

Summary Final Decision Art 60

Complaint

Reprimand to controller

EDPBI:LSA:OSS:D:2020:118

Background information

Date of final decision:	29 June 2020
Date of broadcast:	02 July 2020
LSA:	HU
CSAs:	BE, CZ, DK, ES, FR, IT, NL, NO, UK
Legal Reference:	Right to erasure (Art 17)
Decision:	Reprimand to controller
Key words:	Consumers

Summary of the Decision

Origin of the case

Complainant lodged a complaint with the one of the CSAs as the controller had not complied with his erasure requests.

Findings

The complainant was unable to create an account on the controller's website as his wife had already used his email to register an account.

After his first erasure request, a customer service representative of the controller informed him that the IT department would erase the account within a few days. After a number of months, the complainant emailed the controller to indicate that his erasure request was still active. He was informed again that the IT department would erase his account.

Following a number of months, the account was erased on the request of the complainant. As a result of an administrative error, the data controller failed to inform the complainant about the deletion, the complainant was only made aware of this after contacting the controller two months later.

As the complainant's second request was made following the implementation of the GDPR, it may be evaluated according to those provisions.

Decision

The controller breached Article 12(3) GDPR as it failed to take any action within a month of receiving the erasure requests, and after having erased the account, it failed to notify the complainant. Moreover, the complainant's right to erasure under Article 17 has been infringed.

The LSA issued a reprimand to the controller on this basis.

As the controller did erase the complainant's account and did notify the complainant thereof, the LSA will not apply additional legal consequences and will terminate the investigation.