

**PRESIDENT
PERSONAL DATA
PROTECTION OFFICE**
Miroslaw Wróblewski

Warsaw, 30.04.2026

DS.523.2679.2024. [REDACTED]

DECISION

Pursuant to Article 105(1) of the Code of Administrative Procedure of 14 June 1960 (Journal of Laws 2025, item 1691), Article 60(8) of 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 (General Data Protection Regulation) (hereinafter: GDPR), after conducting an administrative procedure regarding the complaint of [REDACTED] (residence: [REDACTED]) concerning irregularities in the processing of personal data by [REDACTED] ([REDACTED]) consisting in failure to comply with a request for deletion of data in accordance with Article 17 of the GDPR, President of the Personal Data Protection Office

discontinues the proceedings.

JUSTIFICATION

The Personal Data Protection Office received a complaint from [REDACTED] (residence: [REDACTED]) (hereinafter: the Complainant) concerning irregularities in the processing of personal data by [REDACTED] ([REDACTED]) (hereinafter: the Company) consisting in failure to comply with a request for deletion of data in accordance with Article 17 of the GDPR.

In the complaint, the Complainant indicated that on 15 January 2024 he sent an e-mail from the e-mail address [REDACTED] to [REDACTED] requesting the deletion of his personal data pursuant to Article 17 of the GDPR. In the complaint, the Complainant indicated that the Company did not respond to his request.

In view of the above, the Complainant requested the President of the Personal Data Protection Office (hereinafter: PUODO) to order the Company to delete his personal data.

In the course of the administrative proceedings, PUODO established the following facts:

- 1) The Complainant had a user account registered at [REDACTED] on the Company's website at [REDACTED] (evidence: Complainant's letter of 01.05.2024)
- 1) The Complainant attached to the complaint a copy of an e-mail of 15 January 2025 sent from the e-mail address [REDACTED] to [REDACTED], in which he requested the erasure of personal data pursuant to Article 17 of the GDPR. In addition, within this e-mail the Complainant objected to the processing of personal data concerning him (including profiling) in accordance with Article 21(1) GDPR and requested that the processing of the data concerning him be restricted until it is verified whether the legitimate interests of the Company override the Complainant in accordance with Article 18(1)(d) GDPR. The Complainant has indicated to the Company that if he has made his personal data public, he is obliged pursuant to Article 17(2) GDPR to take all reasonable steps to inform other controllers, including operators of online search engines who process the above-mentioned personal data, that they have requested the removal of all links, copies or replications. The Complainant further argued that in the event of disclosure of personal data to third parties, the Company is obliged to forward its request for deletion of personal data and any references thereto to each recipient in accordance with Article 19 of the GDPR and to inform the Complainant of those recipients (evidence: Complainant's letter of 01.05.2024)
- 2) On 15.05.2024, PUODO identified the case as having a cross-border nature in accordance with Article 4(23) of the GDPR. Therefore, the case was referred through the Internal Market Information System (hereinafter: IMI) to the Czech Supervisory Authority (Úřad pro ochranu osobních údajů) (hereinafter: CZ SA) for the case to be handled by this body as a leading supervisory authority within the meaning of Article 56(1) GDPR. (evidence: memo of 15.05.2024, printout of A56 notification 640648.1)
- 3) As part of the 61VMN notification 640648.1 CZ SA sent an information letter addressed to the Complainant requesting additional clarifications. In that letter, CZ SA stated that the Company had declared that it had not registered the Complainant's request. The company informed that there is a link in the user account at [REDACTED] used to delete the personal data of registered users. CZ SA requested information from the Complainant as to whether it had attempted to request the deletion of personal data in accordance with the procedure set out by the Company, i.e. by means of a link in a registered account on a given website, and if so, asked the Complainant to confirm this fact. (evidence: PUODO's letter of 21.08.2024)
- 4) In response, the Complainant indicated that his request had been sent from a different e-mail address than the one provided when registering the account. Alias [REDACTED] was provided during registration at [REDACTED]. Therefore, the Complainant decided to change the alias to his main e-mail address - [REDACTED]. The Complainant indicated

that the address could not be updated and that he accidentally deleted the account password on [REDACTED] permanently. Thus, he could not verify himself as the owner of the account. The Complainant was unable to recall whether he had contacted for assistance in this matter via the "Contact us" form at the bottom of [REDACTED] and indicated that he had no reply in his mailbox. The Complainant indicated that he is currently unable to log in to his account at [REDACTED] and therefore requested confirmation whether the Company deleted his personal data (evidence: Complainant's letter of 24.08.2024)

