

Having regard to 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 (hereinafter: the ‘**GDPR**’);

Having regard to the Act of 1 August 2018 on the organisation of the National Data Protection Commission and the general data protection framework (hereinafter: the ‘**Law of 1 August 2018**’);

Having regard to the Rules of Procedure of the National Data Protection Commission adopted by Decision No 07AD/2024 of 23 February 2024 (hereinafter: the ‘**ROP**’);

Having regard to the Procedure for complaints before the National Data Protection Commission adopted on 16 October 2020 (hereinafter: the ‘**Complaint Procedure before the CNPD**’);

Having regard to the following:

I. Facts and procedure

1. In the framework of the European cooperation, as provided for in Chapter VII of Regulation (EU) 2016/679 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 or GDPR), the Supervisory Authority of Bavaria (Germany) submitted to the National Data Protection Commission (hereinafter: “the CNPD”) a complaint (national reference of the concerned authority: LDA-1085.3-10709/24-I) via IMI in accordance with Article 61 procedure - 724608.
2. The complaint was lodged against the controller [REDACTED] (hereafter [REDACTED] or “the Controller”), who has its main establishment in Luxembourg. Under Article 56 GDPR, the CNPD is therefore competent to act as the lead supervisory authority.
3. The original IMI claim stated the following:
“The complainant has stated that he has submitted a request for information in accordance with Art. 15 GDPR. The information is not provided on the grounds that the data subject has not been sufficiently verified. The complainant objects to this, as first name, surname, date of birth, address, e-mail address under which the customer account is managed were provided and even a copy of the identity card was sent.”

4. In essence, the complainant asks the CNPD to order the Controller to comply with the complainant's access request.
5. The complaint is therefore based on Article 15 GDPR.
6. On the basis of this complaint and in accordance with Article 57(1)(f) GDPR, the CNPD requested [REDACTED] to take a position on the facts reported by the complainant and to provide a detailed description of the issue relating to the processing of the complainant's personal data, in particular with regard to his right of access.
7. The CNPD received the requested information within the deadlines set.

II. In law

1. Applicable legal provisions

8. Article 77 GDPR provides that *"without prejudice to any other administrative or judicial remedy, every data subject shall have the right to lodge a complaint with a supervisory authority, (...) if the data subject considers that the processing of personal data relating to him or her infringes this Regulation."*
9. In accordance with Article 15 GDPR *"The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information (...)"*;
10. In the cases referred to in Article 11 (2) GDPR, where *"the controller is able to demonstrate that it is not in a position to identify the data subject, the controller shall inform the data subject accordingly, if possible. In such cases, Articles 15 to 20 shall not apply except where the data subject, for the purpose of exercising his or her rights under those articles, provides additional information enabling his or her identification"*.
11. Recital 57 of the GDPR indicates that *"If the personal data processed by a controller do not permit the controller to identify a natural person, the data controller should not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation. However, the controller should not refuse to take additional*

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information provided by the data subject in order to support the exercise of his or her rights. Identification should include the digital identification of a data subject, for example through authentication mechanism such as the same credentials, used by the data subject to log-in to the on-line service offered by the data controller”.

12. Furthermore, in application of Article 12(2) GDPR *“the controller shall facilitate the exercise of data subject rights under Articles 15 to 22”*. Recital 59 GDPR emphasises that *“Modalities should be provided for facilitating the exercise of the data subject’s rights under this Regulation, including mechanisms to request and, if applicable, obtain, free of charge, in particular, access to and rectification or erasure of personal data and the exercise of the right to object. The controller should also provide means for requests to be made electronically, especially where personal data are processed by electronic means.”*
13. Article 56(1) GDPR provides that *“(…) 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”*;
14. According to Article 60(1) GDPR, *“The lead supervisory authority shall cooperate with the other supervisory authorities concerned in accordance with this Article in an endeavour to reach consensus. The lead supervisory authority and the supervisory authorities concerned shall exchange all relevant information with each other”*;
15. According to Article 60(3) GDPR, *“The lead supervisory authority shall, without delay, communicate the relevant information on the matter to the other supervisory authorities concerned. It shall without delay submit a draft decision to the other supervisory authorities concerned for their opinion and take due account of their views”*;

2. In the present case

16. Following the intervention of the Luxembourg supervisory authority, the Controller confirmed that:
 - On 9 April 2024, the complainant’s customer account was blocked. On 13 June 2024, the Controller received his access request. On the same day,

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he was referred to [REDACTED] self-service tool to verify his identity and start the data access process. For security purposes, the Controller requires customers to confirm their identity before it can provide access to their personal data. However, since his customer account was blocked on 9 April 2024, his data access request was unfortunately not processed due to a human error.

- On 16 September 2024, the Controller received the complainant's access request.
- On 17 September 2024, the Controller's customer service asked him to verify his identity by providing a notarized document, which he never did. However, due to a human error, the controller may not have offered him to verify his identity via phone call. To avoid this type of situation in the future, the Controller reminded its competent customer service team how to properly handle these requests.
- Following the CNPD's request, the Controller has reached out to the complainant again and provided his personal data and requested information under Art. 15(1) GDPR on a password-protected USB-stick after he successfully underwent the identity verification process.

3. Outcome of the case

17. The CNPD, in a plenary session, therefore considers that, at the end of the investigation of the present complaint, the Controller has taken appropriate measures to grant the complainant's right of access request, in accordance with Article 15 GDPR.
18. Thus, in the light of the foregoing, and the residual nature of the gravity of the alleged facts and the degree of impact on fundamental rights and freedoms, it does not appear necessary to continue to deal with that complaint. Moreover, the CNPD is of the view that the issue has been resolved in a satisfactory manner.
19. The CNPD then consulted the supervisory authority of Bavaria (Germany), pursuant to Article 60(1), whether it agreed to close the case. The Supervisory Authority of Bavaria has responded that the complainant considers his complaint to be resolved. The CNPD has therefore concluded that no further action was necessary and that the cross-border complaint could be closed.



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In light of the above developments, the National Data Protection Commission, in a plenary session, after having deliberated, decides:

- To close the complaint file 13.356 upon completion of its investigation, in accordance with the Complaints Procedure before the CNPD and after obtaining the agreement of the concerned supervisory authority. As per Article 60(7) GDPR, the lead supervisory authority shall adopt and notify the decision to the main establishment or single establishment of the Controller.

Belvaux, dated 26 September 2025

The National Data Protection Commission

[REDACTED]
Chair

[REDACTED]
Commissioner

[REDACTED]
Commissioner

[REDACTED]
Commissioner

Indication of remedies

This Administrative Decision may be the subject of an appeal for amendment within three months of its notification. Such an action must be brought by the interested party before the administrative court and must be brought by a lawyer at the Court of one of the Bar Associations.