

**COMPLAINANT**

See Appendix

**SUBJECT OF THE SUPERVISION**

iPiccolo  
GDPR@ipiccolo.com

**Ref no:**  
DI-2021-10530

**Date:**  
2024-03-26

# Decision after supervision under the GDPR- iPiccolo

## Decision of the Swedish Authority for Privacy Protection

The Swedish Authority for Privacy Protection (IMY) closes the case.

### Presentation of the supervisory case

IMY has initiated supervision of iPiccolo AB (iPiccolo or the company) in response to three complaints. This decision concerns one of these complaints. A decision concerning the other complaints is taken separately.

The complaint in question has been submitted to IMY as the lead supervisory authority under Article 56 GDPR<sup>1</sup>. The handover took place from the supervisory authority of the country where the complainant lodged his complaint (Finland under national reference number [REDACTED]) in accordance with the Regulation's provisions on cooperation in cross-border processing.

The proceedings at IMY have been carried out by exchange of letters. In view of complaints concerning cross-border processing, IMY has made use of the cooperation and consistency mechanisms provided for in Chapter VII of the GDPR. The relevant supervisory authorities have been the data protection authorities of Germany, Austria, Norway, Finland, Denmark, the Netherlands, Belgium and Italy.

### Statement of reasons for the decision

It follows from Article 57(1)(f) of the GDPR that IMY shall deal with complaints from data subjects who consider that their personal data are being processed in a manner contrary to the Regulation. It also follows from that provision that, where appropriate, IMY must examine the subject matter of the complaint. The CJEU has ruled that the supervisory authority must investigate such complaints with due care.

According to the 23 § of the Administrative Procedure Act (2017:900), an authority must ensure that a case is investigated to the extent required by its nature.

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<sup>1</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

It is apparent from the complaint that, on 20 May 2018, the complainant contacted the company with a request for access in order to be able to take a position on a potential future request for erasure. The company replied to the complainant on 22-23 May 2018 that the complainant needs to submit a written, signed request and send a copy of their identity card, passport, ID card number or other identification document in order to obtain access to its personal data. The complaint does not indicate the date on which the complainant made a request for access to the company. The company replied to the complainant's request on 23 May 2018. It has not been established that the complainant has been in contact with the company after 25 May 2018 to challenge the previous request or to make a new one.

IMY contacted the company with questions regarding, inter alia, when it received the complainant's request for access and whether they had any contact with the company after 25 May 2018. The company stated in their reply to IMY on 26 October 2022 that it cannot track the date of receipt of the request as its customer service system automatically deletes cases after 2 years. They are therefore also unable to trace whether they had had any contact with the complainant after 25 May 2018, but can confirm that they did not have a case with the complainant after 26 October 2020 until the company replied to IMY.

IMY, which has investigated the matter to the extent required by Article 57(1)(f) of the GDPR and 23 § of the Administrative Procedure Act, cannot conclude that the complaint falls within the scope of the GDPR.

The case is closed.

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This decision has been made by the head of unit [REDACTED] after presentation by the legal advisor [REDACTED].

**Appendix:** The complainant's personal data