- 5) On 05.02.2025, within 60IC notification 730968.1, CZ SA sent PUODO a preliminary draft decision in the case, according to which the Complainant's complaint did not justify the initiation of infringement proceedings or the transfer of the case. PUODO assessed the preliminary draft decision submitted by CZ SA. After examining the preliminary draft decision, PUODO agreed that the proposed solution was justified, bearing in mind that the Company had confirmed to CZ SA the deletion of the Complainant's personal data. (evidence: service note of 10.07.2025)
- 6) On 24.10.2025 CZ SA, via the IMI System, provided PUODO with a draft decision within the A60DD notification 840437.1, the content of which is presented below:

INVESTIGATIONS IN CASE IMI: A56ID 640648, UOOU-2477/24

The Office for Personal Data Protection ('the Office') received a submission via the Internal Market Information System from [REDACTED] ('the complainant') against the conduct of [REDACTED] ('the company'), which is the controller of personal data processed in connection with the operation of the website [REDACTED] ('the website').

Summary of the complaint

In his submission, the complainant stated that on 15 January 2024 he sent a request to [REDACTED] for the deletion of his personal data processed by the company in connection with his user account on the website, but the company did not respond to his request. The complainant submitted a copy of the email allegedly sent to the company on 15 January 2024, the email does not contain an electronic signature, and the complainant did not provide confirmation of receipt of the email from the company.

Procedure of the Office, as lead supervisory authority:

After receiving the submission, the Office contacted the company in this case, which stated in the communication of 4 July 2024 on the subject matter of the submission that it was not aware that it had received the complainant's request of 15 January 2024. The company further stated that in section 5.4 of the Privacy Policy published on the company's website, it informs the users that if they wish to request the deletion of their personal data processed in connection with their user account, this can be done directly from the account where the 'Cancel my entire account' link is located. This procedure has

been put in place by the company for requests to exercise the rights under Article 15-21 of Regulation (EU) to be made by data subjects who hold the user account in question and whose personal data is concerned by the request. Finally, the company stated that it would not register any request to delete personal data from the complainant's email address sent to [REDACTED].

The Office also contacted the complainant as to whether he could delete his personal data from his account, as described by the company in its statement to the Office. The complainant responded to this in a communication of 24 August 2024, in which he stated that, when registering on the website, he used the so-called 'alias' function, which allows websites or companies to contact the holder of an email address without knowing the exact wording of that address. He further stated that, since he had accidentally deleted his computer's access password to his account, he was not in a position to log in to that account again in the current situation.

On the basis of this communication, the Office again contacted the company asking whether it could contact the complainant at the email address provided by the complainant in his complaint and try to resolve the matter. It responded to that company in a communication dated 17 January 2025, in which it stated that, based on the information it had received from the Office, it had been able to find the complainant's account and had deleted both the account and the personal data associated with it. The company further stated that on 17 January 2025 it sent a message to the complainant informing him of the deletion of his personal data processed in connection with his cancelled account.

Summary:

The company operates the website [REDACTED], on which it is possible to register a user account, such accounts may be due to the nature of the website also contain information about sexual preferences or habits. Special categories of personal data which are particularly sensitive, and which deserve special protection may be processed within the account, as their processing could pose serious risks to the fundamental rights and freedoms of the user. In order to prevent the disclosure of the personal data of its users to unauthorised persons, it is necessary that, before responding to a request made pursuant to Article 15-21 of Regulation (EU) 2016/679, the company has sufficient certainty that the person of the applicant is the same person as the person who holds the user account in question. For this purpose, the company has set up a procedure under which registered users can request the exercise of their rights under Article 15-21 of Regulation (EU) 2016/679 directly from their user account. The procedure for exercising individual rights is then described in Article 5, Privacy Policy available on the website. According to this procedure, when a user wants to request the deletion of personal data and the cancellation of an account, he can use the 'Cancel my entire account' button available in the user account.

