

Notice: This document is an unofficial translation of the Swedish Authority for Privacy Protection's decision.

COMPLAINANT

See appendix

DATA CONTROLLER

Spotify AB

Diarienummer:
IMY-2024-621

IMI case register:
66495

Datum:
2024-06-27

Final decision under the General Data Protection Regulation – Spotify AB

Decision of the Swedish Authority for Privacy Protection

The Swedish Authority for Privacy Protection (IMY) notes that Spotify AB (556703-7485) has now complied with the applicant's request for access. In the light of the above, IMY finds no reason to take any further action in this case.

The case is closed.

Presentation of the supervisory case

The Swedish Authority for Privacy Protection (IMY) has initiated supervision against Spotify AB (Spotify) due to a complaint. The complainant has been submitted to IMY, as the lead supervisory authority under Article 56 GDPR, by the supervisory authority of the country (Germany) in which the complainant lodged its complaint in accordance with the Regulation's provisions on cooperation in cross-border processing.

Since it is a cross-border complaint, IMY has made use of the mechanisms got cooperation and consistency of the GDPR. All supervisory authorities is concerned.

The complainant essentially states the following: The complainant requested access in accordance of article 15 GDPR from Spotify on the 4th of September 2021. The complainant received an email from Spotify asking the complainant to verify the request for access, by clicking on the verify button in the email. However, the e-mail did not contain a button to click on.

Spotify essentially states the following. Spotify sent an email to the complainant asking him to verify his email address to be able to access the personal information. The complainant contacted Spotify with the information that the verify button in the e-mail that should be used to verify the e-mail address was not shown correctly (not working). Spotify The 10th of September Spotify informed the complainant that the matter had been escalated to Spotifys support team for data protection. Spotify initiated an investigation to investigate whether the problem was an isolated event or if other users also was affected. The 17th of September Spotify stated that the event was isolated to the complainant and that other users was not affected. Spotify believe that the problem appeared due to that the complainants e-mail client was configured on an unique way that prevented the verify button to be shown correctly. This was explained to the complainant in an e-mail the same day.

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According to article 12.3 Spotify informed the complainant, the 28th of September 2021, that it could take more than 30 days to fulfil his request for access if Spotify needed additional time to resolve the technical problem with delivering the personal data.

The 5th of October Spotify sent an email to the complainant with a new link to download his personal information. According to Spotifys intern logs, the complainant managed to download a copy of his personal data the 8th of October.

The complainant was given the opportunity to comment on Spotifys statement. On the 15th of May 2024 the German Data Protection Authority announced that they received feedback from the complainant, saying that, for him, the matter is settled and the case can be closed.

Reasons of the decision

Article 57(1)(f) in the GDPR states that IMY shall handle complaints from data subjects who consider that their personal data are being processed in a manner that violates the GDPR. It also follows from that provision that, where appropriate, IMY must examine the subject matter of the complaint. The CJEU has ruled that the supervisory authority must investigate such complaints with due care.¹

Spotify has stated that the company has given the complainant access to his personal data. The German Data Protection Authority has informed IMY that the complainant, said that, for him, the matter is settled and the case can be closed.

Against this background, IMY does not find any further action to be taken in this case.

The case should therefore be closed.

¹ Schrems II, C 311/18, EU:C:2020:559, paragraph 109