February 13, 2025

# Final Decision

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| IMI Article 56 entry | 715190 |
| IMI Case Register entry | 720846 |
| IMI Article 60 Draft Decision entry | 723201 |
| National file number | 90.25.73:0001 |
| Controller | [redacted] |
| Date of complaint | 13 May 2024 |

With regard to the abovementioned case and pursuant to Article 60(3) of the General Data Protection Regulation (GDPR), the Hessian Commissioner for Data Protection and Freedom of Information (hereinafter: DE-Hessen DPA) has issued the following decision:

## Summary of the complaint

The Ireland based complainant lodged a complaint with the Irish DPA on 13 May 2024 which indicated the following:

The complainant opened an online bank account which they had lodged a large amount of money in. On 19 April 2024, the complainant received a phone call from another individual who stated they had been sent the complainant's personal details including their passport number, phone number, pps number, date of birth, full postal address and email address. The complainant then withdrew their money as they had lost faith in the bank. The complainant was in contact with the controller in this regard, but is not satisfied with the response received.

## Investigation by the DE-Hessen DPA

The DE-Hessen DPA found that the incident reported by the complainant had previously already been reported by the controller on April 22, 2024 as a data breach notification pursuant to Article 33 GDPR.

The controller provided the following information on the facts of the case:

The controller offers customers the opportunity to invest money with a large number of selected credit institutions in the European Economic Area (so-called "partner banks") via the internet platform "[redacted]".



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Transaction accounts are set up for customers to process the investment. If a customer has opted for an investment, they can transfer money from their house bank (so-called “reference account”) to the transaction account. From this account, the customer's money is transferred to the partner bank(s) chosen by the customer.

On 19 April 2024, a customer (hereinafter: concerned data subject) contacted the controller's customer service and informed them that their account opening document could be viewed by another customer (hereinafter: unauthorized recipient) in their online banking. This was due to a manual processing error by a customer service employee on 18 April 2024, as a result of which the account opening document was deposited in the online banking of the unauthorized recipient.

After finding the documents in online banking, the unauthorized recipient informed the concerned data subject.

The account opening document contained the following personal data:

- Full name
- Telephone number / e-mail address
- Passport number
- Address
- Date of birth
- Tax number

The controller immediately removed the account opening document stored in the wrong account so that the data of the data subject concerned is no longer visible to the unauthorized recipient.

The controller informed the data subject concerned on 19 April 2024 about the status and the measures taken.

Further, in a letter dated 19 April 2024, the controller asked the unauthorized recipient to confirm that the account opening document received in error will be destroyed and that the data will not be further processed, transmitted or stored after contact has been made with the data subject.

In addition, the controller has made the employees and specialist departments involved aware of the need to exercise particular care in the case of manual activities. The controller endeavors to avoid manual processes as far as possible, but this was not possible in this specific case. Furthermore, the controller is currently examining what further training and awareness-raising measures are necessary for customer service.



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## Action taken by the DE-Hessen DPA

Considering the above, the DE-Hessen DPA considers the complaint investigated to the extent appropriate and resolved. The DE-Hessen DPA investigated the incident and came to the conclusion that the complainant's personal data was not processed by the controller in a manner that ensured appropriate security of said personal data and that the incident therefore constitutes an infringement of Article 5(1)(f) GDPR. The measures taken by the controller are deemed necessary and appropriate to the circumstances. Supervisory measures are not to be imposed due to Section 43 (4) of the Federal Data Protection Act (Bundesdatenschutzgesetz; BDSG). Therefore, the DE-Hessen DPA closes this case without taking further action.

The DE-Hessen DPA



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