



632.262.4  
A56 ID 102760  
CR 111099  
DD 146580

02 November 2020

## Final Decision

The Berlin Commissioner for Data Protection and Freedom of Information (Berlin DPA) issues a reprimand to Lavender Lingerie GmbH (the controller) for a violation of the General Data Protection Regulation (GDPR).

The Berlin DPA bases the reprimand on the following considerations:

I.

The Berlin DPA has established the following facts:

The complainant requested the erasure of her personal data in an online chat on 16 October 2019 and reminded the controller of her request for erasure in an online chat on 18 November 2019. The controller submitted to the Berlin DPA that it had deleted the complainant's data within 30 days of receiving her request for erasure. The Berlin DPA considers the controller's submission in this respect to be credible, at least on the basis of the documents available to the Berlin DPA. On the basis of the Berlin DPA's current knowledge, there are no reasons to doubt this statement.

The complainant has not yet received any information about the erasure of her data.

II.

In legal terms, the Berlin DPA assesses the facts of the case as follows. The controller has violated the General Data Protection Regulation.

According to the first sentence of Art. 12(3) GDPR, the controller must provide the data subject with information on the measures taken upon request pursuant to Art. 15 to Art. 22 GDPR without delay, and in any event within one month of receipt of the request. This means that the controller must confirm the erasure or at least state why this is not possible within the deadline. This deadline may exceptionally be extended by a further two months if necessary, taking into account the complexity and number of applications. However, the GDPR does not provide for a routine and blanket extension of the deadline without examining the individual case. Nor has the controller informed the complainant of any extension of the deadline and the reasons for it.

Although the controller has complied with the complainant's request for erasure within the time limit, the controller has not informed the complainant of the erasure of her data.

### Berlin Commissioner for Data Protection and Freedom of Information

Friedrichstr. 219  
10969 Berlin

Visitors' entrance:  
Puttkamer Str. 16-18

The building is fully accessible to  
disabled members of the public.

### Contact us

Phone: +49 (0)30 13889-0  
Fax: +49 (0)30 215 50 50

Use our encrypted contact form  
for registering data protection  
complaints:  
[www.datenschutz-berlin.de/beschwerde.html](http://www.datenschutz-berlin.de/beschwerde.html)

For all other enquiries, please  
send an e-mail to:  
[mailbox@privacy.de](mailto:mailbox@privacy.de)

Fingerprint of our  
PGP-Key:

D3C9 AEEA B403 7F96 7EF6  
C77F B607 1D0F B27C 29A7

### Office hours

Daily from 10 am to 3 pm,  
Thursdays from 10 am to 6 pm  
(or by appointment)

### How to find us

The underground line U6 to  
Kochstraße / Bus number M29  
and 248

### Visit our Website

<https://privacy.de>

This constitutes an infringement of Art. 12(3) GDPR.

III.

As a result, the Berlin DPA does not take any further supervisory measures as a result of the infringement, but leaves it at a reprimand.

The reprimand is based on Art. 58(2)(b) GDPR.

Taking into account the specific circumstances of the case under investigation, the Berlin DPA considers a reprimand to be appropriate after completion of the investigation. This is the first time the Berlin DPA has established a violation on the controller's part. In response to the Berlin DPA's addressing the issue at hand, the controller showed understanding, reviewed its processes again and announced that it would comply with data protection regulations and stop the conduct for which it had been reprimanded.

However, the Berlin DPA has to point out the fact that the controller's obligation to inform the complainant about the erasure of her data pursuant to Art. 17(1) GDPR has not yet been fulfilled and continues to exist.

In the safe expectation that, after being notified by this reprimand, the controller will notify the complainant of the erasure of her personal data and will comply with the data protection regulations in the future, the Berlin DPA closes this case after issuing the reprimand.