

**PRESIDENT
PERSONAL DATA
PROTECTION OFFICE**
Miroslaw Wróblewski

Warsaw, 01.07.2026

DWM.523.40.2025. [REDACTED].

DECISION

Pursuant to Article 104(1) of the Act of June 14, 1960 – Code of Administrative Procedure (consolidated text: Journal of Laws of 2025, item 1691), Article 7(1) and (2) of the Act of May 10, 2018, on the Protection of Personal Data (Journal of Laws of 2019, item 1781), and Article 12(2) and (3), Article 17(1), Article 58(2)(b), and Article 60(7) 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) (OJ EU L 119 of 4.05.2016, p. 1, OJ EU L 127 of 23.05.2018, p. 2 and OJ EU L 74 of 4.03.2021, p. 35) (hereinafter referred to as the GDPR), following administrative proceedings regarding the complaint filed by [REDACTED] (residing at [REDACTED]) (hereinafter: the Complainant) regarding irregularities in the processing of his personal data by [REDACTED] (registered office: [REDACTED]) (hereinafter: the Company), consisting of failure to comply with the request to delete the Complainant's personal data regarding the user account and related personal data, the President of the Personal Data Protection Office,

**issues a reprimand to [REDACTED]
[REDACTED], for the violation:**

- 1) Article 12(2) in conjunction with Article 17(1) of the GDPR by failing to assist the Complainant in exercising his right to erasure of personal data;**
- 2) Article 12(3) in conjunction with Article 17(1) of the GDPR by failing to provide the Complainant with information regarding the actions taken in response to the request for erasure of 14.02.2024 within one month of receiving the request, or with information regarding an extension of the deadline, including the reasons for the delay;**
- 3) Article 17(1) of the GDPR by failing to comply with the Complainant's erasure request of 14.02.2024 without undue delay.**

Justification

On 06.03.2024, the Personal Data Protection Office received a complaint from the Complainant regarding the Company's failure to comply with the request to delete the Complainant's personal data related to the user account and associated personal data.

The complaint was forwarded to the Personal Data Protection Office by the Lithuanian supervisory authority (Valstybinės duomenų apsaugos inspekcijos, located at L. Sapiegos g. 17, Vilnius, Lithuania) under the One-Stop-Shop (OSS) mechanism pursuant to Article 60 of the GDPR via the Internal Market Information System (hereinafter: IMI). The President of the Personal Data Protection Office (hereinafter: PUODO) acts in this case as the lead supervisory authority within the meaning of Article 56(1) of the GDPR.

In the course of the administrative proceedings, the PUODO established the following facts:

1. On 10.02.2024 At 1:53 p.m., the Complainant (from the email address [REDACTED]) contacted the Company (at the email address [REDACTED]) operating the [REDACTED] website, requesting the deletion of the user account [REDACTED] and the cessation of sending messages to the Complainant. (evidence: the Complainant's letter dated 18.02.2024, the Company's explanation dated 22.08.2025, along with attachments);
2. On 12.02.2024, at 9:16 a.m., the Company (from the email address [REDACTED]) responded to the Complainant, stating that the request to delete the account and cease sending messages should be sent from the email address that the Complainant is requesting to be deleted. The Company explained to the Complainant that otherwise it could not be certain that the request had been sent by the owner of the provided email address. The Company informed the Complainant that if he had any questions, he should contact them by phone or email so they could assist him. In a letter to PUODO dated 22.08.2025, the Company indicated that it had requested that the request be sent from the email address to which the request pertains, i.e., from the address [REDACTED] "pursuant to Article 12(6) of the GDPR, in order to confirm that the Complainant is the owner of the requested email address (...)" (evidence: the Company's explanation dated 22.08.2025, along with attachments);
3. On 12.02.2024, at 12:13 p.m., the Complainant informed the Company that the email address [REDACTED] is a virtual address that forwards messages to the email address he uses to communicate with the Company, i.e., [REDACTED], and therefore it is impossible to send messages from the email address [REDACTED] (evidence: the Company's explanation dated 22.08.2025, along with attachments.);
4. On 14.02.2024, at 9:29 a.m., the Company again asked the Complainant to log into his email account and send a request to delete the account (evidence: the Company's explanation dated 22.08.2025, along with attachments);

