

The Chairperson

[REDACTED]
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[REDACTED]

Paris, 17th July 2024

Mr Chief Executive Officer,

I am following up on the various exchanges that have taken place between the services of the Commission Nationale de l'Informatique et des Libertés ("CNIL") and those of the [REDACTED] [REDACTED] as part of the investigation of complaint [REDACTED] submitted by the German Lower Saxony Data Protection Authority pursuant to the provisions of Article 56.1 of the General Data Protection Regulation (GDPR).

I. Claims and facts

[REDACTED] has lodged a complaint with the German authority of Lower Saxony concerning the difficulties encountered in exercising his right of access with the [REDACTED]. He requested a copy of his personal data in two emails sent on 22 June 2023 to the addresses [REDACTED] and [REDACTED] respectively. These emails remained unanswered. In particular [REDACTED] wanted to know which categories of personal data relating to shareholders were processed and how long they would be kept after the sale of the shares.

The CNIL has contacted the [REDACTED] to ask about the facts brought to their attention.

In response, the [REDACTED] informed the CNIL that the requests sent by [REDACTED] to the e-mail address of the [REDACTED] company's DPO and to the generic address of the [REDACTED] finance department (indicated on the [REDACTED] website as the contact for investors) had not been processed at the time. She specified that it was only after the CNIL intervened on 12 October with the company's DPO that the alert was given as to the need to respond.

An initial email was then sent to [REDACTED] on 19 October, asking him to provide additional information to verify his status as a shareholder and whether the [REDACTED] held any personal data about him. A second e-mail was then sent to him on 25 October 2023, providing the general information requested regarding the processing of shareholder data.

In its response to the CNIL, the company stressed that the complainant's request did not concern his personal data but asked general questions about the processing of shareholder data and that, in the absence of a response to the emails sent to it on 19 and 25 October, the [REDACTED] could only confirm that it did not hold any personal data concerning him.

Discussions with the [REDACTED] have led me to identify the following points.

II. Analysis of the facts

Failure to comply with obligations relating to the procedures for exercising individual rights

Pursuant to the provisions of Article 12.3 of the RGPD, the data controller is required to respond to the data subject who has made a request for access as soon as possible "*and in any event within one month of receipt of the request*" (Article 12.3 of the RGPD).

In this case, the [REDACTED] confirmed to the CNIL that the emails sent on 22 June 2023 by [REDACTED] to two email addresses recognised as functional [REDACTED] remained unanswered until last October, i.e. four months after his request, and that the requests were only processed following the intervention of the services of the CNIL.

I therefore consider that [REDACTED] has breached Article 12(3) of the GDPR by failing to respond to the data subject within the time limit of one month from receipt of the request.

III. Corrective measure ordered by the CNIL (art. 58-2 of the RGPD)

In view of these factors and in agreement with the other data protection authorities concerned by this processing operation, the [REDACTED] should be ordered to take the following corrective action:

- **A REMINDER TO LEGAL OBLIGATIONS**, in accordance with the provisions of article 58.2.b) of the General Data Protection Regulation (GDPR) and article 20.II of amended law no. 78-17 of 6 January 1978 relating to information technology, files and freedoms.

This decision takes into account the fact that, since the CNIL intervened [REDACTED] [REDACTED] has responded to the complainant's request.

I would like to point out that, in accordance with Article 77 of the RGPD, [REDACTED], the author of the complaint at the origin of this file, has been informed of this decision.

This decision, which concludes the investigation of the complaint, does not preclude the CNIL from making use, particularly in the event of new complaints, of all the other powers conferred on it by the GDPR and by the aforementioned amended Act of 6 January 1978.

The services of the CNIL [REDACTED]

[REDACTED] will be happy to provide any further information you may require.

This decision may be appealed to the Conseil d'État within two months of notification.

Yours sincerely



Marie-Laure DENIS

Copy: [REDACTED]