

Summary Final Decision Art 60

Complaint

No violation

Background information

Date of final decision:	22 March 2019
LSA:	FR
CSAs:	AT, BE, DE-Berlin, DE-Mecklenburg-Western Pomerania, DE-Bavaria (private sector), DE-Lower Saxony
Legal Reference:	Right to object (Article 21), Principles relating to processing of personal data (Article 5), Lawfulness of the processing (Article 6), Conditions for consent (Article 7)
Decision:	No violation
Key words:	Rights of data subjects, Right to object, Lawfulness of processing, e-Commerce, Marketing,

Summary of the Decision

Origin of the case

The data subject filed a complaint after facing difficulties in pursuing his right to object and in relation to the information required on the product order form.

Findings

The LSA found that the delay in complying with the right to object was due to the 72 hours required to process the relevant request, of which the data subject was informed. Besides, the request was submitted on a Saturday and Monday was a holiday. The data controller also took measures to clarify the e-mail address to which such requests can be submitted, and it also set up a dedicated email address to handle such requests more efficiently. In addition, the data controller no longer requires the date of birth to be provided for an order to be placed. Moreover, the consent to receive promotional offers from the controller and third parties must be explicitly given by checking the respective boxes when ordering a product.

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 delay to comply with the request beyond what was reasonable and adjusted the information required to avoid collecting more data than necessary.