

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 1st 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 the “**Complaints 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 the GDPR, the supervisory authority of Bavaria (Germany) (hereinafter the “**Receiving Supervisory Authority**”) submitted to the National Data Protection Commission (hereinafter the “**CNPD**”) a complaint (national reference of the Receiving Supervisory Authority: LDA-1085-15139/19-I) via IMI in accordance with Article 61 procedure - 170135.
2. The complaint was lodged against the company [REDACTED] (hereinafter 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 has asserted his right of access under Article 15 DS-GVO. This was not fulfilled by [REDACTED]. The complainant was advised to use the form available in an [REDACTED] account. Since he does not have an [REDACTED] account anymore, he is not able to do so.”
4. In essence, the complainant asks the CNPD to request the Controller to grant the complainant access to his or her personal data and to comply with the rules applicable to a data subject identity verification.
5. The complaint is therefore based on Articles 15, 12 (6), 4 (1) and Recital 57 GDPR.

6. On the basis of this complaint and in accordance with Article 57 (1) (f) GDPR, the CNPD requested the Controller 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 or her right of access.
7. The CNPD received the requested information within the deadlines set.
8. In addition, the complainant asks the CNPD to request the Controller to comply with the rules applicable to a data subject identity verification when exercising his or her rights under Articles 15 to 22 GDPR.
9. The complaint is therefore based on Articles 12 (6), 4 (1) and Recital 57 GDPR.
10. On the basis of this complaint and in accordance with Article 57 (1) (f) GDPR, the CNPD requested the Controller 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 verification of his or her identity.
11. The CNPD received the requested information within the deadlines set.

II. In law

1. Applicable legal provisions

12. 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."*
13. 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: (...)."*
14. Pursuant to Article 15 (3) GDPR, *"The controller shall provide a copy of the personal data undergoing processing."*

15. 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."*
16. Pursuant to Article 12 (6) GDPR, *"where the controller has reasonable doubts concerning the identity of the natural person making the request referred to in Articles 15 to 21, the controller may request the provision of additional information necessary to confirm the identity of the data subject."*
17. According to Article 4 (1) GDPR, *"'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person."*
18. Recital 57 GDPR indicates that *"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."*
19. 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."*
20. 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."*
21. 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

22. Following the intervention of the CNPD, the Controller confirmed that he has taken all required actions under the GDPR to comply with the complainant's access request.

The Controller confirms that his customer service associate followed his standard operating procedure by asking the complainant to verify his or her identity by logging into his or her customer account.

If his customers are unwilling or unable to make an access request via their account, the Controller offers alternative means of verification. The Controller has no record of the complainant informing him that he or she faced any difficulties verifying his or her identity using the self-service tool in his or her account or asking the Controller for any alternative means to verify his or her identity.

The Controller finally explained that while he was able to identify the case, he was unable to identify the customer's account under the email address indicated in the documents shared by the complainant to the CNPD. Should the complainant still wish to receive his or her personal data, the Controller would be happy to discuss with the CNPD how such access can be arranged.

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

3. Outcome of the case

23. 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 verify the identity of the complainant and grant his or her right of access, in accordance with Articles 15, 12 (6), 4 (1) and Recital 57 GDPR.
24. 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.



Deliberation No 34_RECLEU22_2026 of 30 April 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 6.236 lodged against the company [REDACTED] via IMI Article 61 procedure 170135

25. The CNPD then consulted the Receiving Supervisory Authority, pursuant to Article 60 (1), which agreed to close the case. The CNPD has therefore concluded that no further action was necessary and that the cross-border complaint could be closed.

In light of the above developments and after having deliberated in a plenary session, the CNPD decides:

- To close the complaint file 6.236 upon completion of its investigation, in accordance with the Complaints Procedure before the CNPD and after obtaining the agreement of the Receiving Supervisory Authority. 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 30 April 2026

The CNPD

[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.