

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-1085.3-4982/24-I) via IMI in accordance with Article 61 procedure - 704422.
2. The complaint was lodged against the controller [REDACTED] (hereafter [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 criticizes the form in which the information is provided in accordance with Art. 15 GDPR, the content of the information and requests that the completeness of the information provided be checked.”
4. In essence, the complainant asks the CNPD to request [REDACTED] to grant the complainant access to his personal data in an accessible format for him.
5. The complaint is therefore based on Articles 12(3) and 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 the complainant's right of access and the applicable format.

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. Furthermore, in application of Article 12(3) GDPR *"Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject."*;

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 confirmed that it has taken all required actions under the GDPR to comply with the complainant's access request.

Based on their review of this case, the controller also confirmed that they have been in contact with the Bavarian Data Protection Authority and the complainant with the aim to resolve the issue encountered with the complainant's data subject access request.

On 24 October 2024, the controller contacted the complainant to clarify that they provided the complainant with two separate download links: one containing communications and internal annotations, and another containing the complete DSAR. To ensure accessibility, [REDACTED] reissued both links and offered technical assistance if needed.

On 28 November 2024, the controller provided additional information regarding the processing of the complainant's personal data. Specifically, [REDACTED] confirmed the processing of the following information: first and last name, email address, complete details of 1,983 orders (including 78 digital orders), records of 374 refunds, exchanges and returns, 4 active payment methods, 14 active and 14 inactive delivery addresses, and details of 10 [REDACTED] devices. [REDACTED] has confirmed that the requested information, including detailed data and a copy of communications with internal annotations and notes, has been made available for download in the complainant's account.

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



Deliberation No 25_RECLEU20_2026 of 10 February 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 13.083 lodged against the company [REDACTED] via IMI Article 61 procedure 704422

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 of access request, in accordance with Articles 12(3) and 15 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.

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

- To close the complaint file 13.083 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.