

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-1085.3-8818/20-I) via IMI in accordance with Article 61 procedure - 176536.
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 on 06.08.2020, he sent an application to three different e-mail addresses of the company [REDACTED] for the deletion of his [REDACTED] account together with his personal data. The company confirmed receipt of his termination on 06.08.2020. However, his [REDACTED] customer account has not yet been deleted, which is evident from the fact that he still has access to his account. He regards this as a violation of the GDPR.”

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 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 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 first investigated the case based on the documentation the CNPD shared in its letter. The controller located the customer account relating to the e-mail address [EMAIL] and confirmed that the complainant contacted them on 6, 17 and 19 August 2020.

The complainant was in fact unsatisfied with orders he placed on the [REDACTED] (which apparently were not fulfilled), so he requested account closure and data deletion on 6 August 2020. The controller responded to the complainant the same day informing him on the consequences of the account's closure and asking for confirmation if he would like [REDACTED] to proceed with such closure. The complainant did not confirm his request, but on 17 August 2020 asked for the status of his issue. In response, the controller offered a call to clarify the complainant's request regarding the orders he placed on the [REDACTED]. The call took place on 19 August 2020 and according to the information available to the CNPD, the account closure and data deletion request was again not confirmed during the call. The controller did not hear back from the complainant since then.

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After a second intervention by the CNPD, [REDACTED] further informed the CNPD that it is standard procedure to ask the customers to reconfirm their account closure request, as an account closure has many consequences to the customers, their data and the services they can access. As the account closure will have an effect on possibly existing [REDACTED] accounts, gift card credit or other [REDACTED] the controller's policy is to make sure that the customers are given all the information necessary to make an informed decision about their data and which contracts and services they may be terminating. The controller therefore asks its customers to confirm this request after it provides them with the necessary information and thereby verifying their decision to end their contractual relationship.

The controller has then outlined again that the complainant refused to confirm his wish, despite its repeated efforts to verify his account closure request.

However, the controller understood that the complainant expressed his wish for deletion through the letter from the CNPD (via the supervisory authority of Bavaria). The controller has therefore initiated the closure of the complainant's account. For this, they have sent the complainant the full information on the consequences of this account closure and given him a chance to object to the initiated account closure, should he find the consequences not in line with his wishes.

A copy of the controller's email to the complainant was transmitted to the CNPD.

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

3. Outcome of the case

15. 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 to erasure, in accordance with Article 17 GDPR.
16. 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. Moreover, the CNPD is of the view that the issue has been resolved in a satisfactory manner.



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

- To close the complaint file 6.422 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.