

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-1085.3-4401/19-I) via IMI in accordance with Article 61 procedure - 73793.
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. In the original IMI case, the complainant stated that [REDACTED] did not act on his request to erase his personal data.
4. In essence, the complainant asked the CNPD to request [REDACTED] to close his or her [REDACTED] account and delete any related personal data.
5. The complaint is therefore based on Article 17 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

Deliberation No 8_RECLEU3_2026 of 10 February 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 3.670 lodged against the company [REDACTED] via IMI Article 61 procedure 73793

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 request for erasure. Moreover, the CNPD required [REDACTED] to proceed to the deletion of the complainant's personal data as soon as possible, unless legal reasons prevent the former from doing so.

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. Pursuant to Article 17 GDPR, a data subject may request the erasure of his or her personal data and the controller must erase the data subject's personal data without undue delay if one of the grounds provided for in Article 17 (1) GDPR applies unless the controller can demonstrate that the processing falls within the scope of one of the exceptions set out in Article 17 (3) GDPR.
10. 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."*
11. 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"*;
12. 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*

Deliberation No 8_RECLEU3_2026 of 10 February 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 3.670 lodged against the company [REDACTED] via IMI Article 61 procedure 73793

supervisory authorities concerned shall exchange all relevant information with each other”;

13. 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

14. Following the intervention of the Luxembourg supervisory authority, the controller confirmed that it received the letter from the complainant attached to the complaint. The letter included his name, address and the e-mail address [EMAIL].

[REDACTED] confirmed that it certainly accepts data subject's request for data deletion also by mail, but they need to properly identify the requestor as holder of the respective customer account in order to make sure to only delete personal data of the respective data subject. According to the controller, the easiest way for the customer to identify themselves, is to log into their account and submit their request via the designated contact form.

Should the customer be unwilling or unable to use such procedure, [REDACTED] stated that it will not refuse to use other ways of identification. In the case of the complainant, the controller stated that it did not refuse the data deletion request by letter as such, but that it was not able to properly and securely identify the complainant based on the information provided in the letter. Consequently, [REDACTED] sent an e-mail to the address mentioned in the header of the complainant's letter on 7 December 2018 with detailed instructions about how to submit the data deletion request via the designated contact form in the customer account.

Finally, the controller stated that it had no further contacts with the complainant or new information from the complainant's side regarding the request. The controller would, however, remain helpful to provide the complainant with his personal data at any time, provided he complies either with the controller's online service or with the controller's security measures.



Deliberation No 8_RECLEU3_2026 of 10 February 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 3.670 lodged against the company [REDACTED] via IMI Article 61 procedure 73793

The CNPD therefore concludes that the controller has expressed its willingness to resolve the matter at any time.

3. Outcome of the case

1. The CNPD, in a plenary session, therefore considers that, at the end of the investigation of the present complaint, the controller did not refuse to act on the complainant's right to erasure, in accordance with Article 17 GDPR.
2. 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 3.670 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

The National Data Protection Commission

[REDACTED]
Chair

[REDACTED]
Commissioner

[REDACTED]
Commissioner

[REDACTED]
Commissioner



Deliberation No 8_RECLEU3_2026 of 10 February 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 3.670 lodged against the company [REDACTED] via IMI Article 61 procedure 73793

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.