

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 for the private sector (Germany) submitted to the National Data Protection Commission (hereinafter the “**CNPD**”) a complaint (national reference of the concerned authority: LDA-1085.3-337/21-I) via IMI in accordance with Article 61 procedure - 432481.
2. The complaint was lodged against the controller [REDACTED] (hereinafter [REDACTED] or 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 regularly receives returns from [REDACTED] customers to her home address without being active as a seller on the [REDACTED] website. According to the complainant, [REDACTED] customers who want to return goods receive the complainant's personal data from [REDACTED]. The complainant considers the transfer of personal data to third parties by [REDACTED] to be a violation of the GDPR.”
4. In essence, the complainant asks the CNPD to request [REDACTED] to rectify her account status and thus her personal data involved.
5. The complaint is therefore based on Article 16 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 her right to rectification.
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 16 GDPR *"The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her (...)."*
10. Furthermore, in application of 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."*
11. 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 (...)."*
12. 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."

13. 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

14. Following the intervention of the CNPD, the controller confirmed that a third-party seller has erroneously provided the complainant's name and address as return information for [REDACTED] orders instead of the return address of the seller in question.

The controller has then identified the third-party seller involved.

Based on their investigation in this specific matter, it is likely that the third party seller in question obtained the complainant's name and address from sources uncontrolled by the controller, such as public mailing lists, phone books or breaches on other websites as the controller does not have any documentation that the complainant has ordered something from the third party seller in question on the [REDACTED]

The controller confirmed that it did not transfer the complainant's address details to the third-party seller for the purpose of creating return labels and there was no breach on its end.

The controller also did not provide the complainant's address details to any other customer for return purposes.

The controller took measures to prevent the seller from repeating this behavior by restricting the seller's selling privileges in December 2021.

Finally, the controller notified the complainant's lawyer via email dated 3 January 2022 that it had initiated appropriate measures against the seller.

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

3. Outcome of the case

15. 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 to rectification, in accordance with Article 16 GDPR.
16. 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.
17. The CNPD then consulted the supervisory authority of Bavaria for the private sector (Germany), pursuant to Article 60 (1) GDPR, whether it agreed to close the case. The supervisory authority of Bavaria for the private sector (Germany) responded that they duly informed the complainant's lawyer and that there was no further need for clarification and that the case could be closed.

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

- To close the complaint file 9.048 upon completion of its investigation, in accordance with the Complaints Procedure before the CNPD and after obtaining the agreement of the concerned 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.



Deliberation No 46_RECLEU26_2026 of 26 June 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 9.048 lodged against the company [REDACTED] via IMI Article 61 procedure 432481

Belvaux, dated 26 June 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.