PL SA TRANSLATION

PRESIDENT
PERSONAL DATA
PROTECTION OFFICE
Mirosław Wróblewski

Warsaw, 28.05.2026

DS.523.7774.2021.[redacted]

DECISION

On the basis of Art. 104(1) of the Code of Administrative Procedure of 14 June 1960 (consolidated text: Journal of Laws 2024, item 572) (hereinafter: CAP), Art. 7 (1) and (2) of the of the Personal Data Protection Act of 10 May 2018 (Journal of Laws 2019, item 1781) and Art. 5, 6(1), 12(4), 58(2)(b) and Article 60(9) 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) (hereinafter: GDPR), following the investigation of [redacted] complaint (address: [redacted]) (hereinafter: Complainant), represented by [redacted] ([redacted]), forwarded to the President of the Personal Data Protection Office via the Estonian supervisory authority (Andmekaitse Inspektsioon, seat: Tatari tn 39 / 10134 Tallinn, Estonia), concerning irregularities in the processing of the Complainant's personal data by [redacted] (address: [redacted]) (hereinafter: The Company) consisting in the processing of personal data without a legal basis and failure to respond and comply with the request to delete personal data, the President of the Personal Data Protection Office acting as a leading supervisory authority within the meaning of Article 56(1) GDPR:

1. **issues a reprimand to the Company for violation of Article 12(4) GDPR in connection with Article 5(1)(a) GDPR, consisting in failure to provide information about the possibility of lodging a complaint with a supervisory authority and exercising judicial remedies in connection with a request to delete the Complainant's data pursuant to Article 17 of the GDPR;**
2. **dismisses the complaint in the remaining scope.**

Justification

In the complaint of 09.04.2020 and the supplementary letter of 18.04.2022, the Complainant indicated that he has entered into contract for the provision of services concluded with the Company for an indefinite period from 01.01.2020. The Company terminated the contract for the provision of services with the Complainant on 23.03.2020 in an extraordinary manner due to breach of contract in accordance with Section 11(2) of the contract.

The Complainant submits that, from 23.03.2020, the Company used the Complainant's email address, [redacted], despite the fact that the Complainant did not consent to this and was not informed in advance of the possibility for the Company to consult the correspondence kept by the Complainant using the email address [redacted]. The Complainant pointed out in this regard that on the date of filing the complaint, i.e. 09.04.2020 sending an e-mail to [redacted] does not result in an automatic reply or message that the e-mail address does not exist. The Complainant points out that the above meant that his e-mail address was still used by the Company at the time when the complaint was lodged on 09.04.2020.

In addition, in the supplementary letter of 18.04.2022, the Complainant's representative stated that, after the termination of the contract relationship, [redacted] (then Vice-President of the Company) had obtained access to the Complainant's correspondence with [redacted] on 22.04.2020 and 16 April 2021 and had forwarded part of that correspondence to third parties. In addition, in the above-mentioned supplementary letter, the Complainant's representative indicated that on 21 May 2021 [redacted] (then the [redacted]) had obtained access to the Complainant's correspondence and had forwarded the correspondence to third parties.

On 30.03.2020, the Complainant's representative, [redacted], sent an email from the email address [redacted] in which he requested the immediate closure and deletion of the Complainant's email address [redacted] and the cessation of the processing of the Complainant's personal data. The Complainant's representative appointed one day to comply with the request. In the complaint, the Complainant indicated that, as at the date of lodging the complaint, the Company had not responded to the request of the Complainant's representative.

In the complaint of 09.04.2020 and the supplementary letter of 18.04.2022, the Complainant alleges that the Company processed the Complainant's personal data without a legal basis, as well as failed to reply and to comply with the request for deletion of data of 30.03.2020. The Complainant requests that the supervisory authority determine: (1) how the Company obtained access to the Complainant's (private) correspondence; (2) who personally uses the Complainant's e-mail address (including at whose request),

whether the Complainant's private correspondence is read and recorded, and if so, who personally does so, including at whose request and to whom the data is transferred; (3) whether it is a one-off or a continuous activity; (4) for how long the e-mail correspondence is stored; (5) what data has been read and stored; (5) whether correspondence from other employees has been read; (6) analysis of the legitimate interest of the Company. The Complainant further requests that the supervisory authority order the Company to cease the disclosure and use of the Complainant's personal data, as well as to inform the Complainant of the breach concerning the storage and access to correspondence. In addition, the Complainant requests that the supervisory authority impose an administrative fine on the Company.

