

**PRESIDENT
PERSONAL DATA
PROTECTION OFFICE
Miroslaw Wróblewski**

Warsaw, 31.12.2025

DS.523.1602.2023. [REDACTED]

DECISION

Pursuant to Article 105(1) of the Code of Administrative Procedure of 14 June 1960 (Journal of Laws 2024, item 572) and Article 60(8) of 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) (hereinafter: GDPR), after conducting an administrative procedure regarding the complaint of [REDACTED] (residence: [REDACTED]) concerning irregularities in the processing of personal data by [REDACTED] (registered office: [REDACTED]), President of the Personal Data Protection Office

discontinues the proceedings.

JUSTIFICATION

The Personal Data Protection Office received a complaint from [REDACTED] (residence: [REDACTED]) (hereinafter: Complainant) concerning infringement of the processing of his personal data by [REDACTED] (registered office: [REDACTED]) (hereinafter: The Company) consisting in the refusal to delete the Complainant's personal data. In the complaint, the Complainant indicated that it was not possible to delete his data after the Company blocked the account. The Complainant then wrote to the Company to delete his data, but the Company refused to grant his request.

In view of the above, the Complainant requested the President of Personal Data Protection Office (hereinafter: PUODO) intervention in helping to delete his data on the Company's website.

In the course of the administrative proceedings, the PUODO established the following facts:

- 1) On 8 March 2023, the Complainant lodged a complaint with the PUODO, in which he forwarded his previous correspondence with the Company, which refused to delete his personal data. (evidence: Complainant's letter of 08/03/2021)

- 2) On 4 April 2023, the PUODO identified the case as having a cross-border nature in accordance with Article 4(23) of the GDPR. Accordingly, on 4 April 2023, the case was referred in notification No 61 VMN 503169.1 via the Internal Market Information System (hereinafter: IMI) to the State Data Protection Inspectorate of the Republic of Lithuania (hereinafter: Lithuania SA) in order to accept the case to be handled by this body as a leading supervisory authority within the meaning of Article 56(1) GDPR. (evidence: memo of 04.04.2023)
- 3) 26.04.2023 Lithuania SA agreed to accept the case as lead supervisory authority and in the notification number 61 VMN 354425.1 (evidence: letter from the PUODO of 26 April 2023)
- 4) 22.07.2025 Lithuania SA submitted a letter informing that in accordance with Article 29(1)(4) of the Law on the Legal Protection of Personal Data of the Republic of Lithuania (hereinafter 'LLPPD') provides that the supervisory authority shall adopt a decision to terminate the examination of a complaint or part thereof if it is established that it is not possible to examine the complaint or part thereof due to a lack of information or other significant circumstances.
- 5) Lithuania SA informed that, by Decision No. 3R-703 (2.13-1.E) of 2 July 2024, the Company was fined EUR 2,385,276 for infringements concerning the improper implementation of Article 5(1)(a) of the GDPR (principles of transparency and fairness) and Article 12(1) and (4) of the GDPR, due to the provision of inadequate responses to data subjects' requests relating to the right to erasure. It should be emphasized, however, that no infringement of Article 17 of the GDPR was established. In view of the above, Lithuania SA requested that the Complainant responds to this letter no later than to this letter by no later than 14 days after service of this letter at the latest, indicating whether they wish to pursue further examination of your complaint. Lithuania SA informed that if no response is received by the specified date, or if the Complainant confirms that further examination of the complaint is no longer relevant, the Inspectorate will treat this as a relevant circumstance constituting grounds for terminating the examination of the complaint pursuant to Article 29(1)(4) of the LLPPD. (evidence: letter from the PUODO of 22.07.2025)
- 6) In the absence of a reply from the Complainant within the deadline, Lithuania SA, via the IMI System, sent the President of the DPO a draft decision on 14 November 2025 in notification A60DD 848302.1, the content of which is presented below:

Lithuania SA found that, In his Complaint, the Applicant stated that his [REDACTED] account had been blocked, which led him to contact the Company to request the deletion of the account. According to the Applicant, the response he received was unsatisfactory.

