



**PRESIDENT  
OF THE PERSONAL DATA  
PROTECTION OFFICE**  
Miroslaw Wróblewski

Warsaw, 30 September 2025

DS.523.667.2023. [REDACTED]

**DECISION**

Pursuant to Article 105(1) of the Code of Administrative Procedure of 14 June 1960 (Dz. Journal of Laws 2024, item 572) and Art. 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 Ooh, ooh, ooh. EU L 119, 4.05.2016, p. 1, Journal of Laws Ooh, ooh, ooh. EU L 127, 23.05.2018, p. 2 and Acts Ooh, ooh, ooh. EU L 74, 4.03.2021, p. 35), following the administrative procedure concerning [REDACTED] complaint (registered office: [REDACTED]) regarding the processing of his personal data by [REDACTED] (registered office: [REDACTED]) consisting in making the Complainant's personal data available without a legal basis on the website at [REDACTED] and failing to comply with the request for deletion, President of the Personal Data Protection Office

**discontinues the proceedings.**

**JUSTIFICATION**

The Personal Data Protection Office received a complaint from [REDACTED] (registered office: [REDACTED]) (hereinafter: Complainant) concerning the processing of his personal data by [REDACTED] (registered office: [REDACTED]) (hereinafter: The Company) consisting in making the Complainant's personal data available without a legal basis on the website at [REDACTED] and failing to comply with the request to delete them. In the complaint, the Complainant indicated that on the [REDACTED] website, administered by the Company, the Complainant's personal data are unlawfully stored and made available to the public, in the absence of the obligation to provide information regarding data processing, information on the rights of data subjects, disclosure of the identity of the controller and provision of the possibility of contact with the controller. The complainant also pointed out that, at [REDACTED] entries containing his personal data, including his name, address, workplace address and house number, enabling his identification and content infringing his personal rights published by third parties, had been uploaded against his will and consent.

The complainant pointed out that the entity managing the [REDACTED] website (registered office: [REDACTED]) refused to delete the Complainant's personal data, not respecting the right to be forgotten under art. 17(1) 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 (OJ EU L 119 of 4.05.2016, p. 1; OJ EU L 127 of 23.05.2018, p. 2; and OJ EU L 74 of 4.03.2021, p. 35) (hereinafter referred to as GDPR).

The complainant indicated that the entity managing the server operating the [REDACTED] website refused to provide the contact details of the controller of that website and to provide information on the method and grounds for the processing of personal data. Moreover, in the Complainant's opinion, the publicly available registration data of the website deliberately used false information, which is supposed to create the appearance of not being subject to European Union law, while the server storing the data is located in the territory of the EU (in Germany), which results in the application of the provisions of the GDPR.

At the same time, the Complainant claims that the actual administrator of the website and the controller of personal data may be [REDACTED]. The Complainant infers this conclusion from the analysis of past events: the content was to be modified from a single telephone number by deleting entries concerning the Complainant and making available a new IP address of the Complainant, to which, according to the Complainant, only the website administrator has access.

In view of the above, the Complainant requested the President of the Personal Data Protection Office to verify the legality of the activities of the [REDACTED] website and the activities of the entity managing the website, the website owner and the personal data controller in the light of the provisions of the GDPR, to order the deletion of all entries published at [REDACTED] due to their unlawful nature and lack of consent to the publication and sharing of the Complainant's personal data, and to inform the Complainant of the outcome of the proceedings, including the determined data of the administrator, for the purposes of possible civil claims.

By letter of 11 July 2023, the President of the Personal Data Protection Office asked the Complainant to clearly identify the entity whose acts or omissions are the subject of the complaint. In response to the above request, the Complainant indicated the Company as the complained entity, which, according to the Complainant's statement, is the administrator of the [REDACTED] website and the entity responsible for processing the Complainant's personal data without a legal basis. The Complainant thus maintained that it is the Cypriot entity that should be regarded as the controller of the Complainant's personal data.

In the course of the administrative proceedings, the President of the Personal Data Protection Office established the following facts:

- 1) The President of the Office identified the case as being of a cross-border nature in accordance with Article 4(23) of the GDPR. Therefore, the case was referred through the Internal Market Information System (hereinafter: IMI) to the Cypriot

Supervisory Authority (Commissioner for Personal Data Protection, hereinafter referred to as CPDP) for consideration as lead supervisory authority in accordance with Art. 56(1) GDPR (evidence: letter from the President of the Office of 11 January 2024)

