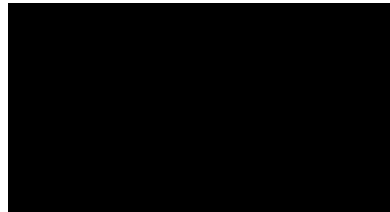


The Chair

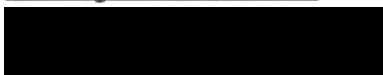


Registered letter with acknowledgement of receipt

AR No:

Investigation of the case:

Paris, on November 29th, 2021



Ref. No.: 213278

Referral no. 20019846

(to be quoted in all correspondence)

Dear Chair,

I am following up on the complaint from which was forwarded to the Commission Nationale de l'Informatique et des Libertés (CNIL – French Data Protection Authority) by the Dutch personal data protection authority (Autoriteit Persoonsgegevens) in accordance with the provisions of Article 56.1 of the General Data Protection Regulation (GDPR).

filed a complaint with his national data protection authority against , a brand belonging to the company established in France. He reports difficulties encountered in exercising his right to object to receiving electronic marketing. Indeed, the complainant indicates that having attempted on several occasions to do so, in particular by sending two emails on April 7 and May 23, 2019, he continued to receive marketing emails.

The exchanges that have taken place between CNIL services and the Data Protection Officer (DPO) of as part of the investigation of this complaint, the following elements emerge.

On the basis of the research carried out by your services, it was indicated that the complainant's request to object to the reception of direct marketing was taken into account by your services on March 24, 2019 and that the latter received no marketing e-mail as of that date except for an email on April 7, 2019 and a message wishing him a "Happy birthday" sent on .

In this regard, your DPO specifies that the "Happy birthday" email was not categorized as constituting a marketing message by the teams but that this has since been corrected.

RÉPUBLIQUE FRANÇAISE

3 Place de Fontenoy, TSA 80715 - 75334 PARIS CEDEX 07 - 01 53 73 22 22 - www.cnil.fr

Regarding the email of April 7, 2019, your DPO clarified that it was difficult to determine the reasons for sending the latter, several months later, but that it was likely that this was due to the poor synchronization that existed in 2019 between the database containing user opt-in / opt-out information and the CRM (customer relationship management) tool. I note that the teams have since carried out a complete overhaul of the replication system between the database and the CRM tool in order to secure this synchronization and prevent such mailings from happening again.

The explanations provided and the measures already taken to avoid repeating the facts that are the subject of this complaint have led me, in agreement with the other European data protection authorities, **to close it.**

However, if there are new complaints, the CNIL reserves the right to make use of all the powers granted to it by the GDPR and the French Data Protection Act of 6 January 1978 as amended.

Yours sincerely,



Copy to  Data Protection Officer