

14 May 2025

J.No. 2024-7321-1410

Doc.no. 697357

Caseworker

[REDACTED]

## Your complaint about HBO Nordic AB

The Danish Data Protection Agency hereby returns to your complaint against HBO Nordic AB, including Hbo Nordic Services Denmark ApS, (hereinafter "HBO"), of 9 January 2024, where you have complained that HBO has not provided you with access within 30 days pursuant to Article 15 of the GDPR.

Following an examination of your complaint, the Danish Data Protection Agency found that your complaint concerned cross-border processing of personal data as defined in Article 4(23) of the GDPR<sup>1</sup>. This meant that the case had to be dealt with in cooperation with the other supervisory authorities within the EU/EEA Member States pursuant to Article 60 of the GDPR.

In cases involving the cross-border processing of personal data, the supervisory authority for the main establishment or single establishment of the controller or processor – which in this case is in Sweden – is competent to act as leading supervisory authority. This means that the Swedish Data Protection Agency (hereinafter "IMY") has dealt with the case. This is also the reason why the data controller is listed as HBO Nordic AB, and not Hbo Nordic Services Denmark ApS, as you have stated in your complaint.

### 1. Decision

Following an investigation of the case, IMY has found that HBO has not acted in breach of Article 15 of the GDPR (right of access).

The following is a summary of the case and the reasons for the decision.

### 2. Investigation of the case by the Swedish supervisory authority

In the course of the investigation, IMY requested an opinion from HBO, which HBO sent to IMY on 22 August 2024.

On 28 August 2024, IMY sent the opinion to the Danish Data Protection Agency, which the Danish Data Protection Agency forwarded to you on 4 September 2024 so that you could submit any comments you might have. In this connection, the Danish Data Protection Agency informed you that you had to expect that IMY would make a decision on the matter on the present basis if you did not have any comments on the opinion. You have not commented on

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<sup>1</sup> 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).

## **2.1. Your remarks**

IMY has noted that you have complained that you have requested access to HBO, to which HBO has informed you that it takes 30 days to respond to a request, but that after 30 days you still had not received the information.

## **2.2. HBO Nordic AB's remarks**

IMY has noted that HBO has stated the following.

You have requested access through HBO's customer service. You have done so three times on 11 May 2023 and once on 16 May, 23 June, 25 July, 22 August and 6 October 2023. HBO created three cases in their system concerning your first request of 11 May 2023. The link to start processing the access request was sent in all three cases, but expired in two of the cases as you did not verify your identity within three days. Your third request was granted by HBO by sending you an insight report containing the personal data you had requested. On 15 May 2023, HBO confirmed to you that your access request was answered, as set out above. Your request of 16 May 2023 was rejected as it was a duplicate of your request submitted the previous day (15 May 2023). Your requests of 23 June, 25 July and 6 October 2023 were not granted as you had not verified your identity. You were informed of this on 27 June, 28 July and 10 October 2023. Your request of 22 August 2023 was answered on 29 August 2023.

HBO has further stated that no technical challenges have been identified in relation to the handling of the total of 8 requests submitted by you.

Furthermore, HBO has stated that you received the information on 15 May 2023 and 29 August 2023. According to HBO's system logs, you downloaded the insight report on 15 May 2023. However, you did not download the report you received on 29 August 2023.

Finally, HBO has stated that your request of access was answered three days after it was - submitted, which is within the one-month deadline. Your subscription to HBO ended on 12 May 2023. Your request of access was granted twice after that. There is no new information to inform you about your user history after 12 May 2023.

## **3. Reasons given by the Swedish supervisory authority for the decision**

IMY has noted that you have requested access pursuant to Article 15 of the GDPR, including that it follows from paragraph 1 of that provision that the data subject has the right to contact the controller and obtain confirmation as to whether or not personal data concerning him or her are being processed and, if so, have access to the personal data and certain information.

Next, IMY has pointed out that it follows from Article 57(1)(f) of the GDPR that a supervisory authority (in this case, IMY) must deal with complaints lodged by a data subject who considers that his or her personal data are being processed in breach of the GDPR and, in so far as is appropriate, examine the subject matter of the complaint. IMY has also pointed out that The Court of Justice of the European Union has stated that a supervisory authority must investigate such complaints with due care.<sup>2</sup>

IMY has emphasised that HBO has stated that you have repeatedly requested access to your personal data and that, in any event, HBO has provided you with access within the prescribed time limits laid down in the GDPR, except in cases where you did not verify your identity and

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<sup>2</sup> Judgement in Schrems II, Case C-311/17, EU:C:2020:559, paragraph 109.

in the case where you requested access again the day after you received an access report.

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In the light of the foregoing, it appears that IMY has not found any basis for disregarding the accuracy of HBO's statements, with the result that IMY considers that the HBO investigations have not shown that HBO acted in breach of Article 15 of the GDPR.

In the light of this, IMY considers that there are no grounds for taking further action in connection with your complaint.

The Danish Data Protection Agency hereby considers the case closed, cf. Article 57(1)(f) of the GDPR.

#### **4. Closing remarks**

The Danish Data Protection Agency notes that the Danish Data Protection Agency's decisions cannot be appealed to another administrative authority, cf. the Danish Data Protection Act § 30<sup>3</sup>. The DPA's decisions can, however, be brought before the courts, cf. the Danish Constitution § 63.

Kind regards



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<sup>3</sup> Act No. 502 of May 2018 on supplementary provisions to the regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the Data Protection Act). A translated version is available [here](#). Only the Danish version of the text has legal validity.