



**RE.: IMI Case Register n.62564 - IMI Art.56 n.51645 - Complaint of [REDACTED] against [REDACTED]
[REDACTED] - Final Decision**

Dear colleagues,

pursuant to Article 60(3) of the Regulation (UE) 2016/679 (hereafter GDPR), the Italian Supervisory Authority (hereafter Garante or ItSA) submits to you the following draft decision with regards to the abovementioned case.

[REDACTED], a German citizen, lodged a complaint with the Deutch Supervisory Authority of Baden-Württemberg stating that on 5 September 2018 he asked to the Italian controller, [REDACTED], the erasure of all his personal data, but the day after he received another SPAM e-mail.

Based on that complaint, the Garante requested the controller, an Italian [REDACTED] agency [REDACTED] [REDACTED] [REDACTED] to provide his comments about the processing of the complainant's data.

[REDACTED] sent the requested information within the deadline, voluntary translating the document both in English and in German.

The controller explained that [REDACTED] sent the erasure request by e-mail to the address [REDACTED] instead of to the dedicated e-mail [REDACTED] pointed out in the marketing e-mail footer. The mistake slowed the erasure procedure. Notwithstanding this, the user's request had been taken in charge very quickly and [REDACTED] had not received further marketing communication since 11 September 2018. The controller also assured that it takes care of the users' requests and it undertakes to reply as soon as possible.

According to the above-mentioned explanations, the Garante assumes that, in the present case, there is no infringement of the data subject right under Article 17 of the GDPR.

As a matter of fact, the complainant's erasure request had been taken in charge and dealt in few days. While Article 17 provides that the controller shall have the obligation to erase personal data "without undue delay", technical processing times are unavoidable. Moreover, in the present case, a special importance has to be accorded to the fact that the data subject enforced his right to erasure writing to the wrong e-mail address.

In view of the foregoing, the ItSA states that the complaint should be dismissed.

Please, submit your comments, if any, or your relevant and reasoned object to this draft decision within the four weeks obligatory timeframe pursuant to Article 60(4) of the GDPR.

On behalf of the ItSA

[REDACTED]

