



Dear complainant

Your ref.	Our ref	Handled by	Bratislava
	00288/2024-Os-3		16.04.2024

RE:  
Information about the SA' decision

On January 20, 2023, the Office for the Personal Data Protection of the Slovak Republic (hereinafter referred to as the "Office") has received your complaint against the company CD Consulting s.r.o., with registered office at Příkop 843/4, 602 00 Brno, ID number: 264 29 705 (hereinafter referred to as the "Company" or "CD Consulting s.r.o.>").

In the complaint, you ask to withdraw your consent to the processing of your personal data in the scope of first name, surname, permanent residence, email address and telephone number, which you provided to Pohotovost s.r.o. for the purpose of providing a loan, while the claim in question was transferred to the company CD Consulting, s.r.o. and you requested their deletion. You stated that CD Consulting, s.r.o. exceeds its powers by contacting your loved ones and damaging your reputation, thereby interfering with your right to privacy. The complaint also included a copy of the delivery note addressed to the CD Consulting s.r.o. You have delivered evidence to the Office in the form of copies of e-mails dated February 24, 23, 21, 15, 14, 2023, list of phone calls (date of call, phone number), list of SMS communication (date of receipt of SMS , phone number, SMS text).

Pursuant to Art. 55 (1) GDPR, Each supervisory authority shall be competent for the performance of the tasks assigned to and the exercise of the powers conferred on it in accordance with this Regulation on the territory of its own Member State.  
Pursuant to Art. 56 (1) GDPR, Without prejudice to Article 55, the supervisory authority of the main establishment or of the single establishment of the controller or processor shall be competent to act as lead supervisory authority for the cross-border processing carried out by that controller or processor in accordance with the procedure provided in Article 60.

Pursuant to Art. 60(7) GDPR, The lead supervisory authority shall adopt and notify the decision to the main establishment or single establishment of the controller or processor, as the case may be and inform the other supervisory authorities concerned and the Board of the decision in question, including a summary of the relevant facts and grounds. The supervisory authority with which a complaint has been lodged shall inform the complainant on the decision.



Pursuant to Art. 60(8) GDPR, By derogation from paragraph 7, where a complaint is dismissed or rejected, the supervisory authority with which the complaint was lodged shall adopt the decision and notify it to the complainant and shall inform the controller thereof.

Pursuant to Sec 99 (4) of the Slovak Data PROtection Act no. 18/2018 Coll., If the complaint of the data subject pursuant to Sec. 100 concerns a controller or a processor, where the supervisory authority of the main establishment or the sole establishment of the controller or processor is responsible for cross-border processing carried out by the controller or processor according to a special regulation (hereinafter referred to as the "lead supervisory authority"), the office proceeds according to a special regulation.

The Office sent you letter no. 00272/2023-Os-5 dated March 6,2023 to inform you that your complaint is of cross-border processing of personal data, since the controller is established in the Czech Republic and it is likely that the processing of personal data significantly affects the persons concerned in several European member states. The Office therefore requested the Czech supervisory authority to deal with the matter in question, as it is within the meaning of Art. 56 of the GDPR entitled to investigate the matter. The Office is the supervisory authority concerned for the cross-border processing of personal data, because you submitted you complaint to it. The Office and the Czech supervisory authority provided each other with relevant information and assistance in the matter in question for the sake of consistent implementation and application of the GDPR and adopted measures for effective mutual cooperation.

The office hereby informs you that the Czech supervisory authority has investigated the matter, while contacting the company with a request for information on July 28, 2023, in which the company was invited to comment on your complaint.

In its reply dated August 10, 2023, the company stated that it had received from the company Pohotovost s.r.o. forwarded endorsed promissory notes no. 401200102 and no. 40120016, which were issued as promissory notes, with a no-objection clause. Therefore, CD Consulting, s.r.o. processed your personal data on a legal basis according to Art. 6 par. 1 letter b) GDPR (performance of a contract). You were informed by Pohotovost s.r.o. in a letter dated December 11, 2015 about the fact that the company Pohotovost s.r.o. forwarded the receivables from the bills in question,. Currently, the company CD Consulting, s.r.o. no longer processes your personal data because the collection of your claim has been completed. CD Consulting, s.r.o. responded to your withdrawal of consent to the processing of personal data in a letter dated August 10, 2023, which was attached together with its statement. In this letter, it announced that your personal data was processed in connection with debt collection, that this collection has already been completed and your personal data has been deleted.

Summary and proposed procedure of the Czech supervisory authority as the lead supervisory authority:

From the findings of the Czech supervisory authority, it follows that the company was owned by the company Pohotovost s.r.o. transferred rights from promissory notes in which the complainant was the debtor. As can be seen from the documents submitted by the complainant,



as well as the company's statements, the company processed the complainant's personal data in connection with the recovery of the payment of the promissory note amount associated with the promissory notes in question.

The company therefore processed the complainant's personal data from the position of the owner of the bills in accordance with Art. 6 par. 1 letter b) GDPR when processing is necessary for the performance of a contract to which the data subject is party. The company did not process the complainant's personal data based on his consent to the processing of personal data [Art. 6 (a) GDPR] and therefore had no obligation to comply with his request for deletion of his personal data.

In view of the above, the Czech supervisory authority proposed to reject your complaint in accordance with Art. 60 par. 8 GDPR.

The Office hereby informs you in accordance with Art. 60 (8) of the GDPR that the Office has hereby accepted the decision of the Czech supervisory authority to reject your complaint against the company CD Consulting, s.r.o. and considering the findings of the Czech supervisory authority as the leading supervisory authority for cross-border processing of personal data, the Office considers the matter as closed. At the same time, the Office hereby informs you that it is not competent to assess the rights and obligations arising from the contractual relationship, the court is competent to do that. This does not affect your right to claim protection of personality in the relevant court.

Sincerely

Head of the department  
of administrative proceedings

