

Summary Final Decision Art 60

Complaint

No infringement of the GDPR

Background information

Date of final decision:	10 October 2019
LSA:	CY
CSAs:	DE-Hamburg
Controller:	Seachefs Cruises Ltd
Legal Reference:	Right to erasure (Article 17), Lawfulness of processing (Article 6)
Decision:	No infringement of the GDPR
Key words:	Right to erasure, Data retention, Legal claims, Compliance with a legal obligation

Summary of the Decision

Origin of the case

The complainant submitted an erasure request to the controller, who was his previous employer. The HR department of the controller replied that some of his data (e.g. his passport information, employment contract, salary information and dismissal records) were to be kept in order to comply with national law obligations and be able to exercise or defend legal claims. As a result, the complainant lodged a complaint requesting the deletion of all his data.

Findings

The LSA found that, pursuant to the applicable national social insurance and tax law, the controller was required to keep records of all expenses including salaries. In order to comply with this obligation, the controller was obliged to keep the complainant's passport information, employment contract and salary information. Moreover, according to the national law on statute of limitations, the controller was allowed to keep the complainant's dismissal records for a period of six years after the dismissal as the complainant could appeal the decision of the controller to the relevant court.

Decision

The LSA found no infringement of the GDPR made by the controller.