

**PRESIDENT
OF THE PERSONAL DATA
PROTECTION OFFICE**

Jan Nowak

Warsaw, 24 March 2022

Ref. No.: DS.523.2928.2021.ZS.BS

DECISION

On the basis of Article 105 § 1 of the Act of 14 June 1960 Code of Administrative Procedure (consolidated text: Dz. U. [Journal of Laws] of 2021 item 735 as amended) and Article 7 para. 1 of the Act of 10 May 2018 on the personal data protection (consolidated text: Dz. U. [Journal of Laws] of 2019 item 1781) in the case of Ms. [REDACTED], residing in [REDACTED], relating to irregularities in the processing of her personal data by [REDACTED] with its headquarters in Luxembourg (address: [REDACTED], Luxembourg), consisting in a request to send a copy of an ID card, failure to comply with the request to erase data, failure to comply with the information obligation and failure to comply with the request to access personal data of Ms. [REDACTED], the President of the Personal Data Protection Office

decides to discontinue the proceedings.

JUSTIFICATION

The Personal Data Protection Office received a complaint from Ms. [REDACTED], residing in [REDACTED], hereinafter referred to as the Complainant, relating to irregularities in the processing of her personal data by [REDACTED] with its headquarters in Luxembourg (address: [REDACTED], Luxembourg), consisting in a request to send a copy of an ID card, failure to comply with the request to erase data, failure to comply with the information obligation and failure to comply with the request to access personal data of the Complainant.

On 24 February 2022, the Personal Data Protection Office received a letter from the Complainant informing that she withdraws the complaint lodged with the President of the Personal Data Protection Office.

Due to the withdrawal of the complaint, the proceedings became redundant, and these proceedings are subject to discontinuation pursuant to Article 105 § 1 of the Act of 14 June 1960 Code of Administrative Procedure (consolidated text: Dz. U. [Journal of Laws] of 2021 item 735

as amended), hereinafter referred to as the Code of Administrative Procedure. In accordance with the above-mentioned provision, when the proceedings for any reason have become redundant in whole or in part, the public administration authority shall issue a decision to discontinue the proceedings, respectively, in whole or in part. The wording of the above-mentioned regulation leaves no doubt that in the event that the proceedings are deemed groundless, the authority conducting the proceedings will obligatorily discontinue them.

The determination by the public authority of the existence of the premise referred to in Article 105 § 1 of the Code of Administrative Procedure obliges it, as it is emphasized in the doctrine and jurisprudence, to discontinue the proceedings.

In this factual and legal background, the President of the Personal Data Protection Office adjudicated as in the sentence.

Under the authority of the President
of the Personal Data Protection Office
Director of the Complaints Department



This decision is a final decision. Based on Article 7 para. 2 of the Act of 10 May 2018 on the protection of personal data (consolidated text: Dz. U. [Journal of Laws] of 2019, item 1781) and in connection with Article 13 § 2, Article 53 § 1 and Article 54 of the Act of 30 August 2002 Law on proceedings before administrative courts (consolidated text: Dz. U. [Journal of Laws] of 2022, item 329), the party has the right to bring a complaint to the Wojewódzki Sąd Administracyjny w Warszawie [Provincial Administrative Court in Warsaw] against this decision, within 30 days from the date of delivery of this decision, through the President of the Personal Data Protection Office (address: Personal Data Protection Office, Stawki 2, 00-193 Warsaw). The fee for the complaint is PLN 200. The party has the right to apply for the right of assistance.