

18 November 2024

J.No. 2023-7329-0002

Doc.no. 644221

Caseworker

Final Decision – IMI A56 69121 / CR 112492

Regarding your complaint about Spotify AB

The Danish Data Protection Agency (hereinafter the Danish DPA) hereby returns to the case where, on 8th of June 2019, you made a complaint about Spotify AB (hereinafter Spotify) to the Danish DPA.

The Danish DPA considered that the specific case involved cross-border processing of personal data. As part of the cooperation mechanism for cross-border cases, the Danish DPA introduced the case to the other EU supervisory authorities. The supervisory authority in Sweden, Integritetsskyddsmyndigheten, has dealt with the case as lead (competent) supervisory authority, in cooperation with the other supervisory authorities. This is due to the fact, that Spotify's main establishment is located in Sweden.

Overall, it appears from your complaint that Spotify has been hacked and, in this connection, usernames and passwords of Spotify's paying customers have been leaked.

The Swedish supervisory authority (hereinafter the Swedish SA) does not take any further action based on your complaint

The Swedish SA has now decided to discontinue its investigation and the case is therefore closed with this letter. The Swedish SA has hereby decided to reject your complaint pursuant to Article 60(8) of the General Data Protection Regulation (hereinafter GDPR).

The reasons for the Swedish SA's decision

According to Article 57(1)(f) of the GDPR, supervisory authorities shall handle complaints lodged by a data subject and investigate, to the extent appropriate, the subject matter of the complaint.

It is apparent from Article 77 of the GDPR that the data subject or his or her representative has the right to lodge a complaint against the processing of data concerning him or her. According to Article 4(1) of the GDPR, personal data is any information relating to an identified or identifiable natural person ('data subject').

The Swedish SA has examined your complaint and has assessed that you cannot be considered a data subject in accordance with Article 77 of the GDPR, and therefore the complaint does not imply an obligation for the Swedish SA to investigate the alleged incident. This is

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because, according to the Swedish SA, it does not appear from your complaint that your personal data has been processed in connection with the hacker attack.

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In addition to the obligation to investigate complaints in accordance with Article 77 of the GDPR, the Swedish SA states that, in the context of complaints, it also has the possibility to initiate self-initiated audits. The Swedish SA's decision whether to initiate an audit is taken on the basis of a risk-based approach in accordance with the supervisory authority's inspection policy. However, following the assessment by the Swedish SA of the circumstances set out in your complaint in conjunction with the supervisory policy of the supervisory authority, the Swedish SA has decided not to initiate self-initiated audit. In this assessment, among other things, the age of the complaint has been taken into account. However, for information purposes, the Swedish SA informs that it has received another complaint concerning a similar incident at Spotify, where the supervisory authority has decided to carry out an audit.

Closing remarks

The Danish DPA considers this case closed, and will therefore take no further action in relation to your complaint.

Decisions of the Danish DPA may not be appealed to any other administrative authority, cf. Section 30 of the Data Protection Act. However, decisions of the Danish DPA may be challenged before the courts, cf. Section 63 of the Constitution.

Kind regards

A solid black rectangular box used to redact the signature of the Danish Data Protection Authority.