

Summary Final Decision Art 60

Complaint

Administrative fine

EDPBI:HU:OSS:D:2020:167

Background information

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| Date of final decision: | 16 December 2020 |
| Date of broadcast: | 17 December 2020 |
| LSA: | HU |
| CSAs: | DE, DK, ES, FR |
| Controller: | N/A |
| Legal Reference: | Lawfulness of the processing (Article 6), Right of access (Article 15) |
| Decision: | Administrative fine |
| Key words: | Administrative fine, data minimisation, data subject rights, identity verification, right of access, privacy statement, right to be informed |

Summary of the Decision

Origin of the case

The complainant lodged a complaint against the controller with one of the CSAs as a photo was made of his travel companion ID documents and the controller failed to fulfil his request to access to information processed about him.

Findings

The LSA investigated the case and found that the controller infringed a number of provisions of the GDPR. Firstly, Art. 12 GDPR requires controller to provide all information concerning the processing of personal data in a concise, transparent, intelligible and easily accessible form. At the time of the complaint, no page on the website of the controller contained the Privacy Policy. At the time of the decision of the LSA, the Privacy Policy became accessible when the guest began the reservation and chose the date of stay. As the last step of the reservation, guests must tick a box stating that they have read and accepted the terms and conditions of use of the provisions of the Privacy Policy, but a clickable link pointing the Privacy Policy was not available. The LSA found that the controller infringed Art. 12(1) as the information to the data subject was not provided in a form that is easily accessible.

Secondly, the LSA found an infringement of Art. 12(3) GDPR with respect to the access request of the complainant, as the controller informed the complainant after the one-month period specified in the GDPR.

Thirdly, the LSA found an infringement of Art. 15(1) GDPR, as the reply to the access request of the complainant was not adequate in light of this provision.

Lastly, the LSA found an infringement of Art. 5(1)(c) GDPR, as making a photo of the ID documents of the complainant with a view to checking the correctness of the data provided was not found to be in accordance with the data minimisation principle. In addition, uploading this photo on WhatsApp occurred without any legal basis, thereby infringing Art. 6(1) GDPR.

Decision

The LSA found that the controller violated Art. 5(1)(c), Art. 6(1), Art. 12(1) and (3) and Art. 15(1). Firstly, the LSA ordered the controller to make their Privacy Policy available on the landing website and in the course of reservation. Secondly, the LSA required the controller to provide information on the processing extending to all aspects of processing. Thirdly, the LSA ordered the controller to refrain from making photos of ID documents. Taking into account the abovementioned infringements, the LSA imposed a fine of 360,000 forints.