

GZ: D155.097  
2024-0.127.165

Sachbearbeiterin: [REDACTED]

Datenschutzbeschwerde (§ 24 DSG)

[REDACTED] (A56ID 493229)

## FINAL DECISION

### **Subject: Discontinuation of the procedure**

The complainant [REDACTED] lodged a complaint with the Dutch Data Protection Authority against [REDACTED] (respondent). This complaint was submitted to the Austrian Data Protection Authority (hereinafter: DSB) on 6 March 2023.

In the complaint, the complainant claimed an infringement of the right to erasure. He had made an account with the respondent and requested an erasure in this regard pursuant to Article 17 GDPR. The respondent replied that the account could only be deactivated but not deleted, especially since there is a legal obligation to keep certain data for up to ten years.

By letter of 29 March 2023, the DSB invited the respondent to submit observations.

The respondent stated on 12 April 2023 that, after extensive investigation, neither the respondent nor any other company of the [REDACTED] processes the complainant's data.

On 28 August 2023, the DSB submitted the respondent's comments to the Dutch Data Protection Authority, as well as a letter of the DSB dated 24 August 2023, with the request to submit the documents to the complainant in order to grant the right to be heard. In that letter, the DSB stated that, according to the statement of the respondent, it complied with the request of the complainant in the sense of an amicable agreement pursuant to para. 24(6) of the Austrian Data Protection Act (hereinafter: DSG). The complainant was also asked to state, if necessary, well-founded reasons why he still considers, at least in part, the original infringement not to be remedied. Otherwise, the DSB will discontinue the procedure informally.

The Dutch Data Protection Authority informed the DSB on 29 August 2023 that it had submitted the documents to the complainant. On 18 September 2023, the Dutch Data Protection Authority informed the DSB that the complainant did not reply to the letter.

The respondent complied with the complainant's request for erasure and confirmed in the course of the proceedings that no personal data concerning the complainant is being processed, which subsequently remedied the alleged infringement of the non-erasure, within the meaning of para. 24(6) first sentence DSG.

Despite the possibility to do so, the complainant did not make any further submissions.

Accordingly, pursuant to para. 24(6) DSG, the complaint procedure was to be discontinued informally as communicated to the complainant by letter of the DSB of 24 August 2023.

15. Februar 2024

Für den Leiter der Datenschutzbehörde:

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