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**Registration number:**

DI-2021-10448, IMI case no.  
350245,  
83.41/20.039

**Date of decision:**

2022-06-14

# Decision under the General Data Protection Regulation – Klarna Bank AB

## Decision of the Swedish Authority for Privacy Protection (IMY)

The Swedish Authority for Privacy Protection finds that Klarna Bank AB has processed personal data in breach of Article 15 of the GDPR<sup>1</sup> by not giving the complainant access to his personal data without undue delay, according to the request of 15 October 2020, until 21 January 2022.

The Swedish Authority for Privacy Protection issues Klarna Bank AB a reprimand pursuant to Article 58(2)(b) GDPR for violation of Article 15.

## Report on the supervisory case

### The case handling

The Swedish Authority for Privacy Protection (IMY) has initiated supervision regarding Klarna Bank AB (Klarna or the company) due to a complaint. The complaint has been submitted to IMY, in its capacity as lead supervisory authority under Article 56 of the GDPR. The handover has been made by the supervisory authority of the country where the complainant has lodged their complaint (Germany) in accordance with the GDPR's provisions on cooperation concerning cross-border processing.

The investigation in the case has been carried out through written correspondence. Since this is a complaint relating to cross-border processing, IMY has used the mechanisms for cooperation and consistency contained in Chapter VII GDPR. The supervisory authorities concerned has been the data protection authorities in Denmark, Finland, Germany, France, Norway and the Netherlands.

### The complaint

The complaint mainly states the following.

The complainant used Klarna's services for an internet purchase several years ago. The complainant's partner then received bills which in some cases were addressed to

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<sup>1</sup> Regulation (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

the complainant. In December 2018, the complainant requested Klarna to correct the names in the e-mails. Klarna's services were not used again until 2020 by the complainant's partner, after which the complainant's partner once again received e-mails from Klarna with the complainant's name. The complainant subsequently made a request for rectification. The complainant also submitted a request for access on 15 October 2020 but received no reply from Klarna.

#### **What Klarna has stated**

Klarna Bank AB mainly states the following.

Klarna is the data controller for the processing to which the complaint relates.

Klarna notes that the complainant has made three purchases in 2017 and 2018 and paid through Klarna. Those purchases included information about the complainant's first name, surname and postal address, as well as an e-mail address containing the complainant's name. In 2018, a further five purchases were made in which the complainant's first name, surname and postal address were entered. On these purchases, another e-mail address was entered, hereinafter referred to as "e-mail address Y".

Klarna notes that the complainant's partner lives at the same postal address as the complainant. The complainant's partner has also paid with Klarna on several occasions and has entered "e-mail address Y" for each purchase. Klarna suspects that the email address in question belongs to the complainant's partner because it contains the partner's name.

For each purchase, Klarna evaluated the identity of the complainant on the basis of the information provided at the time of purchase, i.e. first name, surname and postal address, by validating the data with the support of Deutsche Post AG. However, e-mail addresses are not part of the validation as it is not a data point available to Deutsche Post AG. Deutsche Post AG has thus verified that the first and last names of the complainant are registered at the provided postal address, which is also the address to which the purchased goods have been sent. Digital communication about purchases and debts is sent to the e-mail address provided by the customer.

Regarding the five purchases in 2018, the orders have been made with the complainant's first name, surname, postal address and "e-mail address Y". This is information that has been submitted to Klarna in connection with the purchases. This can be done by entering the complainant's name at the merchant's login portal and saved with the merchant as part of the customer's profile. The information is then automatically sent to Klarna when the customer is logged in with the merchant and places an order. This can also be done if the data has been entered manually in a free text field in the merchant's checkout provided by Klarna. This handling is outside Klarna's control and the company has no access to any information about this. Klarna can only state that the information has been sent to Klarna in one of the ways above.

For all five purchases in 2018, for which the complainant has claimed that the complainant's partner made the purchases, the complainant's first name, surname and postal address have been entered together with "e-mail address Y". As a result, the first e-mail sent to "email address Y" has included the complainant's name. In the context of a subsequent sixth purchase on 31 August 2020, the information that Klarna had previously linked to "email address Y" was used to generate a first name in an e-

mail of 22 September 2020 using the complainant's first name in the introductory greeting. No personal data other than the complainant's first name were sent out.

Klarna has had extensive contact with the complainant on a number of subjects. As can be seen from the notes that Klarna still retains, the complainant has requested that information be rectified on two occasions, on 5 November 2018 and on 10 October 2020. Klarna has rectified all the information which the complainant has requested to be corrected.

In examining the case, Klarna also understood that the complainant and their partner used each other's personal data for purchases carried out in 2018, which were not covered by the complainant's requests for rectification. Klarna has been able to conclude from the review that the name for individual historical purchases has had to be updated.

Klarna has received a request for access on 15 October 2020. In the light of previous extensive contacts with the complainant and the request for rectification already pending since 10 October 2020, the individual case handler did not draw attention to the fact that the request of 15 October 2020 related to a different right. The case handler was under the impression that the complainant's request for access would be handled in the context of the pre-existing case.

The correct procedure under Klarna's internal routines would have been to initiate an additional case concerning the request for access. Klarna observes that, as a result of that individual error, the complainant's request was not handled within the time limit. Following IMY's audit, Klarna has carefully analysed the case, drawing attention to the request for access and fulfilling it on 21 January 2022.

## **Justification of the decision**

### **Applicable provisions**

According to Article 4(1) of the GDPR, the term 'personal data' carries broad meaning. Personal data are any information relating to an identified or identifiable natural person (a data subject). A data subject can be identified both directly and indirectly by a range of possible identifiers, which the article contains a non-exhaustive list of, including names.

