

Summary Final Decision Art 60

Complaint

Dismissal of the case

EDPBI:LSA:OSS:D:2020:121

Background information

Date of final decision:	06 July 2020
Date of broadcast:	07 July 2020
LSA:	AT
CSAs:	DE-BE
Controller:	Entertainment Media GmbH
Legal Reference:	Right to object (Article 21), Right to erasure (Article 17)
Decision:	Dismissal of the case
Key words:	Exercise of the rights of the data subjects, Spam

Summary of the Decision

Origin of the case

The complainant informed the CSA that he had been receiving advertising e-mails for months. Attempts to unsubscribe had been unsuccessful and appeared to generate further spam emails. The complainant subsequently contacted the CSA to request assistance with enforcing his objection to the unsolicited spam emails.

Findings

The complainant did not contact the controller regarding his assertion of his rights as a data subject concerned. It follows from Art. 12 GDPR that the rights under Art. 15 to 22 GDPR are rights that require a request by the data subject. Such requests for information or objection were not made to the controller, which is why the present complaint had to be dismissed for this reason alone.

Decision

As the complaint is dismissed, the Berlin SA as the supervisory authority to which the complaint was submitted issues the final decision in accordance with Art. 60(8) GDPR and notifies the complainant and the controller.