

Final decision

The present decision refers to the complaint of ██████, lodged with the supervisory authority of Germany, Rhineland-Palatinate, (national reference 4.02.19.092) and submitted to the Luxembourg supervisory authority via IMI under Article 56 procedure 66577.

The complaint was lodged against the controller ██████ (hereinafter “█████”), which has its main establishment in Luxembourg. Pursuant to Article 56 of the GDPR, the Luxembourg National Data Protection Commission (“CNPD”) is therefore competent to act as lead supervisory authority.

Scope of the complaint and assessment of the case

The initial wording of the complaint on IMI stated that:

“The complainant alleges that he could not pay by ██████ but only by direct debit. Consequently, he immediately interrupted the procedure and did not enter his banking details. However, the following day the parcel arrived that he has not ordered and there was also a debit from his bank account. Thus, the complainant wonders how ██████ got his data, especially his banking details. Apparently, the complainant contacted ██████ and ██████ apologised but nevertheless, the complainant is not happy with the situation.”

The complaint is thus based on Article 15 of the GDPR.

Based on said complaint, the CNPD requested ██████ to provide a detailed description of the issue relating to the complainant’s data processing as per Article 58.1 a) of the GDPR, in particular further information regarding the origin of the personal data processed by ██████ and, more specifically, how ██████ obtained his payment data.

The CNPD received the requested information within the set timeframe.

Outcome of the case

Following the enquiry by the Luxembourg supervisory authority, ██████ has demonstrated that:

- The complainant opened a customer account related to the e-mail address [known by the CNPD] and registered his bank account details on 16 September 2016. He subsequently subscribed to a “█████ membership” and placed four orders, including the order described in the complaint.
- For all four orders, the records show that ██████ selected direct debit as the preferred payment option, which entailed the use of the bank account details ██████ had previously provided.

- For the order described in the complaint, the complainant clicked t [REDACTED] to complete the order; otherwise the order number would not have been generated. In general, [REDACTED] customers receive an order confirmation via e-mail and have the option to cancel any order after placing it.
- The complainant did not cancel the order and did not send any other message to [REDACTED] so the order was processed and shipped.
- [REDACTED] is not an accepted payment method on [REDACTED]. This is explicitly stated on the customer help page concerning available payment options.

Thus, based on the information that was provided, the CNPD did not identify any infringement by the controller of the obligations set out in Regulation (EU) 2016/679 (GDPR).

In light of the above, the CNPD has consulted the supervisory authority of Rhineland-Palatinate (Germany) to determine whether the case could be closed. The CNPD and the supervisory authority of Rhineland-Palatinate (Germany) agreed that, in view of the above, no further action is required and that the cross-border complaint should be closed.

Notwithstanding the closure of this case, the Luxembourg supervisory authority might carry out subsequent actions in exercise of its investigative and corrective powers regarding the data processing activities in the event of new complaints.

A draft decision has been submitted by the CNPD to the other supervisory authorities concerned as per Article 60.3 GDPR (IMI entry number 294013).

As none of the other concerned supervisory authorities has objected to this draft decision within a period of four weeks, the lead supervisory authority and the supervisory authorities concerned shall be deemed to be in agreement with said draft decision and shall be bound by it.

For the National Data Protection Commission