



Ours: 04.10.2023 nr 2.1.-1/23/103

Final Decision

Estonian Data Protection Authority (hereinafter Estonian DPA) received a complaint from citizen of Latvia [REDACTED] regarding the storage of his personal data by [REDACTED]. According to the complaint, the complainant deleted his [REDACTED] account (in the [REDACTED] application) on 20 December 2022. The following day, the complainant created a new account and succeeded, but was unable to validate his driving licence and the [REDACTED] Helpdesk explained to him that the driving licence was linked to another account. According to the explanations provided by the [REDACTED] Helpdesk, the driving licence will be removed from the old account after 10 days. The complainant also deleted a new account on 09.01.2023. The complainant made a new account for [REDACTED] using the same data as before and tried to confirm his driving licence again, but this was not successful and, according to the explanations provided by the customer support, the driving licence was linked to another account. Customer support asked to wait 3-4 days. The complainant contacted the customer support again on 13 January 2023, but he was no longer answered.

Pursuant to Article 5(1)(e) of the GDPR, personal data are to be retained in a form which permits identification of data subjects only for as long as is necessary for the purpose for which the personal data are processed ('storage restriction'). [REDACTED]'s [REDACTED] privacy policy states that the *data will only be stored for as long as necessary for the purposes described above. This means that we retain different categories of data for different periods of time depending on the type of data, the related service and the purposes for which we collected the data. Your data will be kept for as long as you have an active account. If your account is closed, we will delete your data (in accordance with our data retention schedule and policies) unless this information is necessary to comply with legal obligations or for accounting, dispute resolution or fraud prevention purposes.*

Estonian DPA started the procedure for the designation of the lead supervisory authority under Article 56 of the GDPR. Since [REDACTED] is a company operating in Estonia the Data Protection Inspectorate is the lead supervisory authority which conducted the supervision procedure.

Estonian DPA made an inquiry to [REDACTED], to which they replied as follows:

1. According to [REDACTED]'s Privacy Notice, user data will be deleted unless it is necessary to comply with legal obligations or for accounting, dispute resolution or fraud prevention purposes. In this case, the data will be retained on the following legal bases:
— Article 6(1)(c) of the GDPR – where the data is necessary for compliance with legal

obligations (including accounting obligations); and – Article 6(1)(f) of the GDPR – when the data is processed for the resolution of disputes or the prevention of fraud.

- 2. This retention schedule for the [REDACTED] [REDACTED] Car Sharing Service and the processing operations are set out in the [REDACTED] [REDACTED] Privacy Notice, which is available on the “Legal” tab. The privacy notice for Estonian residents is available [REDACTED] and a notice for residents of Latvia [REDACTED].*

According to this Privacy Notice, the User’s data will be stored for as long as he/she has an active account. If the account is closed, the user’s data shall be deleted unless such data is required for the following purposes: to comply with legal obligations or for accounting, dispute resolution or fraud prevention purposes.

- 3. The main reason for the misunderstanding is the fact that several accounts were registered and deleted by the data subject within a short period of time (i.e. between 20 December 2022 and 9 January 2023) and that each time the data subject’s requests (linked to the new account) were handled by different [REDACTED] staff. The reason why the data subject’s request was handled each time by a different employee was that each time the data subject deleted/registered a new account and contacted [REDACTED]’s support team, it created a new so-called ticket (tickets, angel ticket, used to share [REDACTED]’s internal tasks) in [REDACTED]’s systems to the [REDACTED] customer support team. As all accounts were “new” accounts, unfortunately, customer support tickets were not interlinked, which meant that the data subject was in contact with many customer support staff. [REDACTED] has a system that supports the deletion of accounts, but this is not an immediate process. [REDACTED] deletes the account from the user’s view immediately, but internal processing of the application takes up to 10 days. Until the complete account deletion is carried out within [REDACTED], the user cannot verify himself/herself with the new account, as his/her data may still be registered in [REDACTED]’s internal systems until the process of fulfilling the deletion request has yet been completed. This led to a misunderstanding as the data subject tried to create new accounts too quickly after each account was deleted. Thus, all accounts created by the data subject (a total of 4 previous accounts) have been deleted and the data subject has successfully completed the verification of his current account driving licence on 6.2.2023. [REDACTED] provides a comprehensive response to the data subject in order to resolve the confusion that has arisen and to clarify the situation.*

Estonian DPA finds that in this case there was a human error and misunderstanding that was caused partially by the complainant, since he registered himself as a user and deleted the user within short periods. Since, in practice, [REDACTED] [REDACTED] deletes driving licence information from the system within a reasonable period of time, the Estonian DPA does not see any violation in this case. Since the complainant’s personal data has been deleted by the controller according to the request in a timely manner and the controller has given information regarding the deletion of complainant’s personal data, the data processor has met the obligations arising from GDPR Art 17 and Art 12 (3). SA Estonia did not detect any GDPR violations since the situation was caused by a human error mainly because of a misunderstanding and therefore SA Estonia must end the proceedings.

Based on the above, SA Estonia did not detect any violation of data subject’s rights and therefore will terminate the proceedings concerning the protection of personal data by [REDACTED].

Best regards
Estonian DPA