In the course of the administrative proceedings, the President of the Personal Data Protection Office (hereinafter: the PUODO) obtained explanations regarding the circumstances of the case and established the following facts:

1. The Complainant was bound to the Company by a contract for the provision of services from 01.01.2020 to 23.03.2020 (evidence: complaint of 09.04.2020).
2. On 23.03.2020, the Company terminated the contract for the provision of services with the Complainant. In the notice of termination of the contract for the provision of services, the Company indicated that the reason was a breach of contract in accordance with Section 11(2). (evidence: complaint of 09.04.2020).
3. The Company explained that the Complainant’s personal data had been obtained in connection with his contract relationship with the Company. The Company indicated that it had provided the Complainant with the email address [redacted] in connection with the contract and that this email address was to be used by the Complainant solely for business purposes. (evidence: the Company’s explanation of 15 November 2021).
4. The Company terminated the contract with the Complainant because it detected that the Complainants, in cooperation with other persons, including [redacted], used the Company's brand name and business email addresses in order to charge customers of the [redacted] capital group from Estonia an additional commission, which was paid to the Estonian company established for this purpose ([redacted], translated as "[redacted]"). Due to the commission of the described acts in Estonia, the Company notified the Estonian law enforcement authorities. In particular, the company provided the Estonian law enforcement authorities with evidence in the form of correspondence from the Complainant’s business e-mail box, which allegedly showed that the Complainant, using his business e-mail address, had agreed on a course of action and confirmed the existence of an alleged additional commission to [redacted] customers. (evidence: the Company’s explanation of 15 November 2021).
5. As at 15.11.2021, i.e. the date on which the Company submitted its first explanations in the case, criminal proceedings were ongoing in Estonia with the participation of the Complainant and [redacted]. (evidence: the Company’s explanation of 15 November 2021)

6. At present, criminal proceedings against the Complainant are still ongoing in respect of actions to the detriment of the Company. The Complainant has the status of wanted person and the e-mails containing the findings between the Complainant and [redacted] constitute evidence of the actions taken by the Complainant and [redacted] causing damage to the Company. (evidence: Company's explanation of 12.05.2025)
7. 22.04.2020, [redacted], from the email address [redacted], sent to: [redacted] and [redacted] the Complainant's correspondence with [redacted] (evidence: Complainant's supplementary letter of 18.04.2022)
8. On 22.04.2020, correspondence between the Complainant and [redacted] was forwarded from the email address [redacted] to the email address [redacted] (evidence: Complainant's supplementary letter of 18.04.2022)
9. 16.04.2021, the Complainant's correspondence with [redacted] of 15.01.2020 and 20 and 25.02.2020 was viewed (evidence: Complainant's supplementary letter of 18 April 2022)
10. On 21.05.2021, the Complainant's correspondence was forwarded from [redacted] to [redacted]. Then, on the same day, [redacted] from the e-mail address [redacted] sent to: [redacted] and [redacted] e-mail from the Complainant (evidence: Complainant's supplementary letter of 18 April 2022)
11. [redacted] and [redacted] acted as the Company's legal representatives in the proceedings in Estonia against the Complainant (evidence: the Company's explanation of 21.10.2025)
12. [redacted] acted as an independent proxy (pl. prokurent samoistny) of the Company. [redacted] was employed as the Company's Operations Director. [redacted] and [redacted] had authorisations, valid respectively from 30.09.2019 and 11.10.2018, to process personal data in accordance with the scope of professional or contractual duties performed for the position held in the Company (evidence: the Company's explanation of 21.10.2025)
13. Only [redacted], had access to the Complainant's mailbox. The Company explains that the Complainant's e-mails were verified only in view of the above-mentioned proceedings in Estonia and forwarded as evidence to the Estonian Police and courts. In this regard, the Company pointed to the need to determine the manner in which the Complainant and [redacted] acted, as well as to identify the affected customers of the Company. This information served as evidence in the case. (evidence: Company's explanation of 12.05.2025)
14. The Complainant's email address is currently deactivated. By sending an e-mail to the Complainant's address, the sender receives a return message that the address

[redacted] does not exist. (evidence: Company's explanation of 12.05.2025)

