



ANDMEKAITSE INSPEKTSIOON

██████████  
Member of the Management Board

Your: 25.03.2021

Our: 17.11.2021 nr 2.1.-1/20/3013

## Reprimand and notice of termination of the proceedings concerning the protection of personal data

The Estonian Data Protection Inspectorate (the Inspectorate) received from the German data protection authority a complaint through the IMI cross-border proceedings system concerning the disclosure of the personal data of ██████████ on the website ██████████

As is evident from the complaint, on 2 June 2021, the applicant forwarded a letter to the email address ██████████, in which they stated, inter alia: *I would like to politely request that my personal data, i.e. my name, be removed immediately from the Google index and your site in accordance with the general data protection regulation and to confirm this to me afterwards.*

However, the complainant did not receive a reply to their letter and the personal data had not been removed from the website.

Based on the above, we have initiated supervision proceeding on the basis of clause 56 (3) 8) of the Personal Data Protection Act.

In the course of the supervision proceedings, ██████████ explained the following:

*Sorry for the late answer your email is lost in the spam mailbox. Only when someone called us today were we able to find it. I think it has to do with your attachment. It is not recognized by our ██████████ system as ██████████ safe email.*

*We also found the person's original request for removal. The person writes from a strange email ██████████, not from the email or domain from the person who posted the job posting. There is no clear indication that it is his name in the job description. We have no ██████████ in our database; it is only entered text in vacancy and not recognized as a personal name who could be associated with a particular person or ideated. That is why this request has been put on hold. We had not received a follow-up from this person by email or telephone. This situation is very far from our default working method.*

*Normally, publications disappear automatically from our index, which is exactly the case with this vacancy. But I see that it is indeed not deleted from Google yet and therefore it can be found in their cache. The vacancies have been closed and archived. They will also no longer be available through urls. If you see it in your browser, please try to clean cache in your web browser. Or open the url in incognito mode. We use ██████████ and it is extremely cached. See more information here. ██████████*

*We have checked everything manually and all listed jobs have been removed.*

*Sorry for the inconvenience, we will look at how we can prevent such situations in the future. One such way is an opportunity to report vacancy. Each vacancy if it online has a button with it is possible to report a vacancy without registration where people can enter details in a text box and select the type of report.*

We explain that it is the obligation of the data controller to make sure that data is processed in compliance with the General Data Protection Regulation (GDPR). The controller is required to provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request (see Article 12 (3) of the GDPR). In this case, the complainant requested the deletion of their personal data in accordance with Article 17 of the GDPR, but [REDACTED] failed to reply to the complainant's request. Therefore, the requirements set out in the GDPR have not been met.

We also further clarify that in a situation where the controller is written from an unknown email address and the person cannot be identified on the basis of the submitted information, the controller has the right to request the submission of additional information necessary for identification. However, failure to respond to the person's request is not acceptable and constitutes a violation of Article 12 (3) of the GDPR.

Therefore, [REDACTED] did not comply with the requirements set out in the GDPR. However, taking into account the above, including the content of the violation and the fact that the personal data of the complainant has now been removed from the website [REDACTED], we issue a **reprimand** to [REDACTED] on the basis of Article 58 (2) of the General Data Protection Regulation and point out the following:

**The controller shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request (see Article 12 (3) of the GDPR).** In doing so, the data subject must be replied to regardless of whether the person is identifiable or not. If the person is not identifiable, the controller has the right to request the submission of additional information necessary for identifying the person (see Article 12 (6) of the GDPR).

In view of the above, we shall terminate the supervisory proceeding.

This decision may be challenged within 30 days by submitting one of the two:

- A challenge to the Director General of the Estonian Data Protection Inspectorate pursuant to the Administrative Procedure Act<sup>1</sup>, or
- An appeal to an administrative court under the Code of Administrative Court Procedure<sup>2</sup> (in this case, the challenge in the same matter can no longer be reviewed).

Respectfully

[REDACTED]

Lawyer

Authorised by the Director General

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<sup>1</sup> <https://www.riigiteataja.ee/en/eli/527032019002/consolide>

<sup>2</sup> <https://www.riigiteataja.ee/en/eli/512122019007/consolide>