

Klarna Bank AB
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Our ref:
DI-2020-10546, IMI no.155160

Date:
2021-01-25

Final decision in IMI case reg no 155160 – Supervision under the GDPR against Klarna Bank AB

Decision of the Swedish Authority for Privacy Protection (IMY)

The case will be written off from further investigation.

Description of the supervisory case

The Swedish Authority for Data Protection (the Swedish SA) has initiated an investigation against Klarna Bank AB (the company) due to a complaint. The complaint has been submitted to the Swedish SA, in its capacity as lead supervisory authority for the company's operations pursuant to Article 56 of the GDPR, from the supervisory authority in the country where the complainant has lodged the complaint in accordance with the Regulation's provisions on cooperation in cross-border matters.

The complainant stated that the company has sent direct marketing e-mails to him despite having objected to processing of personal data for direct marketing purposes. Furthermore, the complainant has argued that he has not received information that his personal data will be processed for direct marketing purposes and that he has not given his consent to such processing of personal data.

Klarna Bank AB has essentially stated the following. The company is not the controller for the processing concerned in this complaint. The company does not know who is behind these mailings and are not able to further investigate the matter based on the screenshots attached to the complaint. According to the company, the e-mails that form the basis of the complaint constitute so-called spam. The company has previously received notice of e-mails sent from the address noreply-no@klarna.no. The company then initiated an internal investigation and concluded that these e-mails constituted spam. The company believes that the approach for sending these emails is spoofing, i.e. the sender tries to imitate or mimic Klarna as the sender. The company states that they cannot prevent or affect these mailings as the company is not involved in the processing in question. Furthermore, the company adds that they have previously informed their customers about spam emails from noreply-no@klarna.no by temporarily publishing a banner on their website.

In light of the complaint involving cross-border processing, the Swedish SA has used the mechanisms for cooperation and consistency contained in Chapter VII of the

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GDPR. The supervisory authorities concerned have been the data protection authorities in Norway, Denmark, Finland, Germany, Belgium, Italy and Spain.

Justification of the decision

Applicable provisions

Article 4(1) of the GDPR defines the concept of personal data as any information relating to an identified or identifiable natural person.

Article 4.2 states that processing refers to any operation or set of operations which is performed on personal data or on sets of personal data.

According to Article 4.7, the controller entails a natural or legal person, public authority, agency or other body that alone or jointly with others determines the purposes and means of the processing personal data.

The Swedish Authority for Privacy Protection's assessment

The Swedish SA constituted that processing of personal data has taken place by the emails sent with direct marketing to the complainant's e-mail address. However, the company had put forward that they are not the controller responsible for the processing of personal data that has taken place. There has been no reason to question the company's information. The case will thus be written off from further investigation.

This decision has been taken by Head of Unit [REDACTED] after presentation by legal adviser [REDACTED]

Notice. This document is an unofficial translation of the Swedish Authority for Privacy Protections (IMY) decision 2021-01-25, no. DI-2020-10546. Only the Swedish version of the decision is deemed authentic.