15. The Company indicates that it is currently processing the Complainant's personal data in terms of name, surname and e-mail address pursuant to Article 17(3)(e) GDPR in conjunction with Article 6(1)(f) GDPR (for the establishment, exercise or defence of claims). In addition, the Company indicated that it is processing the data on the basis of Article 6(1)(c) GDPR in conjunction with Article 74 of the Accounting Act, in connection with the need to store settlement documents for 5 years in the scope: name, surname, address indicated on the invoice, account number of the Complainant. The Company explained that, in accordance with Section 9 of the contract for the provision of services concluded between the Company and the Complainant, the Complainant was entitled to remuneration for the proper performance of the contract, described in detail in para. 1 of the above agreement. According to the paragraph. 3 Section 9 of the contract referred to above was paid by bank transfer to the Complainant's bank account within seven days from the date of submission of the invoice. The invoice was to be issued at the earliest on the last day of the month. The Company counts the period of five years from the date of issue of invoices by the Complainant during the period of validity of the above-mentioned speech contract, i.e. in the period from 1 January to 23 March 2020, when the contractual relationship between the Complainant and the Company ceased. In accordance with Article 74(3) of the Accounting Act: the retention periods laid down in paragraph 2 shall be calculated from the beginning of the year following the financial year to which the harvest relates. The Company indicates that it follows from the provision that the Company is obliged to keep accounting documents issued in 2020 until the end of 2025 (evidence: Company's explanation of 12.05.2025)
16. On 30.03.2020, the Complainant's representative sent an e-mail to the following e-mail addresses: [redacted], by which he requested the immediate closure and deletion of the Complainant's email address [redacted] and the cessation of the processing of the Complainant's personal data. The e-mail did not contain a power of attorney to represent the Complainant in exercising the right to delete the Complainant's personal data. By letter, the Complainant's representative requested a reply to the request to [redacted] by 31 March 2020 (evidence: Complaint of 09.04.2020; the Company's explanations of 15.11.2021 and 12.05.2025)
17. On 24 April 2020, the Company's representative, [redacted], sent a reply to the Complainant's request addressed to '[redacted], represented by: [redacted]" indicating that it is not legally possible to delete e-mail, because the data contained in it may constitute evidence in cases prosecuted by public indictment - i.e. in the case of committing the crime of fraud and the criminal-fiscal crime of issuing a false invoice by the Company. In these circumstances, the removal of content from the email [redacted]

could expose the Company to criminal liability (evidence: Company's explanation of 12.05.2025)

After examining all the evidence gathered in the case, the President of the Personal Data Protection Office weighed the following.

The GDPR sets out obligations of the controller, which include the processing of personal data in compliance with the prerequisites set out in that regulation. The provision authorising the controller to process the data of natural persons is Art. 6(1) GDPR, according to which, the processing of data is only allowed if one of the prerequisites indicated in this provision is fulfilled. The catalogue of legal grounds listed in Art. 6(1) GDPR is closed. Each of conditions legalising the processing of personal data is autonomous and independent in nature. This means that these prerequisites are, as a rule, equal, and therefore the fulfilment of at least one of them constitutes lawful processing of personal data.

Art. 12 GDPR refers to transparent information, communication and modalities for the exercise of the rights of the data subject. In accordance with Art. 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. Art. 12(2) GDPR provides that the controller shall facilitate the exercise of data subject rights under Articles 15 to 22 GDPR. In the cases referred to in Art. 11(2), the controller shall not refuse to act on the request of the data subject for exercising his or her rights under Articles 15 to 22 GDPR, unless the controller demonstrates that it is not in a position to identify the data subject. In accordance with Art. 12(3) GDPR, the controller shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. 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. Art. 12(4) GDPR provides that if the controller does not take action on the request of the data subject, the controller shall inform the data subject without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint with a supervisory authority and seeking a judicial remedy. In accordance with Art. 12(6) GDPR, without prejudice to Art. 11 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.

In the present case, the Complainant raised two main complaints against the Company, the first concerning the failure to respond to the Complainant's request for erasure of personal data, and the second concerning the processing of the Complainant's personal data without a legal basis and the failure to comply with the request for erasure of his personal data.

Firstly, as regards the Complainant's allegation that the Company did not respond to the request for erasure of the Complainant's personal data, the PUODO considered the following.

On 30.03.2020, the Complainant's representative sent an e-mail to the following e-mail addresses [redacted], by which he requested the immediate closure and deletion of the Complainant's email address [redacted] and the cessation of the processing of the Complainant's personal data. The e-mail did not contain a power of attorney to represent the Complainant in exercising the right to delete the Complainant's personal data. By letter, the Complainant's representative requested a reply to the request to [redacted] by 31 March 2020.

