

LDA Brandenburg - Stahnsdorfer Damm 77 - 14532 Kleinmachnow

Legal area

██████████
Managing Director
████████████████████
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████████████████████

Date: 6 August 2024

Processor: ██████████

Phone: ██████████

Fax: ██████████

Sign: ████████████████████

(Please indicate character in reply)

Messaging (PGP encryption):

Data Protection Officer ██████████
██████████
████████████████████

**Obligation to erase and scope of information in accordance with Art. 15, 17 of the
General Data Protection
Regulation (GDPR) - Final message**

- Complaint lodged by ██████████ with the Commission Nationale de l'Informatique et des Libertés (CNIL) of 17 December 2018
- Most recently: Your statement from 3 December 2019

Dear ██████████
Dear ██████████

Thank you for your above-mentioned statement. We would like to inform you that a final assessment of the facts has been made. We will close the case without taking any further action.

As the present case involves a cross-border situation, this assessment is carried out in accordance with Art. 60 et seq. GDPR in consultation with the European supervisory authorities concerned.

I. Facts of the case

On 17 December 2018, the complainant filed a complaint with the French supervisory authority (CNIL), in which he objected to ██████████ not providing him with complete information. In addition, he had received marketing emails from ██████████ addressed to him under the user name he used on ██████████ (social handle) after he had received confirmation that his user account had been deleted.

We then consulted ██████████ on several occasions and also discussed the matter in an on-site inspection. We also discussed the transmission of passwords in response to requests for

information via email, Art. 32 GDPR. According to our findings, the complaint was initially divided into three different aspects:

- a) Scope of the information to be provided in accordance with Art. 15 GDPR,
- b) Delayed deletion and thus temporarily unlawful data processing, Art. 17 GDPR,
- c) Technical and organisational measures, Art. 32 GDPR.

With regard to point c), we refer you in full to the administrative offence proceedings conducted by our authority (ref. ██████████). The facts of the case have already been conclusively assessed in these proceedings.

With regard to point a) ██████████ announced that it had switched from a manual to an automated information process in 2019. It will be decided on a case-by-case basis in accordance with Art. 15 para. 4 GDPR whether the interests of the users outweigh those of ██████████ in the protection of its business secrets.

According to ██████████, the internal cancellation process (point b) had been adjusted and thus responded to the technical problem underlying the complaint. A daily synchronisation between ██████████ and ██████████ accounts had been introduced, which had previously only taken place on a weekly basis. A technical error in this weekly synchronisation had caused the delayed deletion in the complainant's case. Finally, the separation between ██████████ and ██████████ accounts had been completely cancelled. The complainant's ██████████ account was blocked on ██████████ on 15 July 2019 and deleted on 17 July 2019.

II. Legal assessment

According to our findings, point b) of Art. 17 (1) GDPR has been violated. However, we refrain from taking further measures in the present case. On the one hand, this is based on reasons of proportionality. On the other hand, ██████████ consistently showed a willingness to cooperate in the proceedings and immediately carried out technical adjustments after the cause of the delayed deletion was identified.

According to our findings, there was no violation of Art. 15 para. 1 GDPR with regard to point a). However, we would like to expressly point out that, in our opinion, the complainant must always be informed in as much detail as possible about the reasons for blocking their account. This is because users must have the opportunity to take action against a potentially unauthorised account block. In individual cases, this must be weighed up against the legitimate interests of ██████████ in accordance with Art. 15 Para. 4 GDPR. In the present case, the complainant should have been informed of these reasons in more detail and at least in general terms. However, in our experience from other proceedings, ██████████ has since adjusted the scope of the information provided and now provides more detailed information about the reasons for blocking an account. In addition, ██████████ changed the information process from a manual to an automatic one in 2019. We also refer to our letters of 2 July 2019 and 8 November 2019. A breach of data protection law could therefore not be established.

We hereby conclude the proceedings.

Finally, we expressly point out that the assessment made here is based on the assumption that the adjustments of ██████████ mentioned above (under I.) will be maintained in the future.

Notice of legal remedies:

An action against this decision may be brought before the Potsdam Administrative Court, Friedrich-Ebert-Straße 32, 14469 Potsdam, within one month of notification.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.