

**CONTROLLER**  
Artisan Konsult Aktiebolag

**Swedish reference number:**  
IMY-2022-1565

**The Baden-Württemberg  
SA reference number:**  
[4400-6-3663]

**IMI case register:**  
[390288]

**Date:**  
2025-07-29

# **Final decision pursuant to Article 60 under the General Data Protection Regulation – Artisan Konsult Aktiebolag**

## **Decision of the Swedish Authority for Privacy Protection**

The Swedish Authority for Privacy Protection finds that Artisan Konsult Aktiebolag (organisation registration number 556326-6104) has processed personal data in breach of

- Article 12(3) GDPR<sup>1</sup> by not informing the complainant without undue delay of the outcome of his request for access; and
- Article 15 of the GDPR by failing to inform the applicant that they did not process his personal data.

The Swedish Authority for Privacy Protection issues Artisan Konsult Aktiebolag a reprimand pursuant to Article 58(2)(b) of the GDPR for the infringements found.

**Postal address:**  
Box 8114  
104 20 Stockholm  
Sweden

**Website:**  
[www.imy.se](http://www.imy.se)

**E-mail:**  
[imy@imy.se](mailto:imy@imy.se)

**Telephone:**  
+46 (8) 657 61 00

---

<sup>1</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

## **Presentation of the supervisory case**

### **The handling of the case**

The Swedish Authority for Privacy Protection, Integritetsskyddsmyndigheten (IMY), has initiated a supervision against Artisan Konsult Aktiebolag (Artisan) due to a complaint. The complaint has been submitted by the supervisory authority of the country where the complaint was lodged (Germany) in accordance with the provisions of the GDPR on cooperation in cross-border processing. The complaint has been submitted to IMY, as lead supervisory authority pursuant to Article 56 of the GDPR.

The case has been handled through written procedure. In light of the complaint relating to cross-border processing, IMY has used the mechanisms for cooperation and consistency contained in Chapter VII of the GDPR. The concerned supervisory authorities in Germany and France.

Following the complaint, IMY has initiated supervision in order to investigate whether Artisan has received and handled the complainant's request for access in accordance with the requirements of the GDPR, Articles 12 and 15.

It can be noted that the issue of a possible request for access to a controller other than Artisan is not the subject of the complaint and is therefore not part of the current supervision.

### **The complaint**

The complainant has essentially stated the following. The applicant requested access to his personal data on August 3<sup>rd</sup> 2021 because he wanted to know what of his personal data that were processed by Artisan and why. Artisan has not handled his request. In support of his complaint, the complainant has attached a copy of a message from his e-mail outbox, showing that his request had been sent from his e-mail address on that specific date.

### **What Artisan has stated**

Artisan has essentially stated the following. They own the email address to which the complainant has sent its request. They do not currently have any information registered about this request. Nobody from their staff has any memory of the fact that the request in question was received by them. It is not impossible that the applicant's request has ended up in their 'spam inbox'. If this is the case, they send their apologies for this. In their internal system, there is no information about any person with the complainant's name. If there has been any information about the complainant, including e-mails, in their internal company systems, it has been screened since 2021. Artisan is a software company. Artisan has thus stated that if the complainant considers that his personal data has been processed in one of Artisan's customers' programmes, the complainant must turn to the customer in question, who in that case is the data controller then.

### **Opportunity for a statement from the complainant**

On July 16<sup>th</sup> 2024, IMY asked the German data protection authority in Baden-Württemberg to forward Artisan's statement to the complainant. IMY asked the data protection authority in Baden-Württemberg to inform the complainant that failure to

reply within a time limit of four weeks could mean that IMY makes a decision on the basis of existing evidence. On August 29<sup>th</sup> 2024, the German data protection authority in Baden-Württemberg informed IMY that the complainant had been given the opportunity to comment on Artisan's statement but that the complainant had not responded.

## Motivation for the decision

### Applicable provisions

According to Article 12(3) GDPR, on a request, the controller shall provide the data subject, without undue delay and in any event no later than one month after receipt of the request, with information on the measures taken pursuant to, inter alia, Article 15.

It follows, inter alia, from Article 15 of the GDPR that the data subject has the right to obtain confirmation from the controller as to whether or not personal data relating to him or her is being processed.

### Assessment

In the light of Artisan's statement, IMY concludes that they have not provided the complainant with information as to whether Artisan was processing his data, or at all responded to the complainant's request.

Against this background, IMY concludes that Artisan has therefore processed personal data in breach of Article 12(3) of the GDPR by not informing the complainant without undue delay of the outcome of his request for access.

Artisan has also processed personal data in breach of Article 15 by failing to inform the applicant that they had not processed his personal data.

### Choice of corrective measure

Pursuant to Article 58(2)(i) and Article 83(2) of the GDPR, IMY has the power to impose administrative fines in accordance with Article 83 of the GDPR. Depending on the circumstances of the case, administrative fines shall be imposed in addition to or instead of the other measures referred to in Article 58(2) of the GDPR, such as injunctions and prohibitions. Furthermore, Article 83(2) of the GDPR determines the factors to be considered when imposing administrative fines and when determining the amount of the fine. In the case of a minor infringement, IMY may, as stated in recital 148 of the GDPR, instead of imposing a fine, issue a reprimand pursuant to Article 58(2)(b) of the GDPR. Aggravating and mitigating circumstances of the case need to be taken into consideration. These could include the nature, gravity and duration of the infringement as well as past infringements of relevance.

IMY has considered the following relevant facts. The current supervision covers Artisan's handling of an individual complainant's request for access. IMY has found that Artisan has processed personal data in breach of Article 12(3) of the GDPR by not informing the complainant without undue delay of the outcome of his request for access and Article 15 of the GDPR by failing to inform the complainant that Artisan did not process his personal data.

Mitigating the infringements, it should be taken into account that Artisan apologised to the complainant and informed him that they had not processed any information relating to him in a document communicated to him under this supervision. Artisan has also in

the same letter clarified how the complainant can get in touch with the right controller. Against this background, IMY finds no reason to order Artisan to send any further information to the complainant. Furthermore, the identified infringements have occurred relatively far back in time (2021).

In a certain aggravating direction, it is taken into account that the complainant's right of access has been left unanswered until the communication that has now taken place following the supervision. According to what has emerged during the investigation, this may have however been due to a temporary system failure at Artisan's.

Against this background, IMY considers that these are minor infringements within the meaning of recital 148 of the GDPR and that Artisan is to be given a reprimand pursuant to Article 58(2)(b) of the GDPR.