



27 November 2024

*Notice: This document is an unofficial translation of the Office of the Data Protection Ombudsman's decision.*

## Decision

### Case

Decision on dismissing a complaint pursuant to Article 60(8) of the GDPR

### Complainant

■

### Data controller

■

### Background of the proceedings

On 27 November 2018, the complainant reported to the Office of the Data Protection Ombudsman that he has noticed incorrect processing of personal data by ■. According to the complainant, when ordering goods and choosing ■'s invoice as a paying method, the automatic filling feature has a security problem with relation to protecting personal data from unauthorised access.

The matter has previously been processed by the Office of the Data Protection Ombudsman under registration number 8527/163/18 and, due to a technical change in the system, the processing of the matter continues at present under registration number TSV/8/2018.

■ headquarters are located in Sweden. Therefore, pursuant to the provisions of Chapter VII of the General Data Protection Regulation (EU) 2016/679 (GDPR) on the processing of cross-border cases, the Office of the Data Protection Ombudsman has transferred the case to the Swedish Supervisory Authority (Integritesskydds myndigheten). Pursuant to Article 56 of the GDPR, the Swedish Supervisory Authority is the responsible lead supervisory authority for processing a complaint concerning the processing of personal data by the data controller.

On 19 February 2024, the Swedish Supervisory Authority informed the complainant that the Swedish Supervisory Authority has started an investigation regarding the automatic filling of the ■ Checkout service. At the same time, the Swedish Supervisory Authority has asked

the complainant to confirm whether the complainant's complaint is still relevant for her. The Swedish Supervisory Authority asked also does the complainant demand that the Swedish Supervisory Authority investigates whether the complainant's data protection rights have been infringed in the processing of personal data by the data controller.

In its inquiry, the Swedish Supervisory Authority also indicated that if the complainant does not respond to the inquiry in any way within two weeks deadline, the Swedish Supervisory Authority will assume that the complainant's complaint is no longer relevant to her and the Swedish Supervisory Authority will close processing of the complainant's case. The Office of the Data Protection Ombudsman forwarded the request of the Swedish Supervisory Authority to the complainant by e-mail.

The complainant did not submit a reply by the deadline of 5 March 2024.

On 11 March 2024, The Swedish Supervisory Authority submitted a draft decision in the context of the cooperation procedure between the authorities under Article 60 of the GDPR. In the draft decision, the Swedish Supervisory Authority states that, pursuant to Article 57(1)(f) GDPR, the Swedish Supervisory Authority is the competent supervisory authority to investigate the subject matter of the complaint to the extent required by its nature. Furthermore, pursuant to a decision of the Court of Justice (Schrems II, C-311/18, EU:C:2020:559, 109), the supervisory authority must investigate such complaints with due care.

According to the draft decision, the complainant had been informed that if the Swedish Supervisory Authority does not receive any reply from the complainant, the Swedish Supervisory Authority assumes that the complainant no longer wishes to pursue her case and that the processing of her case may be closed. The complainant has not replied to the inquiry within the given deadline and therefore, in accordance with the draft decision, the Swedish Supervisory Authority does not consider it necessary to continue the investigation of the complainant's complaint. The Swedish Supervisory Authority proposes that the case will be closed.

## **Decision of the Data Protection Ombudsman and its reasoning**

### **Decision of the Data Protection Ombudsman**

The complainant's complaint is dismissed.

### **Reasoning**

Article 60 of the GDPR regulates cooperation between the lead supervisory authority and other supervisory authorities concerned. According to Article 60(8) GDPR, if a complaint is dismissed or rejected, the supervisory authority with which the complaint was lodged shall adopt a decision and notify it to the complainant and shall inform the controller thereof.

Under Article 78(1) of the GDPR, each natural or legal person shall have the right to an effective judicial remedy against a legally binding decision of a supervisory authority concerning them. Under section 31 of the

Finnish Administrative Procedure Act (434/2003), the authority must ensure that the matter is sufficiently and appropriately investigated by obtaining the information and clarifications necessary to resolve the case.

The Data Protection Ombudsman must therefore issue an appealable decision under Articles 60 and 78 of the GDPR.

The Swedish Supervisory Authority is competent to investigate the complainant's complaint as the lead supervisory authority. The Office of the Data Protection Ombudsman is the supervisory authority concerned in the case. The complainant's complaint has been lodged with the Office of the Data Protection Ombudsman, which has transferred the case to the Swedish Supervisory Authority.

The complainant did not respond to the Swedish Supervisory Authority's inquiry whether the case is still relevant for the complainant. Upon sending the inquiry, the complainant has been informed that if the complainant does not reply within the given time limit, the case will be closed, and the Swedish Supervisory Authority will assume that the matter is no longer relevant to the complainant. The Swedish Supervisory Authority has announced that it has an ongoing investigation regarding [REDACTED]'s Checkout service. On that basis, the Data Protection Ombudsman decides the matter in accordance with the draft decision of the Swedish Supervisory Authority of 11 March 2024 and dismisses the complainant's complaint as a separate matter.

## Appeals

According to section 25 of the Data Protection Act (1050/2018), this decision may be appealed in the Administrative Court by lodging an appeal in accordance with the provisions of the Administrative Judicial Procedure Act (808/2019). Appeals shall be lodged in the Administrative Court.

The appeal instructions are enclosed.

## Service of notice

The service of notice of the decision shall be effected by post against a certificate of service in accordance with section 60 of the Administrative Procedure Act (434/2003).

## Further information on this decision is provided by the referendary

[REDACTED] Senior Officer, tel. [REDACTED]

[REDACTED]  
Deputy Data Protection Ombudsman

[REDACTED]  
Senior Officer



## Distribution

The complainant  
The data controller  
The Swedish Supervisory Authority and other supervisory authorities  
concerned

## Contact information

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