

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-1085-1536/20-I) via IMI in accordance with Article 61 procedure - 319094.
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 expresses that he has not received complete information from [REDACTED] (Art. 15 GDPR). A renewed request did not lead to the desired result either.”
4. In essence, the complainant asks the CNPD to order the controller to comply with the complainant’s access request.

5. 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).
6. The complaint is therefore based on Article 15 GDPR.

II. In law

1. Applicable legal provisions

7. 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."*
8. 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 (...)"*;
9. In accordance with Article 15(1) 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: (...) (b) the categories of personal data concerned;*
10. Pursuant to Article 15(3) GDPR, *"The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form."*
11. 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."*
12. In the cases referred to in Article 11 (2) GDPR, where *"the controller is able to demonstrate that it is not in a position to identify the data subject, the controller*

Deliberation No 15_RECLEU10_2026 of 10 February 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 7.464 lodged against the company [REDACTED] via IMI Article 61 procedure 319094

shall inform the data subject accordingly, if possible. In such cases, Articles 15 to 20 shall not apply except where the data subject, for the purpose of exercising his or her rights under those articles, provides additional information enabling his or her identification”.

13. Recital 57 of the GDPR indicates that *“If the personal data processed by a controller do not permit the controller to identify a natural person, the data controller should not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation. However, the controller should not refuse to take additional information provided by the data subject in order to support the exercise of his or her rights. Identification should include the digital identification of a data subject, for example through authentication mechanism such as the same credentials, used by the data subject to log-in to the on-line service offered by the data controller”.*
14. 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.”*
15. 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”;*
16. 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”;*
17. 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

18. In this case, the analysis of the content of the exchanges between the complainant and [REDACTED] provided by the complainant could produce sufficient evidence for determining that on 8 February 2020, [REDACTED] reached out to the complainant and gave him instructions on how to access his personal data. The complainant requested the complete information related to “clickstream data”.

On the same day, on 8 February 2020, after the complainant’s insistence, [REDACTED] has checked again his request and confirmed him that [REDACTED] has processed and completed his request for data information.

[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 data that it processes about the complainant, which is contained in the folder “Retail.Search-Data”. The controller also provided 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.

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

3. Outcome of the case

19. 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.



Deliberation No 15_RECLEU10_2026 of 10 February 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 7.464 lodged against the company [REDACTED] via IMI Article 61 procedure 319094

20. 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 7.464 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

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.