

Summary Final Decision Art 60

Complaint

No violation

Background information

Date of final decision:	4 March 2019
LSA:	MT
CSAs:	IE
Legal Reference:	Right to erasure (Article 17)
Decision:	No violation
Key words:	Right to erasure, right of access request, exercise of the rights of the data subjects

Summary of the Decision

Origin of the case

The complainant made a right to access/erasure request to the controller. The controller requested the complainant to confirm her identity but she failed to do so.

The controller has erased the complainant's personal data accordingly to its privacy policy and taking into consideration a still existing "Compromise Agreement" between the controller and the complainant. Concerning the right of access request, the only reason why the information was not provided revolves around the complainant's failure to verify her identity with the controller. The complainant then contended that the controller did not accede to the right of access request.

Findings

The LSA assessed that the controller satisfied the complainant's right of erasure request to the extent permissible by the applicable laws, including but not limited to, employment legislation.

The LSA found that the controller took all the necessary steps to handle the complainant's right of access. The only reason why the information was not provided, was due to the complainant's failure to verify her identity with the controller (the email she was using was not known to the controller).

Decision

The LSA decided that the controller did not infringe the provisions of the GDPR, and consequently dismissed the complaint.