Article 5(1)(d) of the GDPR requires the controller to ensure that personal data is processed is accurate (principle of accuracy). If necessary, the personal data shall also be kept up to date. The controller must of its own volition take every reasonable step to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

Pursuant to Article 15 of the GDPR, the data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed. If such personal data are processed, the controller shall provide the data subject with additional information and a copy of the personal data processed by the controller.

Pursuant to Article 16 of the GDPR, the data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data

subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

Article 12(3) of the GDPR requires the controller to provide information on action taken on a request under, inter alia Article 15, without undue delay and in any event within one month of receipt of the request. This period may be extended by a further two months where necessary, taking into account the complexity and number of requests. The controller shall inform the data subject of such extension within one month of receipt of the request, together with the reasons for the delay.

## **Assessment by the Integrity Protection Authority**

### **Has there been a breach of Article 5 of the GDPR?**

The complaint states that Klarna has regularly confused the personal data of the complainant and their partner by addressing several e-mails to the wrong recipient.

Among other things, Klarna has stated that they have a system for automatic generation of first names in the initial greeting of e-mails. Both the complainant and their partner have used the same e-mail address, i.e. "e-mail address Y". The complainant's partner has previously placed orders with their corresponding personal data and "e-mail address Y". In connection with a sixth purchase in 2020, Klarna has used the latest known information about "e-mail address Y", which resulted in the complainant's first name being generated in an initial greeting in the e-mail message. IMY has found no reason to question Klarna's information in this regard.

IMY therefore notes that "e-mail address Y" has been used by both the complainant and the complainant's partner to pay through Klarna. Although IMY considers it important that a correct first name is used when a data controller contacts a data subject, "email address Y" has been used by both the complainant and their partner to place orders through Klarna in the present case. No other personal data than the complainant's first name has been entered in the e-mail message to their partner, and it also appears that the complainant's first name is relatively common. The name in question does therefore not constitute an identifier specific to the complainant. Moreover, Klarna has of its own volition rectified information attributable to the complainant, which was not covered by any of the complainant's requests.

Against this background, IMY notes that the investigation does not show that Klarna Bank AB fails to comply with Article 5(1)(d) GDPR in the matter that is subject to supervision in the present case.

### **Has there been a breach of Article 16 of the GDPR?**

Klarna states that they have received two requests for rectification from the complainant on 5 November 2018 and 10 October 2020. Klarna has stated that it has rectified all the information per the complainant's requests without undue delay. The complainant has not claimed that their requests for rectification were not met to any extent. IMY therefore finds no reason to question Klarna's information in this regard.

IMY therefore concludes that the investigation shows that Klarna Bank AB does not fail to comply with Article 16 of the GDPR in the matter that is subject to supervision in the present case.

**Has there been a breach of Article 15 of the GDPR?**

Klarna has stated that they received a request for access on 15 October 2020. Due to an error, the company did not recognize the request at that time. The request was brought to Klarna's attention after IMY initiated its audit and was therefore only completed on 21 January 2022, i.e. approximately one year and three months after the request was made.

A request for access shall be handled with without undue delay, but no later than within one month from when the controller received the request. The deadline of one month may be extended by a further two months under the conditions set out in Article 12.3 GDPR. Considering Klarna fulfilled the complainant's request for access more than one year after the request was made, it is clear that Klarna under no circumstances handled the complainant's request within any of the deadlines set out in the GDPR. Klarna's explanation to the reason for the delay being an oversight by a case handler does not change IMY:s assessment. Therefore, Klarna did not handle the complainant's request for access of 15 October 2020 without undue delay.

IMY therefore concludes that Klarna Bank AB has infringed Article 15 GDPR by not giving the complainant access to their personal data without undue delay, according to their request of 15 October 2020, until 21 January 2022.

**Choice of intervention**

Article 58(2) and Article 83(2) of the GDPR gives IMY the authority to impose administrative fines in accordance with Article 83. Depending on the circumstances of the case, administrative fines shall be imposed in addition to or in place of the other measures referred to in Article 58(2), such as warnings and prohibitions. Furthermore, it is clear from Article 83(2) which factors are to be taken into account when deciding whether to impose administrative fines and in determining the amount of the fine. In the case of a minor infringement, as stated in recital 148, IMY may issue a reprimand pursuant to Article 58(2)(b) instead of imposing a fine. Considering the aggravating and mitigating circumstances of the case, such as the nature, gravity and duration of the infringement and past relevant infringements.

IMY notes the following relevant facts. Klarna has infringed Article 15 of the GDPR by not handling the complainant's request for access without undue delay. The time that has elapsed since the request for access was made is relatively long. As is made clear by the supporting documents, the complainant has made several requests, including a request for rectification on 10 October 2020 and a request for access on 15 October 2020, after which a case handled at Klarna had not understood that they were different rights. It is therefore a mistake. In light of this, IMY considers that this is a minor infringement within the meaning of recital 148 which means that Klarna Bank AB shall be given a reprimand under Article 58(2)(b) of the GDPR for the infringement.

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This decision has been taken by the specially appointed decision-maker, legal advisor [REDACTED] following a presentation by [REDACTED]

## How to appeal

If you wish to appeal the decision, you should write to the Swedish Authority for Privacy Protection. Please indicate in your letter the decision you want to appeal and the amendment that you are requesting. The appeal must reach the Swedish Authority for Privacy Protection no later than three weeks from the date on which you received the decision. If the appeal has been received in due time, the Swedish Authority for Privacy Protection will forward it to the Administrative Court in Stockholm for review.

You can send the appeal by e-mail to IMY if the appeal does not contain any sensitive personal data or information that may be subject to confidentiality. The Swedish Authority for Privacy Protection's contact details are set out in the first page of the decision.