promptly answered the complainant's follow-up questions regarding the company's personal data processing, which the complainant has been satisfied with.

*Complain 2 (from Germany with national reference number: LDA-1085.1-13373/19-F)*

Regarding the second complaint, the company states that the complainant's request for access was received to the company's chat on 28 October 2019. The complainant repeated their request by e-mail on 30 October 2019. The company contacted the complainant on 6 November 2019 to request additional information. These were provided the same day. On 11 November 2019 the company sent out information and a copy of the personal data to the complainant pursuant to Article 15, i.e. within 14 days of receiving the request. On 14 November 2019, the company sent more detailed information about the company's automated decision-making on purchases. The complainant contacted the company again on 13 December 2019 due to the fact that they had not received the company's mailings. The company requested a new address on 7 January 2020 and has not received a reply.

The investigation has been carried out in written form. In light of it being two cross-border complaints, IMY has used the mechanisms for cooperation and consistency contained in Chapter VII of the General Data Protection Regulation. The supervisory authorities concerned have been the data protection authorities in Austria, Germany, the Czech Republic, Denmark and Norway.

## **Justification of decisions**

### **Applicable provisions**

To anyone who requests a data controller is obliged to provide information about whether or not their personal data is being processed. If such data is processed, the controller shall, in accordance with Article 15 of the General Data Protection Regulation, provide the applicant with supplementary information and a copy of the personal data processed by the controller.

According to Article 12(3), a request for access must be handled without undue delay and in any event no later than one month after the request has been received. The time limit of one month may be extended by an additional two months if the request is particularly complicated or the number of requests received is high.

If the period of one month is extended, the controller must notify the data subject of the extension. The notification of the extension of the time limit shall take place within one month of receipt of the request. The controller must also specify the reasons for the delay.

According to Article 12(6), the controller may request, if he or she has reasonable reason to doubt the identity of the natural person who submits a request pursuant to Article 15, that additional information necessary to confirm the identity of the data subject may be provided.

## **The Swedish Authority for Privacy Protection's assessment**

### **Has there been an infringement of the GDPR?**

#### *Complaint 1 (from Austria with national reference number: D130.247)*

Regarding the first complaint IMY states that the complainant has been provided with information and a copy of the personal data being processed pursuant to Article 15 of the General Data Protection Regulation. However, the right to access was only granted after more than five months from the date the first request was submitted. The request has therefore not been handled without undue delay and within the stipulated time limit in Article 12(3). The complainant has also not been informed of the delay.

What the company has stated about handling a large number of requests under the General Data Protection Regulation and the fact that follow up questions have been answered quickly does not lead to any other assessment concerning the delay and thus the infringement of article 12(3) in one case.

#### *Complain 2 (from Germany with national reference number: LDA-1085.1-13373/19-F)*

Regarding the second complaint IMY states that the complainant has been provided with information and a copy of the personal data pursuant to Article 15. The information was provided without undue delay. After the complainant pointed out that they had not received the mailing, the company requested alternative contact details. Against this background, IMY considers that the company has not been obliged to take any further action on the basis of that request.

### **Choice of corrective measure**

Pursuant to Article 58(2)(i) and Article 83(2) the IMY has the authority to impose administrative fines in accordance with Article 83. Depending on the circumstances of the individual case, administrative fines may be imposed in addition to or instead of the other measures referred to in Article 58(2). Furthermore, Article 83(2) states which factors should be taken into account in decisions on whether administrative fines should be imposed and when determining the amount of the fine. In case of a minor infringement, IMY may, as stated in Recital 148, instead of imposing a sanction fee, issue a reprimand pursuant to Article 58(2)(b). In this assessment, regard shall be taken to aggravating and mitigating circumstances in the case, such as the nature of the infringement, severity and duration as well as previous infringement of relevance.

In an overall assessment of the circumstances IMY considers that it is a matter of a minor infringement, regarding complaint 1, and that Klarna Bank AB should therefore be given a reprimand pursuant to Article 58(2)(b) for the stated infringement.

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This decision has been made by Head of Unit [REDACTED] after presentation by legal advisor [REDACTED]

**Notice.** This document is an unofficial translation of the Swedish Authority for Privacy Protection's (IMY) decision 2021-03-31, no. DI-2020-10518. Only the Swedish version of the decision is deemed authentic.