



REPUBLIC OF ESTONIA
DATA PROTECTION INSPECTORATE

FOR INTERNAL USE

Holder of information: Data Protection Inspectorate

Notation made: 16.05.2025

The access restriction shall be valid until: 16.05.2100,
for p 2 until entry into force of the Decision

Legal ground: Section 35(1)(2), Section 35(1)(12) of the PIA

All SA's

Our 16.05.2025 No. 2.1-12/24/1032-2402-6

ARTICLE 60 FINAL ADOPTED DECISION**Termination of the proceedings**

On 06.09.2024, the Finnish Data Protection Authority (the Finnish DPA) forwarded to the Estonian Data Protection Inspectorate (the Estonian DPI) ██████████'s (the Complainant) complaint against ██████████ regarding access right.

The Estonian DPI agreed to be the lead supervisory authority in the case and commenced a supervisory procedure¹ based on the complaint. The Estonian DPI has previously been informed that, as of 1 January 2022, ██████████ (hereinafter the Controller, ██████████) will continue to be the controller in all cases related to the ██████████ platform instead of ██████████. ██████████ is also indicated as the data controller in ██████████'s privacy policy. Since ██████████ ██████████ is also an Estonian company whose management board is in Estonia and all decisions concerning data processing are taken in Estonia, the Estonian DPI is the leading supervisory authority in the matter.

Facts of the complaint

According to the complaint, the Complainant received a direct marketing offer from ██████████ at his email address. Since the Complainant was not a customer of ██████████, he wished to know how ██████████ had obtained his contact details and contacted the Controller on 6 September 2023. In its application, the Complainant requested the following information under the GDPR:

- Source of my personal data;
- What my data is needed for;
- How long is my data needed;
- Has my personal data been disclosed - if yes, to whom;
- Has my personal data been transferred outside the EU? If yes, how has the data been protected;
- Does the processing of my data involve automated decision-making – if the answer is yes, what does it (automated decision-making) mean in this case;
- How can I exercise my data subject rights?

On 7 September 2023, the Controller replied to the Complainant, recommending to contact ██████████ via the app or to confirm his e-mail address. The Complainant does not have a ██████████ application and does not wish to download it. The Complainant informed the Controller that he did not have a ██████████ application. On 7 September 2023, the Controller replied to the Complainant that it was not possible to transfer the requested data without identifying the Complainant. On the same day, the

¹ The Estonian DPI commenced proceedings on the basis of Section 56(1) and (3)(8) of the Personal Data Protection Act. Legal basis for requesting clarifications: Sections 57-58 of the Personal Data Protection Act, Section 30(1) and (3) of the Law Enforcement Act, Article 58(1)(a), (e) and (f) of the General Data Protection Regulation.

Complainant asked the Controller which identification methods would be accepted. No further correspondence was annexed to the complaint.

After lodging the complaint, the Complainant informed the supervisory authority on 9 September 2024 that [REDACTED] had replied to him and granted the Complainant access to the personal data, but that the reply did not specify the source of the data or when the data had been received. No further correspondence between the Complainant and the Controller was added to the details of the complaint.

Clarifications by the Controller

The Controller explained that all the requested information had been sent to the Complainant on 1 December 2023, which included:

- 1) A copy of all personal data of the Complainant's user profile;
- 2) A copy of the emails exchanged between the [REDACTED] customer support team and the Complainant;
- 3) An explanatory letter containing information on:
 - the source, storage and collection of the Complainant's personal data;
 - List of third parties to whom the personal data have been disclosed;
 - Information on international transfers and safeguards for limited transfers;
 - Information on automated decision-making;
 - Information on the possibilities of exercising the rights of the Complainant as a data subject.

The Controller forwarded to the Estonian DPI the correspondence exchanged with the Complainant and the reply to the access request, which was sent to the Complainant on 1 December 2023. The Controller also explained that the Complainant had not submitted any further requests to [REDACTED] since 1 December 2023.

As regards the authentication solutions in place, the Controller explained that when a data subject submits a request to [REDACTED] to exercise his or her rights as a data subject (hereinafter DSRR) by e-mail, which is not linked to any existing [REDACTED] account, [REDACTED] checks the person as follows:

- 1) Redirects the data subject to submit his or her DSRR request via the [REDACTED] application - the data subject must be logged in to the [REDACTED] account in order to submit the request via the [REDACTED] application; or
- 2) Invites the data subject to contact [REDACTED] from the email address associated with his account, either by contacting the customer support team, the privacy team or via the online form:
[REDACTED]

The Controller explained that the Complainant submitted his request to [REDACTED] on 6 September 2023 at [REDACTED]. In its database, the [REDACTED] customer support team identified the user profile associated with that email address and verified that it corresponded to the email address in the Complainant's [REDACTED] account. According to the internal rules, the customer support team should have proceeded with the e-mail address verification process and forwarded the DSRR's reply to the Complainant's e-mail. As a result of a human error, the customer support team asked the Complainant to contact it via the [REDACTED] application, after which the Complainant explained that he did not have the [REDACTED] application. The customer support team corrected the error and proceeded with the verification process of the Complainant's email address by sending a verification message to the Complainant's email address. The Complainant confirmed his e-mail address on 8 September 2023. On 1 December 2023, the customer support team sent DSRR's reply to the Complainant's email address, together with all the information requested by the Complainant.