The company has therefore clearly set up a secure procedure for users to request the deletion of their personal data and inform its users about this in the Privacy Policy published on the website. The Office considers that this is in line with Article 12 of Regulation (EU) 2016/679, in particular because such a procedure provides sufficient

verification of the user and at the same time does not constitute an obstacle that would make it difficult for users to exercise the right to erase personal data.

Proposed action by the Office as lead supervisory authority

In view of the above, i.e. that it is impossible to demonstrate that the company has received the complainant's request of 15 January 2024, that the company has established rules for the exercise of the rights under Article 15-21 of Regulation (EU), that the company sufficiently informs users on how to exercise those rights, and that the company has erased personal data as soon as it became clear to the company that the complainant was requesting the erasure of his personal data, the Authority proposes that the Polish Supervisory Authority, as the supervisory authority concerned, reject the submission of [REDACTED], in accordance with Article 60(8) of Regulation (EU) 2016/679.

CZ SA

(evidence: memo of 27.10.2025)

After examining all the evidence gathered in the case, the PUODO weighed the following.

In accordance with Article 56(1) of the GDPR, 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. Pursuant to Article 60(3) of the 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. In accordance with Article 60(6) of the GDPR where none of the other supervisory authorities concerned has objected to the draft decision submitted by the lead supervisory authority within the period referred to in paragraphs 4 and 5, the lead supervisory authority and the supervisory authorities concerned shall be deemed to be in agreement with that draft decision and shall be bound by it.

In accordance with Article 60(7) of the GDPR the lead supervisory authority shall adopt and notify the decision to the main establishment or single establishment of the controller or processor, as the case may be and inform the other supervisory authorities concerned and the Board of the decision in question, including a summary of the relevant facts and grounds. The supervisory authority with which a complaint has been lodged shall inform the complainant on the decision. However, pursuant to Article 60(8) of the GDPR, by derogation from paragraph 7, where a complaint is dismissed or rejected, the supervisory authority with which the complaint was lodged shall adopt the decision and notify it to the complainant and shall inform the controller thereof.

The above-mentioned provisions have been analyzed by the European Data Protection Board (hereinafter: the EDPB), which states in paragraph 225 of Guidelines

02/2022 on the application of Article 60 GDPR, "Thus, a decision dismissing or rejecting a complaint (or parts of it) should be construed as a situation where the LSA has found, in handling the complaint, that there is no cause of action regarding the complainant's claim, and no action is taken in relation to the controller. In such case, the complaint has to be dismissed or rejected via the decision adopted by the complaint receiving SA, as the case may be."

EDPB in the above mentioned guidelines further states in point 238 that "The CSA, when issuing a decision, must give full effect to the draft decision, which is binding on LSA and other CSAs under Article 60(6) and/or the EDPB binding decision following Article 65(1)(a)."

CZ SA, acting as lead supervisory authority pursuant to Article 56(1) GDPR, transmitted a draft decision pursuant to Article 60(3) GDPR in which it indicated that the draft decision is issued in accordance with Article 60(8) GDPR. The PUODO accepted the draft decision and did not express any reasoned and relevant objection to it. Having regard to the content of Article 60(6) GDPR, this means that the PUODO has agreed with the Lithuania SA on the draft decision and is bound by it.

Pursuant to Article 60(8) GDPR, the PUODO, as the authority with which the complaint was lodged, is competent to adopt the final decision on the case, notify it to the Complainant and inform the controller thereof.

With regard to the Complainant's request to order the Company to delete his personal data, it should be noted that, according to the Company's statement, on the basis of the information received from CZ SA, the Company was able to find the Complainant's account and deleted both the account and the personal data related to it. The Company also stated that on 17.01.2025 it sent the Complainant a message informing him that his personal data processed in connection with the cancelled account had been deleted. In light of the above, PUODO cannot order the Company to erase the Complainant's data, therefore the proceedings in this regard have become devoid of purpose.

