

## Summary Final Decision Art 60

Complaint

No sanction

EDPBI:DEHE:OSS:D:2020:172

### Background information

Date of final decision:	2 December 2020
Date of broadcast:	2 December 2020
LSA:	DEHE
CSAs:	All SAs
Controller:	N/A
Legal Reference:	Conditions for consent (Article 7), Lawfulness of the processing (Article 6)
Decision:	No sanction
Key words:	Consent, data subject rights, lawfulness of processing, third party access to personal data, unsolicited communication

### Summary of the Decision

#### Origin of the case

The complainant in the case at stake alleged that the controller had processed his personal data without his consent and refused his requests for access and erasure. The complainant namely received an unsolicited phone call by another company and learned that his personal data was transferred to the caller by the controller.

#### Findings

The LSA investigated the case and contacted the controller for additional information. The controller stated that it could not find any personal data in its database on the basis of the information provided by the complainant. The LSA requested the CSA where the complaint was initially lodged to request the complainant to give evidence that his personal data was transferred by the controller. The complainant did not reply to this request.

## Decision

Because the complainant did not reply to the request for additional evidence by the CSA, the LSA decided that it was not in a position to further investigate the case. Accordingly, the LSA closed the file.