The Controller further stated that, on 22 November 2024, [REDACTED] again sent to the Complainant a the DSRR's reply, to which the time of collection of the personal data was added.

The position of the Estonian Data Protection Inspectorate

1. Under Article 15(1) of the General Data Protection Regulation (GDPR), the data subject has the right to obtain from the controller confirmation as to whether his or her personal data are being processed and, if so, he or she has the right to access his or her personal data and the information listed in Article 15(1) of the GDPR. If the controller receives the data subject's request for information and/or a copy of the personal data being processed, the controller must, pursuant to Article 12(3) GDPR, respond to the data subject's request without undue delay, but not later than within one month. That period may be extended by two months where necessary, taking into account the complexity and number of the request. The controller shall inform the data subject of any such extension and of the reasons for the delay within one month of receipt of the request.
2. On 6 September 2023, the Complainant contacted █████ by e-mail and asked questions concerning the processing of his personal data. There was an error in communication between the Complainant and the Controller in the process of identifying him on 7 September 2023. When specifying the complaint on 9 September 2024, the Complainant indicated to the supervisory authority that it had received access to its personal data from the Controller, but that the reply lacked information on the source of the data and when the Controller received the data. The Complainant assumed that █████ had obtained the data when the company operated under a different name. However, the Complainant did not forward the additional correspondence to the Estonian DPI and did not specify when it received the reply from █████.
3. The Controller assured the Estonian DPI that there was an error in communication with the Complainant due to a human error in the identification process, but the customer support team had corrected the error. It is apparent from the correspondence sent to the Estonian DPI that the error was corrected immediately on the same day and that the verification process was resumed by sending a verification message to the Complainant's email address. The Complainant confirmed his e-mail address on 8 September 2023. On 13 October 2023, the Controller informed the Complainant that it would extend the deadline for adjudicating the request by two months until 7 December 2023 due to the complexity (technical difficulties in obtaining the data and the need for expert work to obtain the information and prepare it for transmission to the Complainant in a comprehensible form). The Complainant obtained access to the data on 1 December 2023.
4. Although the Complainant stated that he had received a reply to its request but that the source of the data had not been indicated, the Estonian DPI took the view that the reply sent to the Complainant by █████ on 1 December 2023 contained information on the various sources of the data. For example, the Controller has indicated that it received the contact details from the Complainant himself. The Complainant himself assumes this in his complaint, stating that he suspects that the contact details come from a single use of the █████ service in 2016. The Estonian DPI explains that █████ changed its name in 2019 and █████ became the new brand.
5. The Complainant also stated, that it had not received a reply from █████ as to when the Controller had received the data. However, in his initial request, the complainant did not ask the controller when the controller received his or her data. █████'s reply to the Complainant indicates the last time the Complainant logged in to the application. As far as the Estonian DPI is aware, the Complainant has not sent any further questions to █████ in response to his DSRR's reply.
6. The Controller explained to the Estonian DPI that, on 22 November 2024, it had again sent the Complainant a reply to the access request, accompanied by the time of collection of the personal data. The Estonian DPI asked the Finnish DPA to contact the Complainant and ask for confirmation that his access request had been answered. The Finnish DPA informed the Estonian DPI that it had not received a reply from the Complainant.
7. In the light of the foregoing, the Estonian DPI takes the view that the Complainant received a response from the Controller to his access request and that his rights under Article 15 of the

GDPR were not infringed by the Controller. Based on the above, the Estonian DPI terminates the supervisory procedure.

8. However, the DPI draws the attention of the Controller to the fact that, under certain conditions, the controller may, if necessary, extend the period for responding to a request for access by an additional two months, taking into account the complexity and number of requests.² The EDPB has provided examples that when information is difficult to find or when further work is needed to make the information intelligible, it can be considered complex. However, the EDPB has underlined that this option is an exception to the general rule and should not be overused. The fact that a large company receives a large number of applications cannot be a reason to extend the deadline for replying to an application. The controller, especially when processing large amounts of data, should have processes and mechanisms in place to be able to handle requests under normal circumstances within 30 days.³

This notice of termination of the supervision proceedings can be challenged within 30 days by submitting an appeal to the administrative court under the Code of Administrative Court Procedure⁴.

Respectfully,



lawyer
authorized by the Director-General

²Article 12(3) GDPR.

³European Data Protection Board. Guidelines 01/2022 on data subject rights – Right of access, ver 2.1, adopted on 28 March 2023, paras 162-164, pp. 51-52.

⁴ <https://www.riigiteataja.ee/en/eli/ee/512122019007/consolide/current>