



FOR INTERNAL USE

Holder of information: Data Protection Inspectorate

Notation made: 12.02.2026

The access restriction shall be valid until: 12.02.2101

Legal ground: Public Information Act § 35 (1) p 2, p 12

SA Lithuania
All SA's

12.02.2026 no. 2.1-12/25/1188-2539-11

Article 60 Final Decision

Termination of supervisory proceedings

The Estonian Data Protection Inspectorate (the Estonian DPI) received a complaint¹ from The Lithuanian State Data Protection Inspectorate by [REDACTED] (the Complainant) against [REDACTED] (the Controller, [REDACTED]) regarding the right of access to their personal data and the right to erasure of their personal data.

Circumstances of the complaint

According to the complaint, the Complainant contacted [REDACTED] on the 17th of April 2025. On the 18th of April 2025, [REDACTED] replied to the Complainant that they have no right to erase all data related to the user, as part of it is stored in accordance with legal acts. The Complainant was informed that they have the right to stop using the service, log out of the account, and erase the application.

On the 18th of April 2025 and the 25th of April 2025, the Complainant sent additional requests to [REDACTED]. The Complainant wished to receive information about the personal data processed by [REDACTED] and the legal basis for the processing of their personal data. In addition, the Complainant submitted another request for erasure of their personal data. According to the complaint, [REDACTED] did not provide any further reply to the Complainant.

On the 15th of August 2025, the Estonian DPI sent an inquiry to [REDACTED], and on the 4th of September 2025, a proposal to respond to the complainant. [REDACTED] replied to the Estonian DPI's proposal on the 17th of September 2025 and forwarded the response sent to the complainant. On the 29th of October 2025, the Complainant confirmed that they had received the response from [REDACTED] and would contact the data controller further to review their personal data.

The Complainant is not satisfied with the response received on the 17th of September 2025 from [REDACTED] for the following reasons:

- 1) the data controller did not respond to the complainant's request within one month;
- 2) human error is not a sufficient justification for failing to comply with obligations arising from the GDPR;
- 3) reliance on legitimate interest does not explain the data controller's need to retain data related to the account;
- 4) [REDACTED] did not explain why it is not possible to erase the data related to the account when the service is no longer in use.

¹ The Estonian DPI initiated the proceedings on the basis of Section 56(1) and (3) point 8 of the Personal Data Protection Act.

Based on the Complainant's objection, the Estonian DPI sent an additional inquiry to [REDACTED] on the 28th of November 2025. [REDACTED] replied to the inquiry on the 19th of December.

Controller's explanations

[REDACTED] replied to the inquiry from the Estonian DPI that due to an error in the internal process, the Complainant's last two requests were not received by the department responsible for data protection and were therefore not dealt with and answered in a timely manner. According to the reply, this was a communication error caused by a human error in customer service. [REDACTED] confirmed that the company is actively working on improving customer service processes to prevent similar situations in the future, including conducting relevant training for employees and clients. [REDACTED] stated that the company has enhanced the internal communication workflow for handling data subject requests and is developing a customer service tool that will forward data protection-related inquiries to the department responsible for data protection.

[REDACTED] explained that the legal basis for processing related to the retention of data associated with rides made through the application is Article 6(1)(c) of the GDPR, under which the data controller has a legal obligation to retain data related to taxation and accounting source documents for 10 years in accordance with the legislation in force in the Republic of Lithuania.

According to the reply, [REDACTED] retains user account data for three years from the last login, relying on the legitimate interest set out in Article 6(1)(f) of the GDPR in connection with the resolution of potential contractual disputes. If the user account has not been active for the past three years, the data associated with the account is removed from the system or retained for a longer period based on overriding legitimate interest or to fulfil legal obligations under Article 6(1)(c) of the GDPR. [REDACTED] also retains customer service-related data for three years on the basis of legitimate interest to protect itself against potential legal claims.

