



National case no. 00376/2025, prev. 00268/2024-Os (2025/0376/10169/OSK)

IMI Art.56: 189255
Case register no. 339202

In Bratislava, Slovakia
17.07.2025

Official record

to discontinue the processing regarding the complaint pursuant to Sec. 100 (5) of the Act no. 18/2018 Coll. on Personal Data Protection and amending and supplementing certain Acts (hereinafter referred as „Slovak Data Protection Act“)

On March 25, 2021 the Spain Supervisory Authority (Spanish Agency for Data Protection) (hereinafter referred to as “Spain SA“) contacted the Office for Personal Data Protection of the Slovak Republic (hereinafter the “Slovak SA“) via the internal IMI system (Art. 56 - IMI no. 189255 - identification of LSA and CSA procedure).

Spain SA received a complaint from a Spain citizen – _____ (hereinafter referred as _____, _____ or „complainant“) against controller established in Slovakia: **Hyperia s.r.o., Na bráne 8665/4, 010 01 Žilina, register no. 47 136 961** (hereinafter referred as „controller“ or „Hyperia s.r.o.“). The complainant claims that when carrying out a search on Google by his name and surname, the result pages display a link in which appears his name and surname and a copy of a text he publishes in his LinkedIn profile. The link is in relation with the website www.bodegasbiosca.es, but when clicking on it, it is not accessible to that website, but to www.topsolicitud.es, which is managed by a company in the Slovak Republic and against which the complaint is directed. The complainant requests to stop the processing of his data by both the web and the controller.

After examining the case, the Office on the basis of the provisions of Sec. 100 (5) (a) of Slovak Data Protection Act, decides to **discontinue** the complaint [national case no. 00268/2024-Os (prev. 01112/2023-Os, 00828/2021-Os), IMI no. A56 189255, Case register 339202].

REASONING

On March 25, 2021 the Spain Supervisory Authority (Spanish Agency for Data Protection) (hereinafter referred to as “Spain SA“) contacted the Office for Personal Data Protection of the Slovak Republic (hereinafter the “Slovak SA“) via the internal IMI system (Art. 56 - IMI no. 189255 - identification of LSA and CSA procedure).

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to be related to a fraudulent use of the SEO positioning tool known as “rich snippet”, which can be used for fraudulent purposes (spam, distorted image of sites, misleading redirects, etc.). The complainant requests to stop the processing of his data by both the web and the controller.

Complainant wrote, quote (unofficial translation): *"By putting my first name and surname on Google's search engine, I received a worrying entry, associated with my first name and surname, and my profile on the LinkedIn network, which appears as 'security loan AbsysNet — Loans'. I must say that I am neither an employer nor a self-employed person, but a natural person who, when I work as an employee, I am not involved for anything regarding the finance sector. Thus, the content associated with the link to my LinkedIn profile to position themselves, at the expense of my name and contents of that network (personal and non-commercial data), does not have my consent to the 'topsolicitud.es' website, or to the Slovak company 'Hyperia S.R.O.', which are credit and loans, which have never been related to both, and use my personal data, which are included in my profile of LinkedIn, for the sale of loans and loans. Thus, given the irregular use of my personal data on a alleged Spanish website, but it seems to be, the company of which is located in the Slovak Republic and, in view of the danger that my personal data will be used as a hook, being dedicated to the financial issue of credits and loans, and there is a myriad of irregularities in the processing of my personal data, without my consent and without any relationship between me and the fraudulent website and company... I request the help of the AEPD in mediating with the counterpart body in Slovakia and ensuring that the above-mentioned websites and companies stop the unlawful processing of my personal data, and even do not know whether Google Spain will be able to withdraw the above entry from its indexer in any way, as it should apply the Data Protection Regulation of the European Union and I understand that it is needed for mediation between Spain and Slovakia in this area, given that the contact details provided on the website are associated with the Slovak Republic, despite the fact that the website is Spanish (.es) and I cannot delete my personal data, since there is no e-mail, address in Spain and it is unknown how to delete them in Slovakia or speak this language."*

According to the findings of the Slovak SA, the website www.topsolicitud.es provides mini loans and quick loans. This page is only in Spanish language, but according to the information available on the website Hyperia s.r.o. established Na bráne 8665/4, 010 01 Žilina, Slovak Republic is the controller.

The Spanish SA asked the Slovak SA by April 25, 2021 to state whether the Slovak SA would be the LSA in this case. Following a preliminary vetting of the complaint and the fact that the controller is established in the Slovak Republic, the Slovak SA accepted its role as LSA and created Case register no. 339202 in IMI system.

