



535.2009 / 631.442

13 March 2022

Final Decision

The Berlin DPA closes the case.

1. Facts concerning the data breach

- **Controller:** Fabletics GmbH (ehemals Just Fabulous GmbH), Fabletics.de, Schlesische Straße 38, 10997 Berlin
- **Incident:** Data of Fabletics users (fabletics.de, fabletics.co.uk, fabletics.es, fabletics.fr, fabletics.nl) were temporarily visible to other users due to a technical misconfiguration of the server
- **Date of occurrence:** 26 August 2020, 18:13 - 21:01 o'clock
- **Date of acknowledgement of the incident:** 26 August 2020, 20:04 o'clock
- **EU/EEA Member States concerned, with the number of data subjects concerned:**
 - Germany: 283
 - Spain: 35
 - France: 144
 - Netherlands: 28
 - UK: 577
- **Category of data subjects:** customers of the online shops
- **Category of the data types/data records concerned:** Name, address, email address, phone number and account history
- **Likely consequences of the violation of the protection of personal data:** possible misuse of address data (e.g. data trading or for abusive transactions)

2. Description of the data breach from a technical-organizational perspective

Data of Fabletics users (fabletics.de, fabletics.co.uk, fabletics.es, fabletics.fr, fabletics.nl) was temporarily visible to other users due to a technical misconfiguration of the server (incorrect configuration of a code in the load balancer to address Google Chrome "samesite" cookie policy).

3. Description and analysis of the effectiveness of the measures taken to address the personal data breach or to mitigate its adverse effects (Art. 33 (3) (d) GDPR)

The faulty code has been removed in the load balancer, so the problem should not occur again (the controller also writes in the data breach notification that they do not want to use the faulty code again in a context that could affect the personal data of the customers).

Berlin Commissioner for Data Protection and Freedom of Information

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4. Communication to the data subjects concerned or public communication (Art. 34(1) or Art. 34(3) (c) GDPR)

Yes, the affected customers were informed of the data breach by e-mail on 1 September 2020.

5. Technical and organisational security measures that the controller had already taken when the incident occurred, e.g. encryption (Article 34 (3) (a) GDPR)

Deactivation of the faulty code and logout of all customers from the web shop so that they had to log in again and, if possible, no more customer data could be viewed through "open" logins.

6. Subsequent measures by which the controller has ensured that a high risk to the data subjects concerned is no longer likely to materialise (Article 34 (3) (b) GDPR)

Permanent deactivation of the faulty software code

7. Intended measures by the LSA Berlin DPA

7.1. Intended measures regarding Articles 33, 34 GDPR

In the light of the above-mentioned considerations, the Berlin DPA closes the case.

7.2. Examination of the intended measures with regard to the possible underlying data protection violation by the specialist unit.

In the light of the above-mentioned considerations, the Berlin DPA closes the case.