

## **Final decision**

The present decision refers to the complaint of [REDACTED], lodged with the supervisory authority of Germany, Hamburg, (national reference D51/2470/2018) and submitted to the Luxembourg supervisory authority via IMI under Article 56 procedure 57757.

The complaint was lodged against the controller [REDACTED] (hereinafter “[REDACTED]”), which has its main establishment in Luxembourg. Pursuant to Article 56 GDPR, the Luxembourg National Data Protection Commission (“CNPD”) is therefore competent to act as lead supervisory authority.

## **Scope of the complaint and assessment of the case**

The initial wording of the complaint on IMI stated that:

*“A German client of the [REDACTED] [REDACTED] has requested Access to his personal data. [REDACTED] did not send the data directly but sent him information on how to download it. The complainant is convinced that this way is not reasonable.”*

The complaint is thus based on Article 15 GDPR.

Based on said complaint, the CNPD requested [REDACTED] to provide a detailed description of the issue relating to the complainant’s data processing as per Article 58.1(a) GDPR, in particular as regards the reasons why [REDACTED] advised [REDACTED] to log into his [REDACTED] account and then go on an [REDACTED] webpage where he could request his personal data, instead of complying with the access request directly. The CNPD also requested [REDACTED] to comply with the complainant’s data access request.

The CNPD received the requested information within the set timeframe.

## **Outcome of the case**

Following the enquiry by the Luxembourg supervisory authority, [REDACTED] has demonstrated that:

- [REDACTED] accepts data subject access requests through various channels but needs to properly identify the requestor as holder of the respective customer account in order to make sure to only disclose personal data to the respective data subject.
- The easiest way for the customer to identify themselves, is indeed to log into their [REDACTED] account and submit their request via the designated contact form. However, if the customer does not want this, [REDACTED] clearly stated that it will also comply with other ways of identification.

- In the case at hand, [REDACTED] did not refuse the subject access request but [REDACTED] was not able to properly identify [REDACTED]. on the basis of his e-mail and therefore asked him to preferably use the designated contact form in his customer account.
- Following receipt of the CNPD letter regarding [REDACTED]'s complaint, [REDACTED] contacted the customer asking him to confirm that he is requesting access to his personal data.
- [REDACTED] informed the CNPD that [REDACTED] confirmed that he was requesting access to his personal data and that [REDACTED] was going to work on his data set immediately and make it available to [REDACTED]. once completed.

Thus, based on the information that was provided, the CNPD is of the view that the controller has taken appropriate measures to satisfy the complainants' right of access pursuant to Article 15 of the General Data Protection Regulation.

As the complaint has only a limited personal impact, the CNPD has consulted the supervisory authority of Hamburg (Germany) to determine whether the case could be closed. The CNPD and the supervisory authority of Hamburg (Germany) agreed that, in view of the above, no further action or additional measures are needed and that the cross-border complaint should be closed.

Notwithstanding the closure of this case, the Luxembourg supervisory authority might carry out subsequent actions in exercise of its investigative and corrective powers regarding the data processing activities in the event of new complaints.

A draft decision has been submitted by the CNPD to the other supervisory authorities concerned as per Article 60.3 GDPR (IMI entry number 294009).

As none of the other concerned supervisory authorities has objected to this draft decision within a period of four weeks, the lead supervisory authority and the supervisory authorities concerned shall be deemed to be in agreement with said draft decision and shall be bound by it.

For the National Data Protection Commission