



21 August 2020

Final Decision

Complaint against [REDACTED]

IMI Case: 70419
IMI A61MA: 130234, 131386
IMI A60DD: 133619

The Hessian Commissioner for Data Protection and Freedom of Information (hereinafter “HBDI”) refers to the complaint lodged by [REDACTED] (hereinafter “Complainant”) against [REDACTED] (hereinafter [REDACTED]) with the Polish DPA and transferred to the HBDI via IMI A61MA 130234.

1. Case description

In his complaint, the Complainant requests assistance in clarifying a situation that occurred during a flight with [REDACTED] during which he was issued a flight ban.

The Complainant flew on business from Frankfurt to Nagoya on October 4, 2019. The reservation no. [REDACTED] concerned six persons. An internal report apparently noted misconduct on the part of part of the group, which is why the group was denied a return flight and banned from flying with [REDACTED].

The Complainant contacted [REDACTED] Customer Relations in this regard and asked for the flight ban to be lifted and the costs reimbursed.

This was rejected by [REDACTED]. In this context, the Complainant was informed that the internal report could not be made available due to data protection issues.

2. Investigation outcome

In his complaint lodged with the Polish DPA, the Complainant refers to another passenger who also belonged to the group and who received positive feedback from [REDACTED] following a complaint to the supervisory authority.

It can be assumed that he refers to the case with the IMI Number A61VMN 118772 (national reference numbers: DS.523.527.2020 (DPA Poland); 90.20.46:0064 (DPA Hesse)), as it concerns the same booking number and similar facts.

It should be noted, however, that the complainant in the above-mentioned case lodged a complaint with the Polish Supervisory Authority for failure to provide information pursuant to Article 15 GDPR. In this context, he requested that the internal report be handed over to him. As part of his access request pursuant to Article 15 GDPR, ██████ informed him that the report could not be handed over, since it did not contain any personal data concerning him.

However, the present case is different since there is currently no reference to data protection law. The Complainant only asked for the flight ban to be lifted and the costs reimbursed and, unlike the complainant in the other IMI case, did not exercise an access request pursuant to Article 15 GDPR. Therefore, the case does not raise data protection issues and cannot be clarified by the HBDI but. The matter must rather be decided according to civil law.

3. Decision

On 15 June 2020 the HBDI submitted a Draft Decision (A60DD 133619) stating that the HBDI cannot handle the case due to lack of competence since there is no reference to data protection law and that the complaint is therefore rejected.

No objections to the Draft Decision were raised by the supervisory authorities concerned. The HBDI therefore submits this Final Decision and closes the file.

The Hessian DPA