5. On 14.02.2024, at 2:37 p.m., the Complainant again informed the Company that he was unable to access the virtual address because it did not exist as a standalone mailbox but served only as a forwarding address. Attached to the email, the Complainant provided the Company with a screenshot of the user account. The "El. Pasto adresas" field contains the email address [REDACTED] the "Vardas" (first name) field contains the character string [REDACTED], and the "Pavarde" (last name) field contains the character string [REDACTED]. The Complainant pointed out to the Company that the Company has the Complainant's first and last name in its system, and thus can identify the account owner. (Evidence: the Company's explanation dated 22.08.2025, along with attachments.)
6. On 14.02.2024, at 2:46 p.m., the Company informed the Complainant that it could not delete the account unless it had received a request from the email address. It reiterated that if there were any questions, the Complainant should contact them by phone or email (evidence: the Company's explanation dated 22.08.2025, along with attachments);
7. On 14.02.2024, at 2:48 p.m., the complainant informed the Company that, in that case, he had no choice but to file a complaint with the data protection authority. At 3:00 p.m., the Company thanked the complainant for the information and reiterated that if there were any questions, the complainant should contact them by phone or email (evidence: the Company's explanation dated 22.08.2025, along with attachments);
8. On 05.03.2024, at 12:32 p.m., the Complainant contacted the Company to report that he had received an advertisement from the Company, despite having requested that they cease sending such messages. On the same day at 1:16 p.m., the Company informed the Complainant that the information had been forwarded to the appropriate department and reiterated that, in case of any questions, the Complainant should contact the Company by phone or email (evidence: the Company's explanation dated 22.08.2025, along with attachments);
9. On 29.03.2024, at 9:52 a.m., the Company informed the Complainant that, in response to the Complainant's email request to delete (erase) personal data, the Complainant's personal data had been removed from the newsletter recipient database, and the Complainant's account and related personal data processed in the Company's online store had been deleted. The Company indicated that, notwithstanding the above, during the retention period for personal data (pursuant to Article 17(3)(e) of the GDPR, the Company reserves the right to process the user's data related to this correspondence in order to demonstrate compliance with data protection laws during an inspection conducted by authorized authorities or to pursue legal claims. The Company indicated that this data will be appropriately secured, and access to it will be limited to a small group of authorized persons. The Company further informed the Complainant that he may at any time file a complaint with a data protection supervisory authority, in particular in the country where he has his habitual residence, place of work, or the place of the alleged infringement. Furthermore, the Company indicated that if the Complainant believes that the processing of personal data violates the

provisions of the GDPR, he also has the right to seek judicial protection of his rights. (evidence: the Company's explanations dated 22.08.2025, along with attachments);

10. In a letter to the PUODO, the Company explained that, after reviewing and taking into account the full content of the correspondence with the Complainant, it had complied with the request regarding the address [REDACTED], and the request to delete the data was fulfilled, as evidenced by the Company's email to the Complainant dated 29.03.2024, at 9:52 a.m. The Company explained that it had taken into account the information from the submitted screenshot, which showed the requested address as logged into the club account. On this basis, the Company decided to comply with the Complainant's request. (Evidence: the Company's explanation dated 22.08.2025, along with attachments.)

In light of the foregoing, the PUODO has concluded as follows.

Pursuant to Article 56(1) of the GDPR, PUODO, as the lead supervisory authority, that is, the supervisory authority of the controller's or processor's main or single establishment, shall be competent to act in matters concerning cross-border processing of personal data, in accordance with the cooperation procedure provided for in Article 60 of the GDPR. Under that procedure, PUODO, as the lead supervisory authority, handles the case and cooperates with the supervisory authorities concerned and, in particular, shall, without delay, communicate the relevant information on the matter to those authorities and shall, without delay, submit a draft decision to them for their opinion and take due account of their views (Article 60(3) of the GDPR). Where none of the supervisory authorities concerned expresses a relevant and reasoned objection to the draft decision within the time limits laid down in Article 60(4) and (5) of the GDPR, 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 (Article 60(6) of the GDPR). Consequently, the lead supervisory authority shall adopt and notify the decision to the main or single establishment of the controller or processor, as applicable, and shall inform the other supervisory authorities concerned and the European Data Protection Board of the decision, including a summary of the relevant facts and grounds (Article 60(7) of the GDPR). The supervisory authority with which the complaint was lodged shall inform the complainant of the decision.

Article 12 GDPR relates to transparent information, transparent communication and the modalities for the exercise of the rights of the data subject. Pursuant to Article 12(1) GDPR, the controller shall take appropriate measures to provide the data subject with any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing 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. Where requested by the data subject, the information may be provided orally, provided that the identity of the data subject is proven by other means. Article 12(2) GDPR provides that the controller shall facilitate the exercise of data subject rights under Articles 15 to 22. In the cases referred to in Article 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, unless the controller demonstrates that it is not in a position to identify the data subject. Pursuant to Article 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. Article 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. Pursuant to Article 12(6) GDPR, without prejudice to Article 11, 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.

Pursuant to 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 Article 6(1)(a) or Article 9(2)(a), 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). Pursuant to Article 17(3) GDPR, paragraphs 1 and 2 shall not apply to the extent that processing is necessary; (a) for exercising the right of freedom of expression and information; (b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject, or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; (c) for reasons of public interest in the area of public health in accordance with Article 9(2)(h) and (i) and Article 9(3); (d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1), in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or (e) for the establishment, exercise or defence of legal claims.

In this case, the Complainant alleged that the Company had failed to comply with his request under Article 17 of the GDPR.

In a communication dated 10.02.2024, sent from the email address [REDACTED], the Complainant requested that the Company delete his account associated with the email address [REDACTED] and cease sending him messages from the Company. Given that the Complainant's account was linked to the email address [REDACTED], while the request and subsequent correspondence originated from the address [REDACTED], the Company informed the Complainant in a message dated 12.02.2024, that in order to fulfil his request, it was necessary to submit it from the address associated with the user account, i.e., [REDACTED].

