

# Summary Final Decision Art 60

Complaint

Compliance order

## Background information

Date of final decision:	7 October 2019
LSA:	CZ
CSAs:	AT, DE-All, HR, SI, SK
Legal Reference:	Lawfulness of the processing (Article 6)
Decision:	Order to the controller, Infringement of the GDPR
Key words:	Lawfulness of processing, Legitimate interest, Data subject rights

## Summary of the Decision

### Origin of the case

The data subjects filed a complaint with one of the CSAs alleging that the controller published his personal data on its social media page without a legal basis.

### Findings

The controller published on its social media page information concerning the complainant and other data subjects, referring to debts which the controller was in charge of collecting. The abbreviated first name and the entire surname of the data subjects, as well as the status of debtor and the amount owed by them were specified. Through a balancing test between the data subjects' interests and basic rights with the controller's interests, it was concluded that the controller did not rely on any lawful basis pursuant to Art. 6 GDPR. More specifically, the data subject had not expressed his/her consent; moreover, in the balancing between the legitimate interest pursued by the controller and the interests and rights of the data subject, the latter prevailed, given the significant risk of adverse impact arising from the publication of negative information about the data subjects' financial situation.

## Decision

The LSA ordered the controller to cease processing the complainant's personal data and to remove the published personal data within ten business days of the decision. The LSA also ordered the controller to submit a report to LSA on the implementation of the order within five business days of its completion.