

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 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 the GDPR, the Supervisory Authority of Austria submitted to the National Data Protection Commission (hereinafter: the “**CNPD**”) a complaint (national reference of the concerned authority: D130.258) via IMI in accordance with Article 56 procedure - 67255.
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:
“On 14 March 2019, the complainant requested access to his personal data. Even though the opponent did react to the complainant’s request, he is of the view that the answer is neither concise, transparent, intelligible, easily accessible nor is it in clear and plain language.”
4. In essence, the complainant asks the CNPD to order the Controller to fully comply with the complainant’s access request. The complainant also wanted to know why the Controller forwarded his personal data to the company [REDACTED], which is a debt collection agency.
5. The complaint is therefore based on Articles 12 and 15 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.

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. 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: (...) (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations; (...)."*
11. Pursuant to Article 12(1) GDPR, the controller *"shall take appropriate measures to provide any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in particular for any information addressed specifically to a child. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. When requested by the data subject, the information may be provided orally, provided that the identity of the data subject is proven by other means."*

12. 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."*
13. 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."*
14. 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."*
15. 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

16. Following the intervention of the Luxembourg supervisory authority, the Controller confirmed that it had provided the required information and explanations to the complainant and used appropriate means to comply with his access request in accordance with the GDPR.

As a general rule, the Controller does not print and send hard copy files to customers for practical reasons (e.g., scalability, and verification of content) and to avoid illegal access or loss. In addition, the Controller stated that providing a copy of personal data in paper form may impair readability of the EXCEL or CSV files as standard formats on computers are not always readily printable.

Deliberation No 36_RECLEU24_2026 of 30 April 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 3.440 lodged against the company [REDACTED] via IMI Article 56 procedure 67255

The Controller also states that he strives to help his customers and do invite them to contact them if they have any questions or experience any difficulties regarding the files provided in response to access requests. With regards to the elements shared by the complainant, the Controller states that he understands that the complainant was able to access and open the files in his customer account.

Since responding to the complainant's data subject access request, the Controller continued to improve the quality and presentation of the personal information provided. With the help of data aggregation mechanisms implemented in the fourth quarter of 2022, it was ensured that the data subjects would receive a single ZIP file with all their personal information in response to a data subject access request. They can download this file with one click. The Controller also provides multiple ZIP files where files are above 2 GB; in this case the data subject can download each of the ZIP files.

As for the complainant's other request on why his personal data was transferred to [REDACTED], the Controller informed the CNPD that [REDACTED] (now operating as [REDACTED]) is the Controller's authorized debt collection partner in Austria. The Controller indeed transferred certain personal data relating to the complainant to [REDACTED] to enable the collection of outstanding payments that the complainant owed the Controller for past orders he made.

On that note, the Controller now provides his customers with a detailed list of the categories of the third parties with whom he shares their personal data. That information is available in a dedicated notice, which can be accessed from a link in the Controller's Privacy Notice in the section "Who Are the Recipients of My Information?" In the dedicated notice, the Controller explains in the section "Payments" that the Controller *"may also share information with third parties to assess credit risks or for debt collection purposes."*

The Controller also informs the data subjects of this in the Article 15 GDPR information he provides to them alongside a copy of their data. There, the Controller explains that he works with debt collection service providers in cases where customers owe the Controller a debt relating to a purchase or subscription, and that information relating to the relevant transaction may be transferred to these providers. The Controller explains that [REDACTED] provides debt collection services on his behalf.



Deliberation No 36_RECLEU24_2026 of 30 April 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 3.440 lodged against the company [REDACTED] via IMI Article 56 procedure 67255

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

3. Outcome of the case

17. 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 and 15 GDPR.
18. 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 3.440 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 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.