



*Exempt from public disclosure:*

*Offl. § 13, jf. personopplysningsloven § 24 første ledd 2. punktum*

Your reference

Our reference  
23/03231-11

Date  
03.04.2025

## **Final decision - closure of case**

Datatilsynet refers to your complaint dated 23 August 2023 regarding the collection and use of your personal data, in addition to Datatilsynet's letter to you on 9 December 2024 where we asked for your comments to the case.

### **Decision**

Datatilsynet rejects your complaint.

### **Background**

We informed you on 18 January 2024 that this is a so-called cross-border case. The case is cross-border because Ellos Group Sweden AB's (hereinafter «Ellos») processing of personal data substantially affects data subjects in more than one Member State. To ensure uniform application of the GDPR in the EEA, data protection authorities across the EEA must cooperate in the handling of cross-border cases.

The Swedish Data Protection Authority (also known as "IMY") has acted as lead supervisory authority in the handling of your complaint. We, and one other supervisory authority, have been involved as concerned supervisory authorities.

### **Reasoning for our decision**

The Swedish Data Protection Authority has investigated the subject matter of your complaint, i.e., whether Ellos had legal basis to access your personal data from Folkeregisteret. Based on their investigation, they have found that Ellos is not the controller for this processing, but Ressurs Bank AB.

Ellos has acted as a processor for Ressurs Bank AB in connection with Ressurs Bank AB's regarding a factoring agreement, where Ressurs Bank AB has a customer relationship with you. Processors shall act on behalf of the controller and Ressurs Bank AB is therefore responsible for complying with the legal framework.

The Swedish Data Protection Authority has therefore concluded that your complaint should be rejected and that the case should be closed. All concerned supervisory authorities, including us, agree with such conclusion.

You can submit a new complaint against Resurs Bank AB whom is responsible for the processing if you wish.

Please find below information from the Swedish Data Protection Authority. This information explains how your complaint has been handled and the reasons as to why your complaint should be rejected. As your complaint is to be rejected, the supervisory authority that received your complaint – in this case us – is the one which will adopt the final decision pursuant to Article 60(8) GDPR.

Since the case is cross-border, the following information is written in English. We can help to translate it if needed. If so, we ask you to contact us.

***Presentation of the supervisory case***

*IMY has initiated supervision regarding Ellos Group Sweden AB on November 22nd, 2024.*

*The supervision was initiated due to a complaint that has been submitted to IMY, as lead supervisory authority pursuant to Article 56 of the GDPR. The handover has been made from the supervisory authority of Norway where the complaint was lodged in accordance with the provisions of the GDPR on cooperation in cross-border processing.*

*The complaint stated i.e, that the complainant questioned the legal basis on which Ellos Group Sweden AB (the company) had obtained the complainant's data from the Norwegian population register.*

*Ellos Group Sweden AB ('the company') submitted its statement on December 2nd, 2024, in which Ellos Group Sweden AB stated that the company is not the controller of the processing of the personal data at issue. The company essentially stated the following.*

*Resurs Bank AB (Swedish corporate identity number 516401-0208) is the data controller for the described data processing. The company acts as a data processor for Resurs Bank AB regarding a factoring arrangement, where the company acts as a creditor to its e-commerce customers and where Resurs Bank AB purchases the individual invoices. Resurs Bank AB thus has a customer relationship with the same customer. The company has undertaken in its capacity as data processor to ensure that Resurs Bank AB has accurate information about its customer and collects in connection with the current address information.*

*The complainant has been given the opportunity to give a statement on the company's statement through the Norwegian Data Protection Authority, but has not given a*

*statement.*

***Grounds for the decision***

*Ellos Group AB has stated that the company is not the data controller for the processing of personal data that is subject to supervision. The data controller is according to the definition in Article 4(7) GDPR the legal person which, alone or jointly with others, determines the purposes and means of the processing of personal data. IMY finds no reason to question the company's information that Ellos Group Sweden AB is not the data controller for the processing of data at issue. The case should therefore be closed.*

**Ability to appeal**

This decision has been adopted by us in accordance with Article 56 and Chapter VII of the GDPR, and can therefore not be appealed to the Norwegian Privacy Appeals Board pursuant to Section 22(2) of the Norwegian Personal Data Act (in Norwegian: personopplysningsloven). This decision can nevertheless be challenged before Norwegian courts in accordance with Article 78(1) GDPR.


**Duty of Confidentiality**

Parties to this matter have a duty of confidentiality under Section 13(b) of the Norwegian Public Administration Act regarding the information they receive about the complainant's identity, personal matters and other identifying information, and such information can only be used to the extent necessary to safeguard their interests in this case. Any breach of this duty of confidentiality can be punished pursuant to Section 209 of the Norwegian Penal Code.

In light of the above, we have now closed our case on this matter.

Kind regards

  
Head of Section

  
juridisk seniorrådgiver

*This letter has electronic approval and is therefore not signed*