

Final Decision

Case Register	551238
National file number	11.17.001.010.149
Controller	Towards Mars LTD
Date	09/10/2023

Towards Mars LTD

Subject: Investigation of complaint regarding an erasure request

Following our communication relating to the above subject, please note the below:

Description of the Case

2.1. A complaint was lodged with the SA of Schleswig-Holstein, Germany, and was thereafter received by the Office of the Commissioner for Personal Data Protection (Cyprus SA) on 23 March 2021. The complaint involved the Controller's failure to comply with the DS erasure request (article 17 of the GDPR) submitted to the controller, who has developed the mobile app "Dungeon Crusher".

2.2. The complainant, stated that on 15 February 2021 and on 2 March 2021, he requested via email to support@towardsmars.com, the erasure of all of his data processed by the app as per Article 17 GDPR. After not receiving any reply, the complainant lodged a complaint regarding the controller's failure to fulfill the request since he did not receive any reply.

Investigation by Cyprus SA

3. The Commissioner's office requested your views on the matter raised by the complainant. In your response, you stated that the account in question was deleted on 3 March 2021 as per user's request, with all corresponding personal data. The only information still kept in their database is the «account XXXX deleted on 03.03.2021» record - this is to provide the user a corresponding message if he/she tries to access the deleted account. Relevant proof was also provided.

Cyprus SA assessment

4. Following the above, we consider that the Controller satisfied the complainant erasure request and thus no harm has come to the complainant. Despite this, the Controller did not inform the complainant that his request was satisfied, in line with Article 12(3) GDPR.

5. After consideration of the significance of the infringement and the Controller's cooperation in the investigation process, the Commissioner considers that the investigation proceedings can be concluded as no further supervisory measure is necessary at this stage.

6. Furthermore, in view of the above and on the basis of the powers conferred on the Commissioner by the provisions of subparagraph (a) of paragraph (2) of Article 58 of the GDPR, you are warned that to avoid non-compliance in the future, the procedure for handling data subject rights must be reviewed and adjusted accordingly.

Cyprus SA