On 24.04.2020, the Company's representative, [redacted], sent a reply to the Complainant's request addressed to [redacted], represented by the representative: [redacted] indicating that it is not legally possible to delete the e-mail, because the data contained therein may constitute evidence in cases prosecuted by public indictment - i.e. in the case of committing the offence of fraud and the criminal-fiscal offence of issuing a false invoice by the Company. In these circumstances, the removal of content from the email [redacted] could expose the Company to criminal liability.

Having regard to Article 12(4) GDPR, if the controller does not take action on the request of the data subject, the controller shall inform the data subject without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint with a supervisory authority and seeking a judicial remedy.

In the light of the above, it should be concluded that the Company, by responding to the Complainant's request on 24 April 2020, under which it refused to delete the Complainant's personal data and informed about the reasons for not taking action, did not exceed the time limit of one month of receipt of the request in accordance with Article 12(4) GDPR. Furthermore, when indicating the contact details of the Complainant's representative, it must be considered that that reply was correctly addressed.

In its reply to the request of 24.04.2020, the Company did not provide the Complainant with information on the possibility of lodging a complaint with the supervisory

authority and seeking judicial remedies. This must be regarded as an infringement of Article 12(4) of GDPR.

The administrative procedure conducted by the PUODO on the basis of the provisions of the GDPR serves to control the compliance of data processing with the provisions on the protection of personal data and is aimed at issuing an administrative decision restoring the lawful state on the basis of Article 58(2) of GDPR. The assessment carried out by the PUODO in each case serves to examine the appropriateness of addressing a specific entity with the corrective measure indicated in Article 58(2) GDPR, which is used to restore the lawful state in the data processing process.

In the light of the above, the PUODO considers it reasonable to issue a reprimand in accordance with Article 58(2)(b) GDPR, for violation of Article 12(4) GDPR in conjunction with Article 5(1)(a) GDPR, consisting in the lack of information about the possibility of lodging a complaint with a supervisory authority and using legal remedies before a court.

Secondly, as regards the Complainant's allegation that the Company processes the Complainant's personal data without a legal basis and failed to comply with the request to delete his personal data, the PUODO considered the following.

The provision entitling controllers to process data of natural persons is Article 6(1) of the GDPR, according to which data processing is permissible only if one of the conditions set out in that provision is met. Catalogue of conditions listed in Article 6(1) GDPR, is closed. Each of the grounds for legalizing the processing of personal data is autonomous and independent. This means that those conditions are, in principle, equal, and therefore the fulfilment of at least one of them determines the lawful processing of personal data. Consequently, the consent of the data subject is not the only basis for the processing of personal data, since the data processing process will also comply with the GDPR if the controller demonstrates that another of the above-mentioned conditions is met. Irrespective of the consent of the data subject (Article 6(1)(a) GDPR), the processing of personal data is permissible when it is necessary to comply with a legal obligation to which the controller is subject (Article 6(1)(c) GDPR) and where the processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where those interests are overridden by the interests or fundamental rights and freedoms of the data subject which require the protection of personal data, in particular where the data subject is a child (Article 6(1)(f) GDPR).

The Company has processed the Complainant's data for accounting and settlement purposes pursuant to Article 6(1)(c) GDPR in conjunction with Article 74 of the Accounting Act of 29 September 1994 (consolidated text: Journal of Laws 2023, item 120), due to the need to store settlement documents for 5 years. In this respect, the Company has processed data such as: name, surname, address indicated on the invoice, account number of the Complainant. The Company counts the period of five years from the date of issue of invoices by the Complainant during the period of validity of the above-mentioned speech contract, i.e. in the period from 1 January to 23 March 2020, when the contractual relationship between the Complainant and the Company ceased. The Company points out

that in accordance with Article 74(3) of the Accounting Act, the Company is obliged to keep the accounting documents issued in 2020 until the end of 2025. **In the light of the above, it must be concluded that the processing of the Complainant's personal data by the Company for this purpose and to the extent resulting, inter alia, from the above-mentioned provisions was necessary for the fulfilment of its legal obligation and was therefore based on the condition arising from Article 6(1)(c) GDPR.**

During the proceedings, it was established that the Complainant's personal data regarding the name, surname, e-mail address and correspondence kept by the Complainant available in the e-mail address mailbox [redacted] entrusted to the Complainant during the term of the contract for the provision of services, including maintaining access to this mailbox, was made for the purpose of establishing, pursuing or defending claims. The Company pointed out that the data in the above-mentioned scope were made available only to Estonian law enforcement authorities and Estonian courts in connection with ongoing proceedings. The Company explained that it had provided the Estonian law enforcement authorities with evidence in the form of correspondence from the Complainant's business e-mail box, which allegedly showed that the Complainant, using his business e-mail address, had arranged a course of action and confirmed the existence of an alleged additional commission to [redacted] customers.