In the response to the Complainant on the 17th of September 2025, [REDACTED] explained that the delay in responding was due to human error and apologized for the situation. [REDACTED] also explained the legal basis for the retention of personal data and asked the Complainant to provide their personal identification code so that their personal data could be sent to them in encrypted form.

[REDACTED] explained in the response to the Estonian DPI's additional inquiry sent on the 19th of December 2025, that if a data subject has submitted a request to erase their data, user account data will not be retained. When a user account is erased, [REDACTED] only retains data that may be necessary for fulfilling legal obligations, asserting and defending claims arising from the provision of services, and complying with tax and accounting laws. [REDACTED] retains the aforementioned data for the period specified in tax and/or accounting legislation or, in the case of disputes, until the claim is satisfied or such claims expire.

[REDACTED] confirmed in the same response that the complainant's account has been erased and it is no longer possible for them to log back into the account.

Position of the Estonian Data Protection Inspectorate

1. The Estonian DPI explains that according to Article 15 of the General Data Protection Regulation (GDPR), the data subject has the right to obtain confirmation from the data controller as to whether their personal data is being processed, and, if so, to access their personal data and the information listed in Article 15(1) of the GDPR. The data subject's request may be refused if the right of access to personal data would adversely affect the rights and freedoms of others (Article 15(4) of the GDPR), if the right of access has been restricted under national law (Article 23 of the GDPR), or if the data subject's request is clearly

unfounded or excessive, in particular because of its repetitive nature (Article 12(5)(b) of the GDPR).

2. Pursuant to Article 17 of the GDPR, a person has the right to request the erasure of their personal data, and the data controller must erase the personal data if they do not have a legal basis for further processing under Article 17(3) of the GDPR. This may include situations where further processing of personal data is necessary for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject (Article 17(3)(b) of the GDPR) or where the processing of personal data is necessary for the establishment, exercise or defence of legal claims (Article 17(3)(e) of the GDPR).
3. Pursuant to Article 12(3) GDPR, the controller must respond to the data subject's request without undue delay, but no later than one month after receiving the request. If the controller refuses to comply, in whole or in part, with the data subject's request, they must inform the data subject immediately and at the latest within one month of the reasons for not taking action, in accordance with Article 12(4) GDPR.
4. ████████ did not respond to the complainant's requests submitted on the 18th of April and the 25th of April 2025 within one month, nor did it extend the response deadline as required by Article 12(3) of the GDPR. The Controller explained to the Estonian DPI and the Complainant that the delay was due to a human error in customer service, which prevented the Complainant's request from reaching the department responsible for data protection. The Complainant has pointed out that a human error is not a sufficient justification for the delay in response. The Estonian DPI takes into account that ████████ confirmed that the company is working to improve the situation, is conducting relevant training, and is developing a customer service tool for forwarding data protection-related inquiries. The Controller has cooperated with the Estonian DPI and expressed the willingness to avoid similar situations in the future.
5. ████████ responded to the Complainant's request on the 17th of September 2025, and the Complainant has confirmed that they have received the response. Regarding the request for access to personal data, the Complainant has confirmed that they will further contact the Controller to access their personal data in a secure manner. Therefore, the Estonian DPI considers that there is no further need to intervene in this matter.
6. The Complainant is not satisfied with ████████'s explanations regarding the erasure request of personal data. According to ████████'s explanation, the Controller needs to retain personal data for various reasons. Under Article 6(1)(c) of the GDPR, ████████ has a legal obligation to retain accounting documents, which also contain the complainant's personal data, for 10 years in accordance with the legislation in force in the Republic of Lithuania. ████████ retains user account data for three years from the last login, relying on the legitimate interest set out in Article 6(1)(f) of the GDPR in connection with the resolution of potential contractual disputes. If the user account has not been active for the past three years, the data associated with the account is removed from the system or retained for a longer period based on legitimate interest or to fulfil legal obligations under Article 6(1)(c) of the GDPR.
7. In the response to the Complainant on the 17th of September 2025, ████████ explained that, in order to comply with statutory accounting obligations, the following data about the Complainant is retained for ten years: the complainant's name, trip duration, price, and trip details. Based on legitimate interest, the following account-related data is retained for three years from the last login: the name of the person who created the account, email address, and phone number. In addition, communication between the Complainant and customer service is retained for up to three years based on legitimate interest.
8. ████████ further explained to the Estonian DPI in the response sent on the 19th of December 2025, that upon receiving an erasure request, the account visible to users is not retained. If the