Lithuania SA, being competent to act as the lead supervisory authority and to submit draft decision on the Complaint of the Applicant (Articles 56 and 60(3) of 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 ("GDPR")) has determined that on 5 and 6 February 2024, the Inspectorate, in cooperation with the supervisory authorities of Germany, the Netherlands, Spain, Poland and France, adopted 54 final decisions concerning the infringements by the Company of Article 5(1)(a) of the GDPR (principles of fairness and transparency) and Articles 12(1) and 12(4) of the GDPR in the context of responding to data subjects' requests for the right to be forgotten (Article 17 of the GDPR). For the infringements found, the Inspectorate imposed an administrative fine of EUR 2 385 276 on the Company by Decision No 3R-702 (2.13-1.E) of 2 July 2024.

Considering that the subject matter of the Applicant's Complaint coincided with the infringements identified on 5 and 6 February 2024 and that on 2 July 2024 an administrative fine was imposed on the Company, the Inspectorate contacted the Polish supervisory authority on the basis of the mutual assistance procedure and requested them to contact the Applicant on the relevance of further examination of the Complaint (Article 61(1) of the GDPR).

On 11 September 2025, the Polish supervisory authority informed the Inspectorate that, after contacting the Applicant and giving him a time limit of 14 days to respond on the relevance of the Complaint, the Applicant did not respond within the set time limit.

Article 29(1)(4) of the Republic of Lithuania Law on Legal Protection of Personal Data ("LLPPD") provides that the supervisory authority shall take a decision to terminate the examination of a complaint or part thereof if, during the examination of a complaint or part thereof, it becomes evident that the complaint or part thereof cannot be considered due to lack of information or other significant circumstances.

In view of the fact that the Applicant did not submit a reply to the letter of the Polish supervisory authority on the relevance of the Complaint, as well as the fact that the subject matter of the Complaint coincided with the infringements found on 5 and 6 February 2024, and the fact that the Company was subject to an administrative fine of EUR 2 385 276 on 2 July 2024 for these infringements, the Inspectorate considers these circumstances to be significant circumstances which constitute grounds for the termination of the examination of the Complaint under Article 29(1)(4) of the LLPPD.

In accordance with the above, as well as with Article 29(1)(4) of the LLPPD and Articles 60(3) and 60(8) of the GDPR, Lithuania SA decides to terminate the examination of the Applicant's Complaint.

(evidence: memo of 18.11.2025)

After examining all the evidence gathered in the case, the PUODO weighed the following.

In accordance with Article 56(1) of the GDPR, 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. Pursuant to Article 60(3) of the 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. In accordance with Article 60(6) of the GDPR where none of the other supervisory authorities concerned has objected to the draft decision submitted by the lead supervisory authority within the period referred to in paragraphs 4 and 5, the lead supervisory authority and the supervisory authorities concerned shall be deemed to be in agreement with that draft decision and shall be bound by it.

In accordance with Article 60(7) of the GDPR the lead supervisory authority shall adopt and notify the decision to the main establishment or single establishment of the controller or processor, as the case may be and inform the other supervisory authorities concerned and the Board of the decision in question, including a summary of the relevant facts and grounds. The supervisory authority with which a complaint has been lodged shall inform the complainant on the decision. However, pursuant to Article 60(8) of the GDPR, by derogation from paragraph 7, where a complaint is dismissed or rejected, the supervisory authority with which the complaint was lodged shall adopt the decision and notify it to the complainant and shall inform the controller thereof.

The above-mentioned provisions have been analyzed by the European Data Protection Board (hereinafter: the EDPB), which states in paragraph 225 of Guidelines 02/2022 on the application of Article 60 GDPR, "Thus, a decision dismissing or rejecting a complaint (or parts of it) should be construed as a situation where the LSA has found, in handling the complaint, that there is no cause of action regarding the complainant's claim, and no action is taken in relation to the controller. In such case, the complaint has to be dismissed or rejected via the decision adopted by the complaint receiving SA, as the case may be."

EDPB in the above mentioned guidelines further states in point 238 that "The CSA, when issuing a decision, must give full effect to the draft decision, which is binding on LSA and other CSAs under Article 60(6) and/or the EDPB binding decision following Article 65(1)(a)."

