



The State Data Protection Inspectorate

Ours 16 of August 2024 nr 2.1.-
1/23/1226-2996-10

Final decision

Reprimand and termination of the proceedings

Factual circumstances

Estonian Data Protection Authority (Estonian SA) received a complaint from Lithuania citizen [REDACTED] (the Complainant) through European Commissions Internal Market Information System (IMI) against [REDACTED] (the Controller) on 20 of October 2023. Since the Controller has its main establishment in Tallinn, Estonia, Estonian SA has accepted the case as LSA.

According to the Complaint, the Complainant got a request in the Controller's app to submit a passport's data. Namely, the Complainant got a notification: *Please confirm your identity. Should you wish to keep using [REDACTED]'s services, you must confirm your identity. This way, we aim to ensure the protection of your account.* The Complainant was of the opinion that because of using company's account there is no reason to submit the requested data. Thus, he started the conversation with the Controller via the chat on 1 February 2023. The Controller answered the question and specified, that the additional information is needed in order to ensure the secure execution of the Complainant's payments.

Due to the fact that the Complainant was not satisfied with the answer received he started a new conversation via the chat on 2 March 2023. The aim of this request was to get to know about the legal ground for processing the requested data (passport's data), the certain purpose for processing and explanations, why without the data it is not possible to the Complainant to continue using the service. In addition, the Complainant warned the Controller that if they do not provide the required information, the Complainant will submit a complaint to the supervisory authority. The Controller responded that the identity confirmation process is for ensuring the security of the passenger's account and making sure that a third party is not using their account. The system records the Complainant's payments and should banking issues arise, in order to ensure the safety of the account, the verification of the account is automatically applied. Verification is automatically assigned to the person in accordance with certain suspicious payment transactions. The system automatically determines and appoints the travel prices and verification to the passengers, so the

After evaluating the information referred to in the Complaint and received within the framework of the Estonian SA, the Estonian SA established that the Controller processes the personal data of the data subject and information related thereto to the extent necessary specified in the legislation. The Estonian SA did not find that there were any violations in the processing of personal data carried out by the Controller, i.e., for data processing performed by the Controller, the appropriate purpose and legal basis is indicated. Moreover, by processing the data subject's data to a lesser extent, it would not be possible to achieve the intended purpose of processing by the Controller.

Taking into account the above-mentioned, the Estonian SA concludes that the processing of the personal data of the data subject by the Controller is legal and conforms to the basic principles laid down in Article 5 and the legal bases of Article 6 of the GDPR.

At the same time, Article 12(1) to (4) of the GDPR provides for an obligation for the controller to inform the data subject within one month² of the actions taken upon receipt of the data subject's request for the exercise of the rights laid down in Articles 15 to 22 or the reasons for not taking such actions thereby ensuring provision of transparent information and communication with data subjects. On the other hand, it follows from Article 12(5) of the GDPR that, where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may charge a reasonable fee or refuse to act on the request, demonstrating that the request is manifestly unfounded or excessive.

Regarding the submitted to the Estonian AS Complaint the Controller received the Complainant's request on 1 February 2023. The Complainant lodged a complaint to the State Data Protection Inspectorate regarding the Controller's failure to provide the Complainant with a comprehensive reply to his request. After the Estonian SA got the complaint and initiated supervision proceedings the Controller sent the comprehensive reply to the Complainant in February 2024.

Based on the above, the Controller has violated the requirements of the article 12 (3) and article 15 (1) of the GDPR. Given that:

1. The Controller has assured that in the future, responses to data subjects will be provided in a clear and understandable manner.
2. In the opinion of the Estonian SA, the Complainant received the answers to the questions raised in the Complaint.

Thus, the Estonian SA reprimands the Controller on the basis of the article 58 (2) (b) of the GDPR, and draw attention to the following:

1. The Controller shall take appropriate measures to inform the data subject of the processing of personal data in accordance with the article 15 of the GDPR in a concise, transparent, intelligible, and easily accessible form, using clear and plain language (the article 12 (1) of the GDPR).
2. The Controller shall provide the data subject with a report on the action taken on the application in accordance with Articles 15 to 22 without undue delay, but no later than one month after receipt of the application. That period may be extended by two months, if necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension and the reasons for the delay within one

² That period may be extended by a further two months, taking into account the complexity and number of requests, informing the data subject of any such extension and of the reasons for the delay within one month of receipt of the request.

month of receiving the application (article 12 (3) of the GDPR).

Based on above, the Estonian SA will terminate the proceedings concerning the protection of personal data in this matter.

This administrative act can be disputed within 30 days by:

- submitting a challenge to the Director General of the Data Protection Inspectorate pursuant to the Administrative Procedure Act or
- filing a petition with an administrative court pursuant to the Code of Administrative Court Procedure.

Respectfully,



Lawyer

authorized by Director General