

**PRESIDENT
PERSONAL DATA
PROTECTION OFFICE
Mirosław Wróblewski**

Warsaw, 05.05.2026

DS.523.2680.2024. [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 15.01.2024 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 15.01.2024 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 61VMN notification 640631.1)
- 3) As part of the 61VMN notification 665650.1 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 of 15.01.2024. The Company indicated that it had identified in the system a request to delete the Complainant's data of 21.03.2024, to which it replied on the same day. As part of that response, the Company informed the Complainant of the procedure for requesting the deletion of personal data, according to which registered users may request the deletion of personal data through their account at [REDACTED] CZ SA requested information from the Complainant as to whether he 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. In addition, CZ SA requested information from the Complainant as to whether he had received the Company's

response to the request to delete personal data of 21.03.2024. (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, on 03.03.2024 the Complainant changed his alias to his main email [REDACTED]. The Complainant confirmed that he had received a reply from the Company of 21.03.2024, together with a link to the account deletion form on [REDACTED], but did not remember whether he had completed the data deletion form. The Complainant indicated that he was currently unable to log in to his account at [REDACTED] and therefore asked for confirmation whether the Company had deleted his personal data (evidence: Complainant's letter of 24.08.2024)
- 5) On 26.02.2025, within 60IC notification 740932.1, 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 840372.1, the content of which is presented below:

INVESTIGATIONS IN CASE IMI: A61VMN 640631, UOOU-2483/24

The Office for Personal Data Protection ('the Office') has received a submission through the Internal Market Information System from [REDACTED] ('the complainant') against the conduct of [REDACTED] with its registered office at [REDACTED] ('the Company'), the controller of personal data processed in connection with the operation of the [REDACTED] ('the Website')

Summary of submissions

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 [REDACTED], 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, but that it had received a similar request from complainant's email address on 21 March 2024. On the same day, the company replied to the complainant with instructions on how to delete the personal data associated with the user account registered on the website. The company further stated that, in section 5.4 of the Privacy Policy published on [REDACTED], it informs 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 are concerned by the request. Finally, the company stated that the complainant's personal data had been deleted following a request for information received by the company from the Office.

The Office further contacted the complainant asking whether he had received a reply from the company dated 21 March 2024 and whether he had applied the procedure described by the company for erasure of personal data. The complainant responded to this in a communication of 24 August 2024, in which he stated that he had received this reply from the company, but did not remember whether he had followed the proposed course of action. The complainant further added that, when registering on [REDACTED], he used the so-called 'alias' function, which allows websites or companies to contact the holder of an e-mail address without knowing the exact wording of that address.

Summary:

The company operates the website [REDACTED], on which it is possible to register a user account, such accounts may, 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 deserve special protection, may therefore be processed in the context of a user 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 the individual rights is described in Article 5 of the 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 has to 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, which it also informed the complainant of in an email of 21 March 2021. 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. At the same time, the complainant did not claim that he had a problem with logging into the administration of his user account.

Proposed action by the Office as lead supervisory authority

In view of the above, i.e. that it is unquestionably impossible to demonstrate that the company received the complainant's request of 15 January 2024, that the company has set up rules for the exercise of the rights under Article 15-21 of Regulation (EU) 2016/679, which, in the opinion of the Authority, are in compliance with this Regulation, that the company sufficiently informs users on how to exercise those rights, and that the company has erased the personal data as soon as it became clear to it that the complainant requested the erasure of his personal data, the Office 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.

(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, the Company has deleted the Complainant's personal data following the request by CZ SA to provide information. 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


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.