

GZ: D155.079
2023-0.639.391

Sachbearbeiterin [REDACTED]

Data protection complaint (§ 24 DSG)

[REDACTED]. (A56ID 386321)

Subject: Discontinuation of the procedure; Amicable Settlement; Final Decision

The complainant [REDACTED] filed a complaint against [REDACTED] (respondent) to the State Commissioner for Data Protection of Lower Saxony. The complaint was forwarded to the competent lead supervisory authority, the Austrian Data Protection Authority, on 7 April 2022.

In his complaint, the complainant claimed that the respondent had sent him advertisement-e-mails and that he had objected to it. In addition, the complainant requested access and deletion. He contacted the respondent three times by e-mail, but received no reply.

By statement of 12 May 2022, the respondent, represented by a lawyer, indicated that they granted access to the complainant on the same day. As a supplement, the access provided to the complainant was sent.

By additional statement of 2 June 2022, the respondent, represented by a lawyer, stated that the complainant's customer data had been deleted from the database. Only the e-mail address was set in a lock file in order to no longer allow further newsletters to be sent.

On 7 June 2022, the Data Protection Authority sent the Respondent's observations and a letter from the Data Protection Authority to the complainant via the Land Commissioner for Data Protection of Lower Saxony. In that letter, the Data Protection Authority stated that it considered the complaint to be resolved in the sense of an amicable settlement under Paragraph 24(6) of the DSG, due to the reaction of the respondent. The complainant was also asked to state, if necessary, well-founded reasons why he still considers, at least in part, the original infringement not to be remedied. Otherwise, the data protection authority will discontinue the procedure.

By letter dated 3 August 2023, the Land Commissioner for Data Protection of Lower Saxony stated that it had sent the party and the state of proceedings to the complainant by e-mail of 9 June 2022. No statement from the complainant had been received. For example, despite the request, the complainant did not submit any further arguments.

The respondent has granted access and deletion/objection during the proceedings before the data protection authority. Accordingly, pursuant to Section 24(6) of the DSG, the complaint procedure was to be terminated informally as communicated to the complainant by letter from the data protection authority of 7 June 2022.

5. September 2023

Für die Leiterin der Datenschutzbehörde:

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