



ANDMEKAITSE INSPEKTSIOON

FOR INTERNAL USE

Holder of information: Data Protection Inspectorate

Notation made: 04.11.2022

The access restriction shall be valid until: 04.11 2097

p 2 until the entry into force of the decision

Base: AvTS § 35 lg 1 p 12, AvTS § 35 lg 1 p 2

unofficial translation

Our 04.11.2022 nr 2.1.-1/22/635

Final Decision

Notice of termination of proceedings in a personal data protection case

The Data Protection Inspectorate received a complaint from the German data protection authority (SA Berlin) via the cross-border procedural system IMI concerning a complaint by [REDACTED], a German resident, against [REDACTED] concerning the deletion of data. According to the complaint, the applicant requested [REDACTED] to delete his data, but that was not the case at the time of the appeal. It is apparent from the correspondence annexed to the complaint that the applicant sent [REDACTED] a request by e-mail to the German entity for the deletion of its data, but received from customer support the reply that it had to submit a request to that effect through the [REDACTED] application. By that time, the applicant had deleted the [REDACTED] application from its device, so that it was no longer able to submit an application via the app and [REDACTED] did not allow any other means to be used.

Article 17(1) of the General Data Protection Regulation (GDPR) gives a person the right to request the erasure of their data and the controller is obliged to erase personal data without undue delay if one of the circumstances listed in that provision exists. The data controller need not erase the data if the processing is necessary for the reasons referred to in Article 17(3).

Pursuant to Article 12(3) of the GDPR the controller must provide the data subject without undue delay, but no later than one month after receiving the request, information on measures taken on the basis of the request.

On the basis of the above, I initiated supervision proceeding on the basis of Section 56(3)(8) of the Personal Data Protection Act. As part of the supervisory procedure, I made an inquiry to [REDACTED] in order to ascertain why his account had not been deleted at the applicant's request. [REDACTED] has replied to the inquiry and explained the following:

Deleting an account through the app is the easiest and fastest way, since the right of the account holder has already been established. If the account holder no longer has access to the application, then alternatively we offer deletion by e-mail. The prerequisite for this is the verification of the e-mail, which can be launched by the account holder independently in the application or by the [REDACTED] customer support representative. The email address verification process also does not require access to the application.

We confirm that it is possible to delete an account even without entering the app if the request has been sent to [REDACTED] from a verified address, which in turn is linked to the [REDACTED] account.

Verification of the email and confirmation of the phone number are minimum steps so that we can be sure of the right of the account holder if the data subject does not have the possibility or will to forward the request to delete the account in-app.

On 15 June 2022 [REDACTED] confirmed to the Inspectorate that the process of deleting the applicant's account has been completed.

[REDACTED] has confirmed in the telephone conversation that they will again instruct the customer service staff regarding the possibilities of deleting the [REDACTED] account.

[REDACTED] has confirmed to the Inspectorate that they have sent the complainant a confirmations of the deletion of his data.

Summary

The applicant submitted to [REDACTED] a request for deletion of personal data in accordance with the Article 17 of the GDPR by email and explained that he no longer has the opportunity to submit such request through the [REDACTED] application. Therefore, [REDACTED] should have dealt with the applicant's request, in accordance with Article 12(3) of the GDPR, should have responded to the complainant. In this case [REDACTED] did not do this.

Based on the above and considering the fact that [REDACTED] has fulfilled the request to delete the complainant's account and also sent the complainant a response to his request, I will terminate the supervision procedure.

With respect

(signed digitally)

[REDACTED]
lawyer
under the authority of the Director-General