

# Summary Final Decision Art 60

Complaint

No violation

EDPBI:DEHE:OSS:D:2020:111

## Background information

Date of final decision:	4 June 2020
Date of broadcast:	4 June 2020
LSA:	DE-Hessen
CSAs:	All SAs
Legal Reference:	Article 5 (Principles relating to processing of personal data)
Decision:	No violation
Key words:	Identity verification, Data minimisation

## Summary of the Decision

### Origin of the case

The LSA had received several complaints concerning the controller's authentication and identification procedure when confronted with claims for compensation payments by passengers. To ensure the compensation payments reach the entitled recipient, the controller asked the claimants for proof of identification and required a selfie photo of the passengers holding their valid government issued ID with their face clearly visible. The complainants considered this identification procedure unlawful.

### Findings

The controller explained that the enhanced identity verification procedure was due to a significant increase in fraud incidents and intended to protect actual claimants. The controller stated that the enhanced identity verification procedure should only apply if the claimant could not be unambiguously identified otherwise. In this context, the controller was able to demonstrate to the LSA that it was often not possible to unambiguously identify the claimant based on the data available to the company in all the cases.

The LSA found that the controller was able to demonstrate that a clear identification of the demanding person is required in the event of reimbursement proceedings on the controller's part. Later, the controller stated that due to the increasing uncertainty of its customers, it had already stopped requesting a photo of the persons concerned to ensure identification in the context of processing reimbursement transactions and that it had already discontinued the investigated identification procedure.

## Decision

The LSA did not regard the controller's authentication process as a violation of the obligation to minimise data in accordance with Article 5 (1) (c) of the GDPR. The LSA found that the controller's request to submit a selfie with photo identification was an immediate measure introduced as an interim solution until online and video identification procedures were developed, established and evaluated. The LSA found that no milder measures were discernible which would be suitable to the same extent to avert the financial damage.

The LSA decided to conclude the proceedings.

## Comments

The LSA considered in its draft decision that the complaints had been settled and the proceedings could be concluded. The PT, FI and BE SAs raised objections and comments against the draft decision. In May 2020, the LSA addressed these objections and comments with a revised draft decision. Since no objections against the revised draft decision were raised, the proceedings were concluded.