

Summary Final Decision Art 60

Complaint

No violation

Background information

Date of final decision:	10 May 2019
LSA:	LU
CSAs:	CZ, DK, ES, FR
Legal Reference:	Lawfulness of the processing (Article 6), principles relating to the processing of personal data (Article 5), Security of processing (Article 32)
Decision:	No violation
Key words:	Lawfulness of the processing, Third party access to personal data, Rights of data subjects, Security of processing, e-commerce

Summary of the Decision

Origin of the case

The complainant states that they received a telegram sent by a third party in which their full name and address were included, as well as an order number. The third party claimed that a parcel purchased by him on the controller website had been sent to the complainant. The complainant states that their personal data may have been provided by the controller to the third party, thus violating the claimant's rights under GDPR.

Findings

Following an inquiry by the LSA, the controller has demonstrated that it was the courier who provided the complainant's details to the third party. The controller did not find any account on its website containing the personal details of the complainant, and there was no further evidence that the controller provided the personal data of the complainant either to the third party or to the courier. Therefore, it seems that the personal data relating to the complainant must have already been stored by the courier and got connected (by the courier) to the order made by the third party.

Decision

The LSA did not identify any infringement of the obligations set out in Regulation (EU) 2016/679 (GDPR) by the controller. The data controller did not provide the third party with the complainant's

personal details and therefore the cross-border complaint should be closed, since no further action is required.