Lithuania SA, acting as lead supervisory authority pursuant to Article 56(1) GDPR, transmitted on 9 April 2024, pursuant to Article 60(3) GDPR, a draft decision under notification 60DD number 626110.1. Within this notification, Lithuania SA indicated that the draft decision is issued in accordance with Article 60(8) GDPR. The PUODO accepted the draft decision and did not express any reasoned and relevant objection to it. Having regard to the content of Article 60(6) GDPR, this means that the PUODO has agreed with the Lithuania SA on the draft decision and is bound by it.

Pursuant to Article 60(8) GDPR, the PUODO, as the authority with which the complaint was lodged, is competent to adopt the final decision on the case, notify it to the Complainant and inform the controller thereof.

Pursuant to Article 105(1) of the Code of Administrative Procedure of 14 June 1960 (Journal of Laws 2024, item 572) (hereinafter: CAP) , the administrative procedure is discontinued when it is devoid of purpose. Under that provision, where proceedings have become devoid of purpose in whole or in part for any reason, the public authority is to issue a decision to discontinue the proceedings in whole or in part, as appropriate. The wording of that provision leaves no doubt that, if the proceedings are found to be devoid of purpose, the authority conducting those proceedings is obliged to discontinue them. At the same time, the subject-matter literature indicates that the devoid of purpose of the administrative procedure, as provided for in Article 105(1) of the Code of Administrative Procedure, means that one of the elements of the substantive legal relationship is missing, and therefore it is not possible to issue a decision settling the case by ruling on its merits (B. Adamiak, J. Borkowski 'Code of Administrative Procedure. Commentary', 7th edition of C.H. Beck Publishing House, Warsaw 2005, p. 485). The same position was taken by the Provincial Administrative Court in Kraków in its judgment of 27 February 2008 (III SA/Kr 762/2007): 'Proceedings become devoid of purpose where one of the elements of the substantive legal relationship is missing, with the result that the case cannot be settled by a decision on the merits.'

The determination by a public authority of the existence 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, since there are no grounds for ruling on the merits of the case, and the continuation of the proceedings in such a case would constitute its defectiveness, having a significant impact on the outcome of the case.

As indicated by the Supreme Administrative Court in Warsaw in its judgment of 26 September 2001 (V SA 381/01): 'A decision to discontinue proceedings shall be issued by a state administrative authority in accordance with Article 105(1) of the Code of Administrative Procedure where proceedings have become devoid of purpose for any reason, in particular where a party resigns from applying for a specific resolution, where the granting of a specific right has become unnecessary or where the administrative authority finds that there are manifestly no legal or factual grounds for examining the merits of the case.'

In relation to the above, it should be noted that, in the course of the proceedings, Lithuania SA found that the Complainant had no interest in continuing the proceedings, and that, moreover, the subject matter of the complaint overlapped with the infringements found by Lithuania SA in separate proceedings on 5 and 6 February 2024, and the fact that the Company was subject to an administrative fine of EUR 2 385 276 on 2 July 2024 for those infringements, Lithuania SA considered those circumstances to be relevant circumstances that form the basis for concluding the examination of the complaint, and therefore decided, in the draft decision, to terminate the proceedings. Adoption by Lithuania SA of the draft decision pursuant to Article 60(8) of the GDPR and the lack of a relevant and reasoned objection to that draft decision within 4 weeks of its publication means that the PUODO has agreed with Lithuania SA on the conclusion resulting from the draft decision and is bound by it. Consequently, it must be stated that, following Lithuania

SA's determination of the above circumstances in the draft decision, the procedure has become devoid of purpose.

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

Under the authority of the President
of the Personal Data Protection Office
Head of the Cross-border Proceedings Unit
International Cooperation Department
[REDACTED]

The decision is final. On the basis of Article 7(2) of the Act of 10 May 2018 on the protection of personal data (Journal of Laws 2019, item 1781) in conjunction with Article 13(2), Article 53(1) and Article 54 of the Act of 30 August 2002 - Proceedings before Administrative Courts (Journal of Laws 2024, item 935, as amended), a party dissatisfied with this decision has the right to lodge a complaint with the Voivodship Administrative Court in Warsaw within 30 days from the date of its delivery to the party. The complaint is submitted via the President of the Personal Data Protection Office (address: Personal Data Protection Office, ul. Stawki 2, 00-193 Warsaw). The entry from the complaint is 200 PLN. A party has the right to apply for exemption from court costs or the right to assistance.