

# Summary Final Decision Art 60

## Complaint

EDPBI:SE:OSS:D:2023:790

Violation identified, Administrative fine

## Background information

Date of complaint:	27 May 2018
Draft decision:	N/A
Revised draft decision:	N/A
Date of final decision:	12 June 2023
Date of broadcast:	12 June 2023
Controller:	Spotify AB
Processor:	N/A
LSA:	SE
CSAs:	All SAs
Legal Reference(s):	Article 12 (Transparent information, communication and modalities for the exercise of the rights of the data subject), Article 15 (Right to access by the data subject).
Decision:	Violation identified, Administrative fine.
Key words:	Data subject rights, Data retention, Right of access, Retention time, Administrative fine.

## Summary of the Decision

### Origin of the case

Due to complaints that the LSA received against the controller regarding the right of access pursuant to Article 15 of the GDPR, the LSA initiated supervision against the controller.

The first complainant submitted that, with regards to his request of access made on 27 May 2018, the controller had not granted access to all his personal data within the period laid down in Article 12(3) of the GDPR and that, once he had obtained access to all personal data, it had not been provided in an intelligible form as provided for in Article 12(1) of the GDPR.

The second complainant submitted that, with regard to his request for access made on 10 October 2018, the controller had not provided all the personal data it processed about the complainant, that the controller had not provided any of the information concerning the processing of the complainant's personal data required by Article 15(1)(a) to (h) and (2) of the GDPR, and that the controller had not

provided the personal data in an intelligible form as provided for in Article 12(1) of the GDPR. In that regard, the complainant stated, inter alia, that the data were provided in a format which was only machine-readable and not comprehensible to natural persons.

The third complainant claimed that the controller had not responded to the complainant's request of access under Article 15 of the GDPR made on 12 November 2018.

## Findings

The LSA considered that the controller had not provided sufficiently clear information about the purposes of the processing (**Article 15(1)(a)** GDPR), the categories of personal data concerned (**Article 15(1)(b)** GDPR), recipients or categories of recipients (**Article 15(1)(c)** GDPR) or the source from which the data were collected (**Article 15(1)(g)** GDPR). The information was not concise, and transparent, nor easily accessible and did not meet the requirements of **Article 12(1)** of the GDPR.

Moreover, the LSA considered that the information provided concerning retention periods did not meet the requirements of **Article 15(1)(d)** of the GDPR. Also in this case, the information was not concise and transparent, nor easily accessible and it did not meet the requirements of **Article 12(1)** of the GDPR. The LSA therefore considered that the information provided regarding third country transfers did not meet the requirements of **Article 15(2)** GDPR. The information was not concise and transparent, nor easily accessible and it did not meet the requirements of **Article 12(1)** of the GDPR.

The LSA found that the description of the data contained in the technical log files provided by the controller during the period from 11 June 2019 to 16 May 2022 had not complied with the requirements of Article 12(1) of the GDPR as this information had been provided by default only in English. The controller had therefore processed personal data in breach of **Article 12(1)** of the GDPR during the period in question.

For the first complaint, the LSA considered that the controller had processed personal data in breach of **Article 12(3)** of the GDPR, by not having provided the copy of personal data in due time, and in breach of Articles **12(1)**, **15(1)** and **15(3)** of the GDPR, by not having provided all of the complainant's personal data in an intelligible form. For the second complaint, the LSA considered that the controller had processed personal data in breach of **Article 15(1)** and **(3)** of the GDPR, by not having given access to all the personal data that the controller processed about the complainant and in breach of **Article 15(1)(a) to (h)** and **(2)** of the GDPR, by not providing any of the information specified in these provisions. For the third complaint, the investigation had not shown that the controller had failed in its handling of the complainant's request for access, with the result that the complaint in question should have been rejected. The receiving supervisory authority, the DK SA, was responsible for adopting the decision with regard to this complaint under Article 60(8) GDPR.

## Decision

The controller had processed personal data in breach of Articles 12(1), 15(1)(a) to (d), 15(1)(g) and 15(2) of the GDPR. The LSA decided that the controller shall pay an administrative fine of 58,000,000 (fifty-eight million) SEK for these infringements.

The LSA found, with regard to the first complaint, that the controller had processed personal data in violation of Articles 12(1), 12(3), 15(1) and 15(3) of the GDPR. The LSA found, with regard to the second complaint, that the controller had processed personal data in violation of articles 15(1) and 15(3) of the GDPR and of articles 15(1)(a) to (h) and 15(2) GDPR. The LSA issued a reprimand to the controller pursuant to Article 58(2)(b) of the GDPR for the infringements relating to the first two complaints. Pursuant to Article 58(2)(c) of the GDPR, the LSA ordered the controller to comply with the complainant's request for access in respect of the second complaint. This measure shall have been implemented no later than on month after this decision had become final.