Slovak SA has requested the company Hyperia s.r.o. for cooperation, in particular to indicate whether the company Hyperia s.r.o. is the controller in the case; whether the company processes complainant's personal data and if so, to what extent, for what purpose and on what legal basis the data are processed; whether the company disclosed the complainant's data on the website and if so, what is the legal basis and purpose for such disclosure.

The controller answered, quote: *"We are the controller of the website www.topsolicitud.es. We do not process the complainant's personal data, nor do we have the*



Pursuant to Art. 17 GDPR, The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- (a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- (b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or point (a) of Article 9(2), and where there is no other legal ground for the processing;
- (c) the data subject objects to the processing pursuant to Article 21(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2);
- (d) the personal data have been unlawfully processed;
- (e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
- (f) the personal data have been collected in relation to the offer of information society services referred to in Article 8(1).

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 56 (2) GDPR, by derogation from paragraph 1, each supervisory authority shall be competent to handle a complaint lodged with it or a possible infringement of this Regulation, if the subject matter relates only to an establishment in its Member State or substantially affects data subjects only in its Member State.

Pursuant to Art. 78 (1) GDPR, without prejudice to any other administrative or non-judicial remedy, 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

The purpose of personal data protection proceeding (hereafter as “proceeding”) is to determine whether there was any infringement of the rights of natural persons when their personal data were processed or if there was any violation to this Act or GDPR in the area of personal data protection; and, if any deficiencies are identified, if it is reasonable and useful, to impose corrective measures or impose a fine for violation of this Act or GDPR.

Pursuant to Sec. 100 (1) of the Slovak Data Protection Act, the proceeding is initiated based on the complaint of a data subject that claims that his or her rights lay down by this Act are directly influenced (hereafter as “the complainant”), or without a complaint.

Pursuant to Sec. 100 (5) (a) of the Slovak Data Protection Act, (5) The Office shall discontinue the complaint if the complaint is manifestly unfounded.

During the investigation the controller stated that it does not process the complainant's personal data. During the investigation, the Slovak SA found out that the website



www.bodegasbiosca.es is not owned or managed by the controller. The controller has believed that it could be one of its partners who acted in violation of its rules. The controller has declared that the general information to its suppliers in Spain about the rules of cooperation had been sent. The website www.bodegasbiosca.es was blocked. This statement has been verified by Slovak SA by putting the complainant's name and surname to the Google search engine. The name and surname of the complainant is no longer connected to the website www.bodegasbiosca.es or www.topsolicitud.es.

On the basis of abovementioned findings, the Slovak SA decided to discontinue the proceeding regarding the complaint national case no. 00376/2025 pursuant to Sec. 100 (5) (a) of the Slovak Data Protection Act.

Should the new relevant facts be identified, the case could be reviewed in the personal data protection proceedings.

A complaint may be filed against this official record with the Office pursuant to Act No. 9/2010 Coll. on Complaints, or a motion pursuant to Section 31 (1) of Act No. 153/2001 Coll. on the Public Prosecutor's Office as amended. This does not affect the right to an effective judicial remedy against a legally binding decision of the supervisory authority pursuant to Art. 78 (1) GDPR. Pursuant to Art. 78 (1) GDPR, the complainant can also lodge a lawsuit against a legally binding decision of a Slovak SA to Administrative Court in Bratislava, Račianska 153/A831 53 Bratislava, Slovakia. This lawsuit shall meet the requirements of Sec. 57 and Sec. 182 of the Act no. 162/2015 Coll. the Code of Administrative Procedure.

- The complaint pursuant to Act no. 9/2010 Coll. shall be in writing and can be submitted in paper or electronic form.
- The complaint pursuant to Act no. 9/2010 Coll. shall contain the name, surname and address of the complainant. If the complaint is submitted by a legal entity, it shall contain its name and registered office, name and surname of the person authorized to act on its behalf. The complaint in paper form shall contain the complainant's handwritten signature. If it is possible to deliver documents to the complainant in accordance with this Act in electronic form, the complaint may also contain the complainant's address for such service.
- The complaint pursuant to Act no. 9/2010 Coll. Shall be legible and comprehensible. It shall be clear from whom it is directed, what shortcomings it points out and what the complainant claims.

Head of the Department
of administrative proceedings
Office for Personal Data
Protection of the Slovak Republic