The decision on the merits of the claims brought by the Complainant and the Company falls within the jurisdiction of the relevant courts in Estonia. However, the Company's actions aimed at establishing, pursuing or defending claims, for which the processing of the Complainant's personal data in the above-mentioned scope is necessary, should be considered legal. **The above has a legal basis in the condition resulting from Article 6(1)(f) GDPR.** This applies to the processing of data by the Company's employees, i.e. [redacted] and [redacted], who had valid authorizations to process personal data in connection with their position and official duties. This also applies to the transfer of personal data to [redacted] and [redacted], who acted as a legal representatives of the Company in proceedings conducted in Estonia against the Complainant. In the opinion of the PUODO, the processing of the Complainant's personal data consisting in making his personal data available by the Company in scope of name, surname, e-mail address and correspondence kept by the Complainant available in the e-mail address inbox of the Complainat to the legal representatives in order to represent the Company in the proceedings was a legal process and was based on the premise arising from Article 6(1)(f) GDPR.

In order to legitimise processing on the basis of Article 6(1)(f) of the GDPR, the first step requires the cumulative fulfilment of two conditions: namely, the existence of a legitimate interest on the part of the controller or a third party, and the necessity of the processing for the purposes arising from that interest. In the second stage, however, it is necessary to assess whether a negative condition is met, namely the existence, in the given circumstances, of the data subject's interests or fundamental rights and freedoms which override the legitimate interests of the controller or a third party (D. Lubasz, W. Chomiczewski [w:] RODO. Ogólne rozporządzenie o ochronie danych. Komentarz, ed. E.

Bielak-Jomaa, Warszawa 2018, art. 6.) In establishing this condition for the admissibility of data processing, the EU legislator used the vague term ‘legitimate interest’ without defining the concept. As accepted in legal doctrine, a legitimate interest should not be understood narrowly, merely as an interest directly arising from a legal provision (granting a specific right to a data subject); it should be interpreted more broadly as various types of interest that find their justification in the provisions (Fajgielski Paweł, Test ważenia interesów i praw przy stosowaniu klauzuli prawnie uzasadnionych interesów, LEX). It may therefore be a factual, economic or legal interest, but one that is lawful. In recitals 47 and 49, the EU legislator cited the following as examples of such interests: direct marketing, fraud prevention, and ensuring the security of services offered or made available via networks and systems. Furthermore, the controller must demonstrate that the processing is necessary for the purposes of legitimate interests. It is therefore not sufficient for these interests to exist; rather, their realisation must also require the processing of personal data. As is the case under Article 6(1)(b) of the GDPR, there must also be a direct link here between the pursuit of a legitimate interest and the need to process personal data D. Lubasz, W. Chomiczewski [w:] RODO. Ogólne rozporządzenie o ochronie danych. Komentarz, ed. E. Bielak-Jomaa, Warszawa 2018, art. 6.).

The protection of personal data is not an absolute right and its purpose is not to prevent actions in the course of proceedings before a common court. In the case at hand, the PUODO assessed that the right to the protection of the Complainant's personal data does not take precedence over the interests pursued by the controller of his data, in this case the Company. As indicated above, the Company processed the Complainant’s personal data in connection with the ongoing proceedings, and the correspondence sent by the Complainant from the Company’s domain served as evidence in those proceedings. It is not the role of the PUODO to conduct proceedings aimed at removing evidence in cases conducted before courts or other state authorities, even if they contain personal data. It should also be noted that the complainant’s personal data was disclosed solely to the Estonian law enforcement authorities and the Estonian courts in connection with the proceedings referred to above.

In light of the circumstances outlined, in the opinion of the PUODO, the Company’s legitimate interest in establishing, pursuing or defending claims—for which the processing of the Complainant’s personal data was and remains necessary—takes precedence over the Complainant’s interests and rights.

It is irrelevant in the present case to invoke a request for deletion of the Complainant’s data. In accordance with Article 17(1) 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 circumstances listed in that provision applies, in particular where the personal data have been processed unlawfully.

Having regard to the content of Article 17(3)(b) GDPR, paragraphs (1) and (2) shall not apply to the extent that the processing is necessary for compliance with a legal obligation requiring processing under Union or Member State law to which the controller is subject. As stated above, until the end of 2025 the Company processed the personal data

contained in the Complainant’s personal file on the basis of Article 74(3) of the Accounting Act, i.e. on the basis of a legal obligation.