- 2) On 26 March 2024, the President of the Office informed the Complainant that the CPDP had recognised itself as the lead supervisory authority pursuant to Article 56(1)(b)GDPR. (evidence: letter from the President of the Office of 26 March 2024)
- 3) On 20 December 2024, the CPDP informed the President of the Office that, on the basis of the registration data available in the Cypriot Companies Register, on 23 April 2024, it had sent the Company, by registered post, a letter containing a description of the complaint and a request for relevant information. That letter was served on 8 May 2024. The company did not reply to the CPDP's letter. Subsequently, on 18 July 2024, the CPDP re-contacted by letter recalling the controller's statutory obligation to cooperate with the supervisory authority and the authority's competence to impose administrative fines. The letter was served on 2 August 2024, but no reply was received either. The authority also indicated that it had attempted to make telephone contact with the Company under the number provided by the Polish supervisory authority [REDACTED] but this number proved to be non-functional. CPDP pointed out that, during the preliminary verification, no contact details were found on the website [REDACTED] to enable effective communication with the controller. In view of the above findings, the CPDP drew attention to the significant difficulties in continuing the investigation and asked the President of the Office to provide any additional contact information concerning the Company, as well as any proposals as to the further conduct of the procedure. (evidence: Notification No 61VMN 719041)
- 4) On 7 February 2025, the President of the Office sent the Complainant a letter in which he informed the CPDP of the communication and asked the Complainant to provide additional explanations, including information that could help to determine the headquarters of the Company or possible forms of contact with the Company. (evidence: letter from the President of the Office of 7 February 2025)
- 5) On 26 February 2025, the Personal Data Protection Office received a letter from the Complainant in response to the request of 7 February 2025, containing findings that [REDACTED] is listed in the registers at the following address: [REDACTED]. In the event that the service of documents to the address indicated was ineffective, the Complainant indicated that it was justified to contact the company's secretary, [REDACTED], who in Poland is the President of the Management Board of [REDACTED] ([REDACTED]). At the same time, the Complainant requested that the Polish SA send inquiries to the domain registrar [REDACTED] and the

████████████████████ in order to obtain relevant information.  
(evidence: Complainant's letter of 20 February 2025)

- 6) On 14 August 2025, as part of notification No 815153 to the A60DD, the CPDP sent a draft decision terminating the case. The President of the Office has translated the content of the draft decision, the content of which is hereby presented by:

### **[...]Description of the Case**

*According to the complaint, personal data is unlawfully stored and available to the public on the website ████████████████████. There is no information about the processing activities and the identity of the data controller. Instruction or information regarding the data subjects' rights are not available. Contacting the controller was not possible.*

*The link ████████████████████ contains entry and comments about the Complainant, which are posted against his will and without his consent. These posts contain personal data referring to the Complainant as a non-business individual (as an employee of a company), including name and surname, address of residence, workplace address, house number. The Complainant can be identified by the posted information. ████████████████████, the entity managing the website refused to delete the Complainant's data upon request and declined to provide any information regarding controller or the data processing activities. In addition, the entity provided false data that are not covered by the law of the European Union.*

### **Investigation by Cyprus SA**

*Based on the information provided by the Polish SA, the owner of the website is ████████████████████ (the "Company"), registered in Cyprus.*

*Considering the above, the Commissioner for Personal Data Protection in Cyprus is the authority with the primary responsibility for dealing with this cross-border data processing activity.*

*According to the website ████████████████████, ████████████████████ is a social network created to report unknown and harassing phone numbers, warn about threats and phone scams. The privacy policy of the website states it is a public discussion forum and mentions that published phone numbers reflect users' opinions. It also asserts that these numbers do not constitute personal data if they cannot be linked to a specific natural person.*

*On 23 April 2024, our Office sent a letter via registered mail to the Company outlining the complaint and requesting information. Although our letter was duly delivered and received on the 8<sup>th</sup> of May 2024, the Company didn't respond.*

*We, therefore, tried to contact the Company once again on the 18<sup>th</sup> of July 2024. In our second letter we mentioned the obligation of the controllers to cooperate with our Office and the power of the Commissioner to impose administrative fines. This letter was duly delivered on 2 August 2024; however, no response has been received to date.*

We attempted to contact the Company by phone at [REDACTED] several times; but the number appears to be non-functional.

On 20<sup>th</sup> of December 2024, we informed the Polish SA of the above, noting the serious difficulties in proceeding with the investigation.

The Director and Secretary of [REDACTED] are [REDACTED] and [REDACTED], respectively. [REDACTED] has the same registered office with [REDACTED], making further attempts to contact ineffective. No other contact details were available for [REDACTED] or its manager/secretary.

Regarding [REDACTED], who is the Company's Secretary and according to the Polish SA the President of the Board of [REDACTED], we were not able to find any contact detail to reach him directly. Furthermore, [REDACTED] doesn't appear to be linked with the Cypriot Company.

### **Cyprus SA assessment**

*The investigation should be discontinued, and the complaint should be dismissed due to the lack of sufficient information and the unsuccessful efforts to determine the identity and contact details of the controller.*

Cyprus SA

(evidence: memo 21.08.2025)

- 7) The President of the Office agreed with the draft decision and therefore did not comment on it (evidence: memo of 21.08.2025)

After examining all the evidence gathered in the case, the President of the Office considered as follows:

In accordance with Art. 56(1) The supervisory authority of the main establishment or single establishment of the controller or processor shall be competent to act as lead supervisory authority, in accordance with the procedure laid down in Article 60, in respect of cross-border processing carried out by that controller or processor. On the basis of Art. 60(3) GDPR the LSA shall provide the other CSAs with relevant information on the case without delay. It shall without delay submit a draft decision to the other supervisory authorities concerned in order to obtain their opinion and take due account of their comments. According to Art. 60(6) GDPR if within the period referred to in paragraph. 4 and 5, no other supervisory authority concerned shall object to the draft decision submitted by the lead supervisory authority, the lead supervisory authority and the supervisory authorities concerned shall be deemed to have agreed on and be bound by the draft decision.

