Deliberation No 45_RECLEU25_2026 of 26 June 2026 of the National Data Protection Commission, in a plenary session, on complaint file No 9.247 lodged against the company [redacted] via IMI Article 61 procedure 438483

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-1085.3-5444/22-I) via IMI in accordance with Article 61 procedure - 438483.

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 a chinese [redacted] Seller. The complainant therefore complains that [redacted] is not able to effectively protect her personal data.*"

4. In essence, the complainant asks the CNPD to inquire whether the complainant's [redacted] account or any of her personal data processed by the controller has been unlawfully accessed and/or suffered a data breach and, if so, to take appropriate measures to prevent similar incidents in the future.

5. The complaint is therefore mainly based on Articles 5 (1) (f) and 32 GDPR.

6. On the basis of this complaint and in accordance with Article 57 (1) (f) GDPR, the CNPD requested [redacted] to take a position on the facts reported by the complainant and in particular to provide a detailed description of the issue relating to the processing of the complainant's personal data.

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. Article 5 (1) (f) GDPR stipulates that *"personal data shall be […] processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')*."

10. Pursuant to Article 32 (1) GDPR "*Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, including inter alia as appropriate* (…)."

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 the complainant's name and address have been erroneously provided as a return address for [redacted] orders of a specific seller, instead of the return address of the seller in question. The controller has identified the seller involved and confirmed that the controller is never involved in a seller's preparation of return labels if the fulfilment of the product is managed by the seller, like in this case, nor does it control the information a seller inserts on a return label. Therefore, the controller took appropriate action against the seller in question to prevent their misuse of personal data of its customers. Such measures may include suspending or revoking the seller's privileges to sell on the controller's platform.

In general, in order to prevent the use of third-party data by sellers, the controller informed the CNPD that it has security measures in place to detect fraudulent behavior and maintains physical, electronic as well as procedural safeguards. The controller takes multiple measures to reduce the impact of these events on its customers, including through the deployment of detection processes that seek to identify irregular account activity, teams that investigate such activity, and steps to remedy incidents proactively. However, based on the controller's investigation in this specific matter, it is likely that the 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. The controller stated that it will do what is within its power to prevent the seller in question from repeating these actions.

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 remedy to the situation by taking immediate measures against the third-party seller.

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) has responded that the complainant has indicated that the case is now closed for her. 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, the CNPD, in a plenary session, after having deliberated, decides:

- To close the complaint file 9.247 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.

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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.