

GZ: D155.002
2022-0.279.505

Clerk: [REDACTED]

Data protection complaint (§ 24 DSG)

[REDACTED] (IMI-Nr.: A56ID 52843, 78540)

Via IMI

Subject: Final Decision; Amicable Settlement; Termination of the proceedings

On 14th of July 2018, [REDACTED] (“the complainant”) lodged a complaint against [REDACTED] (“the controller”) to the Bavarian Lander Office for Data Protection Supervision (“complaint-receiving SA”), claiming an infringement of the Right to erasure according to Art. 17 GDPR, because the controller failed to respond to the requests of the complainant from 9th of February 2018, 2nd of April 2018 and 25th of May 2018.

The controller complied by letter of 12th of August 2020 in the ongoing proceedings in front of the Austrian Data Protection Authority as the LSA to the complainant’s request for erasure (which subsequently eliminated the alleged infringement of the non-executed deletion in accordance with the first sentence of Paragraph 24(6) of the national Data Protection Act (Datenschutzgesetz, DSG).

The complainant did not dispute the access of this letter in the granted right to be heard and, despite two request from the complaint-receiving SA on 18th of June 2021 and 15th of July 2021, the complainant did not make any further submissions.

In summary, the controller subsequently removed the initial infringement by complying with the complainant's request in the letter from 12th of August 2020, and the complainant did not dispute this deletion despite the two above-mentioned requests. Therefore, the LSA assumes the satisfaction of the complainant and the LSA terminates the case by amicable settlement. For this reason, the complaint-receiving SA as well considers this complaint procedure to be settled.

Accordingly, the LSA terminates the complaint procedure informally - as communicated to the complainant via the complaint-receiving SA by letter from 17th of June 2021 - according to Paragraph 24 (6) DSG, because the initial infringement of Art. 17 GDPR was subsequently removed.

7th of July 2022

On behalf of the director of the Austrian Data Protection Authority

