



Our reference: LDA-1085.1-3798/20-F

IMI Art. 56: 166627

IMI draft decision: 521192

Controller: [REDACTED]

On the basis of the draft decision of the Dutch Autoriteit Persoonsgegevens (NL SA) No. 521192, the Data Protection Authority of Bavaria for the Private Sector (BayLDA) pursuant to Article 60(8) of the GDPR issues the following

### **Final Decision:**

The complaint is rejected.

#### Justification:

The complaint was received by the BayLDA on 18 April 2020 and was forwarded via IMI to the NL SA as the lead data protection supervisory authority for the controller.

On 30 May 2023 the NL SA submitted the draft decision no. 521192 to the concerned supervisory authorities with the following contents:

IMI Article 56 identification of LSA and CSA entry	166627
IMI Case Register entry	521146
National file number	LDA-1085.1-3798/20-F
Controller	Wallet Solutions
Date of receipt of complaint	18.04.2020

With regard to the abovementioned case and pursuant to Article 60(3) of the General Data Protection Regulation (GDPR), the Autoriteit Persoonsgegevens (Dutch Data Protection Authority, hereafter: NL SA) has issued the following draft decision:

#### **Summary of the Case**

1. On 30 November 2020 an article 56 notification with number 166627 was broadcasted by the Bavarian SA. As the controller at the time the complaint that was the subject of the article 56 procedure was established in the Netherlands, the NL SA considered itself the lead authority (LSA) in the matter, in accordance with article 56 GDPR.
2. The complainant had contacted controller – a debt collecting company - (in March and later again in May 2020) to request access to data and to be informed with regard to the origin of the data, processed by the controller, and whether the data had been transferred to any third party. The

complainant did not receive a satisfactory answer. That is why he filed a complaint with the Bavarian SA.

### **Investigation by the NL SA**

3. Because of capacity, the complaint was not assigned to a case handler until 2022. Considering that quite some time had passed between the lodging of the complaint and the start of the active phase of case handling by the NL SA, the NL SA asked the complainant whether his complaint was still actual on 22 August 2022 (informally, per email) and on 22 October 2022 (officially, per VMAN over IMI – VMAN 446811).
4. The NL SA has not heard from the complainant, nor per email nor as the result of communications with the Bavarian SA over IMI.

### **Norm allegedly infringed**

Articles 6, 12, 13, 14 and 15 GDPR.

### **Proposed action by the NL SA**

1. Considering the lack of a response from the complainant to confirm whether or not the complaint has been resolved, the NL SA has no reason to believe that the processing of personal data was not lawful based on Articles 6, 12, 13, 14 and 15 of the GDPR.
2. Considering the above the NL SA finds no infringement of the GDPR in this case.
3. The NL SA deems this matter investigated to the extend appropriate and rejects the complaint ex article 60(8) GDPR. The supervisory authority with which the complaint was lodged (the regulatory authority in Bavaria) shall adopt the decision and notify it to the complainant and shall inform the controller thereof.

As the concerned supervisory authorities (including BayLDA) did not object to this draft decision, the BayLDA hereby adopts this draft decision as final decision in accordance with Article 60(8) of the GDPR.

Ansbach, 17.08.2023