In accordance with Art. 60(7) GDPR The lead supervisory authority shall adopt the decision and notify it to the main establishment or single establishment of the controller or processor, respectively, and inform the other supervisory authorities concerned and the European Data Protection Board of the decision, together with a summary of the facts and



several times to call [REDACTED], which proved unsuccessful due to the non-functionality of the number.

In this context, the Complainant pointed out that in the event of service being ineffective at the address disclosed in the register, it is reasonable to ask the Company's Secretary, [REDACTED], who is the President of the Management Board of [REDACTED] in Poland. At the same time, the Complainant requested that the President of the Office send inquiries to the domain registrar [REDACTED] and to the [REDACTED] in order to obtain relevant information identifying the administrator or his contact details.

With regard to the above, it should be pointed out that, in accordance with Article 63(2) of the Code of Administrative Procedure of 14 June 1960 (Journal of Laws No. Journal of Laws 2024, item 572), hereinafter referred to as the Code of Administrative Procedure, the application should include at least the name of the person from whom it originates, his address and request, and satisfy other requirements laid down in special regulations. In addition, the subject of an individual complaint addressed to the President of the Office may only be an allegation of infringement of the right to the protection of personal data of the complainant by a specific entity indicated with the full name and address of the registered office or with the name and address in the case of a natural person. The applicable provisions do not provide for the competence of the President of the Office to conduct proceedings at the request of a party regarding the determination of the controller/processor, because he does not have legal instruments (e.g. available to law enforcement authorities) to make the above findings.

In that light, activities consisting in sending inquiries to the domain registrar [REDACTED] and to the [REDACTED] in order to obtain additional information 'allowing for the above findings to be made' would constitute the above-mentioned proceedings at the request of a party concerning the determination of the controller/processor and, as such, would exceed the powers conferred by law on the President of the Office.

In the light of the foregoing, and in particular the content of the draft decision of the CPDP, according to which 'the investigation should be discontinued and the action dismissed on the grounds of insufficient information and unsuccessful efforts to establish the identity and contact details of the controller', it must be concluded that it is objectively impossible to establish the current address of the Company, which prevents the continuation of the proceedings initiated at the request of the Complainant.

Pursuant to Article 105(1) of the Code of Administrative Procedure, where proceedings for any reason have become devoid of purpose in whole or in part, the public administration authority shall issue a decision to discontinue the proceedings in whole or in part, respectively. It follows from that provision that an administrative procedure cannot take place where, during that procedure, the subject-matter of that procedure ceased to exist or no longer existed before the procedure was initiated. In legal literature, it is argued that: "The devoid of purpose of the proceedings will result from several different reasons, which can be divided into subjective (...) and objective. These causes may arise as a result of natural facts or as a result of legal events, such as the death of a natural person (...), the cessation of the legal existence of a legal person or an organisational unit.' (B. Adamiak, J.

Borkowski, 'Code of Administrative Procedure. Commentary', 7th edition, C.H.Beck Publishing House, Warsaw 2005, p. 486). The subjective reason is therefore also the cessation of the legal existence of the entrepreneur as a result of the cessation of business activity.

The establishment by a public authority of the condition referred to in Article 105(1) of the Code of Administrative Procedure obliges it, as is emphasised in legal literature and case-law, to discontinue the proceedings, because there are no grounds for resolving the case on the merits, and the continuation of the proceedings would constitute its defectiveness, having a significant impact on the outcome of the case. The devoid of purpose of the proceedings may also be the result of a change in the facts of the case, as in the present case.

Consequently, in the absence of a legal basis for resolving the merits of the case by means of an administrative decision, there is no longer any need to adjudicate on the case.

In this factual and legal situation, the President of the Office ruled as in the operative part.

The decision is final. On the basis of Art. 2 of the Act of 10 May 2018 on the protection of personal data (Journal of Laws No. Journal of Laws 2019, item 1781) and in conjunction with Articles 13(2), 53(1) and 54 of the Proceedings before Administrative Courts Act of 30 August 2002 (Journal of Laws 2002, No. U. 2024, item 935), the party has the right to lodge a complaint against this decision with the Provincial Administrative Court in Warsaw, within 30 days from the date of notification of this decision, via the President of the Office (address: Personal Data Protection Office , ul. Stanisława Moniuszki 1A, 00-014 Warsaw). The entry for the complaint is 200 zlotys. A party shall have the right to apply for legal aid, including exemption from court costs.