

Deliberation No 10_RECLEU5_2026 of 10 February 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 5.660 lodged against the company [REDACTED] via IMI Article 61 procedure 142420

Having regard to 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 (hereinafter: the “**GDPR**”);

Having regard to the Act of 1 August 2018 on the organisation of the National Data Protection Commission and the general data protection framework;

Having regard to the Rules of Procedure of the National Data Protection Commission adopted by Decision No 07AD/2024 of 23 February 2024;

Having regard to the Procedure for complaints before the National Data Protection Commission adopted on 16 October 2020 (hereinafter referred to as the “**Complaint Procedure before the CNPD**”);

Having regard to the following:

I. Facts and procedure

1. In the framework of the European cooperation, as provided for in Chapter VII of Regulation (EU) 2016/679 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 or GDPR), the Supervisory Authority of Bavaria for the Private Sector in Germany submitted to the National Data Protection Commission (hereinafter: “the CNPD”) a complaint (national reference of the concerned authority: LDA-1085.4-3561/18-I) via IMI in accordance with Article 61 procedure – 142420.
2. The complaint was lodged against the controller [REDACTED] (hereinafter [REDACTED] or the “controller”), who has its main establishment in Luxembourg. Under Article 56 GDPR, the CNPD is therefore competent to act as the lead supervisory authority.
3. The original IMI claim stated the following:
“The complainant submits that [REDACTED] has not fulfilled his right of access pursuant to art. 15 GDPR”. The aim of the right of access is here, for the complainant to know the complete categories of personal data that [REDACTED] is processing in particular the URL Clickstream (visit through [REDACTED] website, order of pages, content, products, etc).

4. In essence, the complainant asks the CNPD to order the controller to fully comply with the complainant's access request.
5. The complaint is therefore based on Article 15 GDPR.
6. On the basis of this complaint and in accordance with Article 57(1)(f) GDPR, the CNPD requested [REDACTED] to take a position on the facts reported by the complainant and to provide a detailed description of the issue relating to the processing of the complainant's personal data, in particular with regard to his right of access.
7. The CNPD received the requested information within the deadlines set.

II. In law

1. Applicable legal provisions

8. Article 77 GDPR provides that *"without prejudice to any other administrative or judicial remedy, every data subject shall have the right to lodge a complaint with a supervisory authority, (...) if the data subject considers that the processing of personal data relating to him or her infringes this Regulation."*
9. In accordance with Article 15 GDPR *"The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information (...)"*;
10. Pursuant to Article 15(4) GDPR, *"The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others."*
11. Furthermore, in application of Article 12(2) GDPR *"the controller shall facilitate the exercise of data subject rights under Articles 15 to 22".* Recital 59 GDPR emphasises that *"Modalities should be provided for facilitating the exercise of the data subject's rights under this Regulation, including mechanisms to request and, if applicable, obtain, free of charge, in particular, access to and rectification or erasure of personal data and the exercise of the right to object. The controller should also provide means for requests to be made electronically, especially where personal data are processed by electronic means."*

12. Article 56(1) GDPR provides that “(...) *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*”;
13. According to Article 60(1) GDPR, “*The lead supervisory authority shall cooperate with the other supervisory authorities concerned in accordance with this Article in an endeavour to reach consensus. The lead supervisory authority and the supervisory authorities concerned shall exchange all relevant information with each other*”;
14. According to Article 60(3) 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*”;

2. In the present case

15. Following the intervention of the Luxembourg supervisory authority, the controller confirmed that it has taken all required actions under the GDPR to comply with the complainant’s access request.

The controller provided the complainant with a copy of his personal data on 12 May 2018, 5 September 2018 and 30 October 2018.

According to the information in the controller’s systems, the complainant submitted additional DSARs via the controller’s online portal in 2019 and 2022, requesting “all data” on each occasion. He received the data he requested on 19 April 2019 and 6 September 2022.

[REDACTED] explained to the CNPD that it does provide relevant browsing and search information such as whether a customer viewed or added an item to their cart etc., which is contained in a specific folder, although this data is not labeled as “clickstream”.

Therefore, in order to resolve this case, [REDACTED] provided to the CNPD again a copy of the browsing (“clickstream”) data that it processes about the complainant, which is contained in the folder “Retail.Search-Data”. The controller also provided

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a copy of the explanation provided to the customers in their “FileDescriptions” document, which explains to customers the contents of this folder. The CNPD remains available to transfer this file to the complainant.

The CNPD also understands that the controller is entitled to exclude any technical information that would pose a security risk.

Finally, if the complainant wishes to receive a new copy of data that is processed about him, he may submit at any time a new DSAR via the controller’s online portal by logging into his customer account, as the controller warrants to respond to all DSARs with a copy of the requested personal data and a link to a dedicated page containing the required information under Article 15(1) and (2) GDPR.

The CNPD therefore concludes that the controller has taken all appropriate measures to resolve the matter.

3. Outcome of the case

16. The CNPD, in a plenary session, therefore considers that, at the end of the investigation of the present complaint, the controller has taken appropriate measures to grant the complainant’s right of access request, in accordance with Article 15 GDPR.
17. Thus, in the light of the foregoing, and the residual nature of the gravity of the alleged facts and the degree of impact on fundamental rights and freedoms, it does not appear necessary to continue to deal with that complaint.

In light of the above developments, the National Data Protection Commission, in a plenary session, after having deliberated, decides:

- To close the complaint file 5.660 upon completion of its investigation, in accordance with the Complaints Procedure before the CNPD. As per Article 60(7) GDPR, the lead supervisory authority shall adopt and notify the decision to the main establishment or single establishment of the controller.

Belvaux, dated 10 February 2026



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The National Data Protection Commission

[REDACTED]
Chair

[REDACTED]
Commissioner

[REDACTED]
Commissioner

[REDACTED]
Commissioner

Indication of remedies

This Administrative Decision may be the subject of an appeal for amendment within three months of its notification. Such an action must be brought by the interested party before the administrative court and must be brought by a lawyer at the Court of one of the Bar Associations.