Pursuant to Article 105(1) of the Code of Administrative Procedure of 14 June 1960 (Journal of Laws 2025, item 1691; further: CAP), when the proceedings for any reason have become devoid of purpose, the administrative authority issues a decision to discontinue the proceedings. The subject-matter of the proceedings involves the application by a public authority of the provisions of substantive administrative law. Doctrine points out that the following quotes: 'the devoid of purpose of the administrative procedure provided for in Article 105(1) of the Code of Administrative Procedure means that one of the elements of the substantive legal relationship is missing and, therefore, a decision dealing with the case cannot be issued by ruling on the merits of the case. The condition of discontinuance of proceedings may exist even before the initiation of proceedings, which will be disclosed only in the pending proceedings, and it may also arise during the proceedings, i.e. in a case already pending before an administrative authority.' (B. Adamiak, J. Borkowski, Code of Administrative Procedure. Commentary, C.H. Beck, Warsaw 2006, p. 489).

The determination by a public authority of the existence of the condition referred to in Article 105(1) of the Code of Administrative Procedure obliges it, as is emphasised in legal literature and case-law, to discontinue the proceedings, since there are no grounds for resolving the case on the merits in the event of that condition, and the continuation of the proceedings in such a case would constitute its defectiveness, having a significant impact on the outcome of the case. The devoid of purpose of the proceedings may also be the result of a change in the facts of the case. At the same time, the authority shares the position expressed by the Supreme Administrative Court in its judgment of 25 November 2013 (ref. I OPS 6/13), in which the above-mentioned Supreme Administrative Court held that: 'In administrative proceedings, governed by the provisions of the Code of Administrative Procedure, the principle is that a public administration body settles a matter by issuing a decision which decides on the substance of the matter, according to the legal and factual situation as at the date of the decision.' In the light of the above, in the absence of any processing of the Complainant's personal data in the disputed scope, the authority decided to discontinue the proceedings.

Moreover, the PUODO took the view that the proceedings are also devoid of purpose in the scope of a complaint regarding the failure to comply with the Complainant's right to erasure of his personal data under Article 17 of the GDPR. In accordance with Article 17(1) GDPR the data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies: a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or point (a) of Article 9(2), and where there is no other legal ground for the processing; c) the data subject objects to the processing pursuant to Article 21(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2); d) the personal data have been unlawfully processed; e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject; f) the personal data have been collected in relation to the offer of information society services referred to in Article 8(1) GDPR.

As is apparent from the draft decision of CZ SA, it is not possible to demonstrate that the Company has received the complainant's request of 15.01.2024. Furthermore the Company has established rules for the exercise of the rights under Article 15-21 GDPR and sufficiently informs users on how to exercise those rights.

It should be emphasized that the role of PUODO is not to relieve the data subject in the exercise of his rights set out in the provisions of the GDPR. Only non-fulfilment or incorrect fulfilment of the controller's obligation may be subject to an assessment by the authority, following which the authority may, in the event of an irregularity, address an appropriate order to the controller or exercise another power in accordance with its rights under the GDPR. This obliges the authority to discontinue the proceedings in this respect.

The assessment carried out by the PUODO in each case serves to examine the legitimacy of sending an order to a specific entity, corresponding to the provision of Article 58(2) GDPR to restore the lawful state in the data processing process - it is therefore justified and necessary only to the extent that the contested personal data processing process has occurred.

In this factual and legal situation, the President of Personal Data Protection Office ruled as in the operative part.

Under the authority of the President
of the Personal Data Protection Office
Head of the Cross-border Proceedings Unit
International Cooperation Department
[REDACTED]

The decision is final. On the basis of Article 7(2) of the Act of 10 May 2018 on the protection of personal data (Journal of Laws 2019, item 1781) in conjunction with Article 13(2), Article 53(1) and Article 54 of the Act of 30 August 2002 - Proceedings before Administrative Courts (Journal of Laws 2024, item 935, as amended), a party dissatisfied with this decision has the right to lodge a complaint with the Voivodship Administrative Court in Warsaw within 30 days from the date of its delivery to the party. The complaint is submitted via the President of the Personal Data Protection Office (address: Personal Data Protection Office, ul. Stanisława Moniuszki 1A, 00-014 Warsaw). The entry from the complaint is 200 PLN. A party has the right to apply for exemption from court costs or the right to assistance.