person has used ██████'s services, the only personal data that is retained, is necessary for fulfilling legal obligations, asserting and defending claims arising from the provision of services, and complying with tax and accounting laws. ██████ confirmed to the DPI that, as of 19th of December 2025, the Complainant's account has been erased, and the complainant can no longer log in.

9. Therefore, the Estonian DPI believes that the Controller has provided reasons, based on Article 17(3) points (b) and (e) of the GDPR, why the retention of some of the Complainant's personal data is necessary. In the response sent to the complainant on the 17th of September 2025, ██████ explained which of the Complainant's data is retained, on what legal basis, and for how long.
10. In the response sent to the Lithuanian State Data Protection Inspectorate on the 29th of October 2025, the Complainant said that reliance on legitimate interest does not explain the Controller's need to retain account-related data and that the Controller did not clarify why it is not possible to erase account-related data when the service is no longer in use.
11. The Estonian DPI explains that, under Article 17(3)(e) of the GDPR, the Controller is not obliged to erase personal data if continued processing is necessary for the establishment, exercise, or defence of legal claims. ██████ has explained to the Complainant and the Estonian DPI that the Controller has a legitimate interest in retaining data in connection with the resolution of potential contractual disputes. The Complainant's personal data is retained, in the event of disputes until the claim is satisfied, or until the claims expire for up to three years. The Estonian DPI notes that because the complainant has submitted an erasure request and no longer uses the service, ██████ has erased the Complainant's user account, and the Complainant can no longer log in to the service. ██████ has explained to the Estonian DPI and the Complainant why further processing of data related to the Complainant's account is necessary on the basis of legitimate interest and has specified which of the Complainant's data is retained under this legal basis.
12. The purpose of the supervisory procedure is primarily to ensure that the violation of the individual's rights comes to an end. On this point, the Estonian DPI points out the decision of the Court of Justice of the European Union (C-768/21, TR v Land Hessen)² in which the Court stated that the supervisory authority is not required to exercise a corrective power, in particular the power to impose an administrative fine, where such action is not appropriate, necessary or proportionate to remedy the shortcoming found and to ensure that that regulation is fully enforced.
13. Considering that ██████ has responded to the Complainant's requests regarding access and erasure of their personal data on the 17th of September 2025 and ██████ has erased the Complainant's user account and explained to the Complainant which of their data is retained, on what legal basis, and for how long, the Complainant's requests have been granted. ██████ has offered the Complainant the opportunity to access their personal data, and the Complainant has indicated that they will contact the Controller further regarding this matter. ██████ has explained to the Complainant and to the Estonian DPI why it is not possible to fulfil the Complainant's erasure request regarding all of the Complainant's personal data. ██████ has also committed to implementing measures to ensure timely responses to data protection-related requests in the future. Therefore, in the opinion of the Estonian DPI, the implementation of additional measures is not necessary in this case.

Based on the above, the Estonian DPI terminates the supervisory proceedings.

² CJEU, judgment in case C-768/21, 26th of September 20204, para 50.

This notice of termination of the supervisory proceedings can be challenged within 30 days by submitting an appeal to the administrative court under the Code of Administrative Court Procedure.³

Respectfully



lawyer
authorized by Director General

³ [Code of Administrative Court Procedure – Riigi Teataja](#).