At the same time, taking into account the content of Article 17(3)(e) GDPR, paragraphs 1 and 2 shall not apply to the extent that the processing is necessary for the establishment, exercise or defence of legal claims. In the opinion of the PUODO, taking into account the criminal disputes between the Company and the Complainant, it is not possible to order the Company to delete the Complainant's personal data as regards the name, surname and content of the Complainant's e-mail address box, because due to the circumstances of the case, it is justified to process the above-mentioned until the criminal proceedings involving the Complainant are finalized.

The administrative procedure conducted by the PUODO serves to control the compliance of data processing with the provisions on the protection of personal data and is aimed at issuing an administrative decision restoring the lawful state on the basis of Article 58(2) GDPR. The assessment carried out by the PUODO in each case serves to examine the legitimacy of an order addressed to a specific entity corresponding to the provisions 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 irregularities in the processing of personal data exist. In the present case, the authority established that the Company had a legal basis for processing the Complainant's personal data, i.e. Article 6(1)(c) GDPR as regards the Complainant's personal file and currently has a legal basis, ie. Article 6(1)(f) GDPR to process the Complainant’s data as regards the name, surname and contents of the Complainant's e-mail address.

In view of the above, the PUODO dismisses the complaint regarding the processing of the Complainant’s personal data without a legal basis and failure to comply with the request to delete the Complainant’s data.

With regard to the Complainant’s requests for a determination by the supervisory authority: (1) how the Company obtained access to the Complainant's (private) correspondence; (2) who personally uses the Complainant's e-mail address (including at whose request), whether the Complainant's private correspondence is read and recorded, and if so, who personally does so, including at whose request and to whom the data is transferred; (3) whether it is a one-off or a continuous activity; (4) for how long the e-mail correspondence is stored; (5) what data has been read and stored; (5) whether correspondence from other employees has been read; (6) analysis of the legitimate interest of the Company, it should be pointed out that the PUODO made the above findings in the course of the proceedings, which is reflected in the collected case file, as well as facts and legal justification indicated in this decision.

With regard to the request to impose an administrative fine on the Company, it should be pointed out that the PUODO may impose an administrative fine on the Controller (Article 58(2)(i) GDPR), however, does so ex officio and not at the request of the Complainant.

In those factual and legal circumstances, the PUODO 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]

INSTRUCTIONS

In accordance with Article 60(9) GDPR, where the lead supervisory authority and the supervisory authorities concerned agree to dismiss or reject parts of a complaint and to act on other parts of that complaint, a separate decision shall be adopted for each of those parts of the matter. The lead supervisory authority shall adopt the decision for the part concerning actions in relation to the controller, shall notify it to the main establishment or single establishment of the controller or processor on the territory of its Member State and shall inform the complainant thereof, while the supervisory authority of the complainant shall adopt the decision for the part concerning dismissal or rejection of that complaint, and shall notify it to that complainant and shall inform the controller or processor thereof.

The decision adopted by the PUODO as the lead supervisory authority therefore concerns the part concerning activities towards the Company, i.e. issuing a reprimand to the Company for violation of Article 12(4) GDPR in connection with Article 5(1)(a) GDPR, consisting in failure to provide information about the possibility of lodging a complaint with a supervisory authority and exercising judicial remedies in connection with a request to delete the Complainant's data pursuant to Article 17 of the GDPR.

In the above-mentioned scope, pursuant to 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 Articles 13(2), 53(1) and 54 of the Proceedings before Administrative Courts Act of 30 August 2002 (Journal of Laws 2024, item 935), a party dissatisfied with this decision shall have the right to lodge a complaint with the Voivodship Administrative Court in Warsaw within 30 days from the date of service on that party. The complaint is submitted via the President of the Personal Data Protection Office (address: Personal Data Protection Office, ul. Moniuszki 1A, 00-014 Warsaw). The entry for the complaint is 200 zlotys. A party has the right to apply for exemption from court costs or the right to assistance.

For the remainder of the case, i.e. part concerning dismissal of the complaint, the final decision on the case will be adopted by the Estonian Supervisory Authority (Andmekaitse Inspektsioon, seat: Tatari tn 39 / 10134 Tallinn, Estonia) as the authority with which the complaint was lodged. An appeal against this part of the case shall be lodged in accordance with the relevant provisions of Estonian law.