

Summary Final Decision Art 60

Complaint

Data subject rights compliance order to controller

EDPBI:CYSA:OSS:D:2020:131

Background information

Date of final decision:	27 July 2020
Date of broadcast:	28 July 2020
LSA:	CY
CSAs:	AT, DK, FR, IE, IT, NO, SE
Controller:	F1 Markets Limited
Legal Reference:	Right of access (Article 15)
Decision:	Data subject rights compliance order to controller
Key words:	Data subject rights, right of access

Summary of the Decision

Origin of the case

The complainant sent an email to the controller requesting the closure of his account and access to his data on the basis of article 15 of the GDPR. According to the complainant, the controller did not reply to the access request and the complainant lodged a complaint with the data protection authority.

Findings

The LSA found that the email sent by the complainant, with which he requested access to his data, was never received as it was quarantined by the email security service and categorized as spam due to the applied information security IT measures for emails received from outside the controller. The account manager who also received the email assumed that it had an informative character and was under processing, since the established procedure for an account closure is to be forwarded only the team responsible for this (i.e. Customer Support Team). Following the investigation, the controller complied with the access request and provided all information required by the data subject, before closing the account.

Decision

Since the controller eventually complied with the access request and affirmed that, it is working with the IT department in order to find a solution to avoid similar incidents in the future and that it plans on organising training session for the staff that interacts with the clients properly, the LSA decided not to take further actions regarding this matter.