



IMI FD 517446

521.14435

1. Summary of the case

On 11 August 2021 the representative of the complainant left a review of an accommodation on the platform of the data controller. The data controller operates an online travel marketplace platform. On 3 September 2021 the complainant noticed that the accommodation provider had replied to the review. In this reply the accommodation provider mentioned the full name of the complainants. On the same day the representative of the complainants updated the review and objected to the publication of the complainants' personal data. Also on 3 September 2021 the representative noticed that the reply of the accommodation provider was removed. On 4 September 2021 the representative contacted the data controller to complain about the accommodation provider. On 4 September 2021 the accommodation provider posted an updated reply to the review which, again, contained the full names of the complainants. The representative updated the review and pointed out that the names of the complainants should not be in the reply of the accommodation provider whilst referring to the data protection office of the data controller. The accommodation provider removed their reply on 6 September 2021 and posted an updated reply on 7 September 2021 without mentioning the names of the complainants.

The data controller sent an auto-reply to the representative on 4 September 2021 and another response on 1 October 2021. In this response the data controller informed the representative that they have noted the complaint with the accommodation. The data controller informed the representative that reviews are updated within 10 days and that they should not be able to see the review afterwards. On 2 October 2021 the representative responded to the e-mail of the data controller, explaining that the reply of the accommodation partner has changed multiple times in the meantime and that they do not understand what the data controller means by 'not being able to see the review'. The updated review, without personal data, is still visible according to the complainant. The representative also stated a second issue, that they were concerned that the monitoring mechanism used by the data controller to prevent the publication of names on the platform does not seem to work considering that both the reply of 3 September 2021 and of 4 September 2021 did contain the names of the complainants. The complainants believe that there

is a systematic failure with regard to the publication of names of data subjects in the reviews on their platform.

On 19 August 2022 the responsible SA requested additional information regarding this complaint from the data controller, e.g. how they monitor the reviews. The data controller confirms that it has systems in place that screen for names used in reviews submitted by users of its platform. All review submissions are reviewed by automated systems, which are configured (and updated from time to time) to assess each post for possible non- conformance with data controllers' guidelines and policies. The guidelines include the rule that the accommodation provider's response to a review posted by a guest may not mention any personal information not voluntarily disclosed in the guest's review. These automated systems distinguish between posts that can be published and posts that require manual review by a dedicated team of the data controller.

In this specific case, the response was published while certain names were still visible. When this happens, the data controller's standard process is to promptly delete such posts when they are flagged, e.g. when a customer sends a related message to the data controller's customer service. In this specific case, the accommodation provider on its own initiative removed its post on 6 September after the data subject updated her review on 3 September 2021. The post of the accommodation provider was visible on the data controller's platform from 12 August 2021 until 6 September 2021. This means that the data subject's personal data in the accommodation provider's response was removed within 3 days after the data subject updated their review to complain about it.

In their response to the SA the data controller states, that the content moderating system is not flawless, and that this does not indicate that the measures taken by the data controller to ensure that accommodation providers do not share personal data in their replies are insufficient. If a submission passes the review while still containing personal information, the data subject can flag the submission and the data controller will delete the posts.

2. Legal assessment by the Lead Supervisory Authority

(Norm allegedly infringed: Articles 5, 6, 7, 12, 13, 14 and 17 GDPR)

The Lead Supervisory Authority investigated the case and came to the conclusion that further investigation would be required to gain a deeper understanding of the content moderating system and the exact steps and parameters. The supervisory authority finds such an investigation disproportionate with regard to this specific complaint, considering that the personal data of the complainant was removed within 3 days after the representative updated their review to complain about it. The SA deems this matter investigated to the extent appropriate and rejects the complaint in accordance with Article 60(8) GDPR.