Pursuant to Article 12(6) of the GDPR, the data controller may, without prejudice to Article 11, request additional information necessary to verify the identity of the data subject if it has reasonable doubts as to that person's identity. In the opinion of PUODO in the present case, given that the Complainant sent the communication from an email address other than the one associated with his user account, the Company had reasonable doubts regarding the Complainant's identity. In light of the above, the Company's initial request to the Complainant to submit the data deletion request from the email address associated with the user account on the Company's website should be considered justified.

In subsequent correspondence, the Complainant indicated that he was unable to access the [REDACTED] email account because it is a virtual address that forwards messages to his [REDACTED] email account. The Company, however, reiterated its request to log in to the [REDACTED] email account and use it to submit a request to delete the account. On 14.02.2024, at 2:37 p.m. in a message to the Company, the Complainant again indicated that this was not possible and, furthermore, attached a screenshot showing the account dashboard associated with the email address [REDACTED], which is accessible only to logged-in users.

In the opinion of PUODO, by submitting the aforementioned screenshot, the Complainant sufficiently verified his identity to the Company. The screenshot provided by the Complainant confirmed that the Complainant was able to access the user account on the Company's website associated with the email address [REDACTED]. This finding, combined with the fact that on 29.03.2024, the Company fulfilled the Complainant's request without obtaining additional information from him to verify his identity, indicates that the information previously provided by the Complainant, in particular the screenshot of the user panel, was sufficient to link the Complainant's request to a specific user account. The Company confirms this by stating that it took into account the information from the screenshot submitted by the Complainant on 14.02.2024 and, on that basis, decided to fulfill the Complainant's request.

As the European Data Protection Board notes in paragraph 159 of Guidelines 01/2022 on the rights of data subjects – Right of access (Version 2.1, Adopted on 28.03.2023) regarding the time limit set forth in Article 12(3) of the GDPR, "(...) However, when the controller needs to communicate with the data subject due to the uncertainty regarding the identity of the person making the request there may be a suspension in time until the controller has obtained the information needed from the data subject, provided the controller has asked for additional information without undue delay." In the present case, it must therefore be concluded that the time limit under Article 12(3) of the GDPR was

suspended until the Complainant provided a screenshot of the user panel, i.e., until 14.02.2024, at 2:37 p.m. From that moment on, the Complainant's identity must be considered verified, and the request for data erasure must be considered validly submitted.

In response to the screenshot provided by the Complainant, the Company did not comply with the Complainant's request, reiterating that it cannot delete the account unless it receives a request from the email address associated with it. Only after two subsequent messages from the Complainant—namely, a notice of intent to file a complaint with the Lithuanian supervisory authority dated 14.02.2024, and a notice regarding the receipt of advertising content dated 05.03.2024 — on 05.03.2024, the Company informed the Complainant that the information had been forwarded to the relevant department and that the Complainant could contact the Company by phone or email. In the opinion of PUODO, in the present case, submitting a response to the Complainant about the forwarding of information to the relevant department of the Company does not constitute information on actions taken on a request within the meaning of Article 12(3) GDPR, but only information about the Company's internal procedure regarding the handling of data subjects' requests.

In light of the above considerations, PUODO finds that the Company has committed the violation of:

- 1) **Article 12(2) in conjunction with Article 17(1) of the GDPR.** The company did not facilitate the Complainant's exercise of his right to erasure of personal data. In its communications with the Complainant, the Company made the fulfilment of his request contingent solely on the submission of the request from the email address [REDACTED], without offering alternative means of verifying his identity, despite having been informed by the Complainant that submitting the request from the email address [REDACTED] was impossible;
- 2) **Article 12(3) in conjunction with Article 17(1) of the GDPR.** The Company did not provide the Complainant with information regarding the actions taken in connection with the request for data erasure of 14.02.2024 within one month of receiving the request, nor did it inform the Complainant of an extension of the deadline, stating the reasons for the delay;
- 3) **Article 17(1) of the GDPR.** The Company did not comply with the Complainant's request without undue delay, as the Complainant's request was effectively submitted on 14.02.2024, and the Company's response and fulfilment of the request occurred on 29.03.2024, thus exceeding the deadline set forth in Article 12(3) of the GDPR.

In the present case, PUODO, taking into account the Company's cooperation with the authority during these proceedings and the fact that the Company complied with the request to erase the Complainant's data and provided the Complainant with a response in the communication dated 29.03.2024, decided that it is sufficient in this case to exercise the power provided for in Article 58(2)(b) of the GDPR, i.e., to issue a reprimand to the Company for the above stated violations.

In view of the above, PUODO decided, as stated at the outset.

This decision is final. Pursuant to Article 7(2) of the Act of May 10, 2018, on the Protection of Personal Data, in conjunction with Article 13(2), Article 53(1), and Article 54 of the Act of August 30, 2002, – Law on Proceedings before Administrative Courts (i.e., Journal of Laws of 2026, item 143), the party has the right to file a complaint with the Provincial Administrative Court in Warsaw within 30 days of the date of delivery of the decision, through the President of the Personal Data Protection Office (address: Personal Data Protection Office, Stanisława Moniuszki 1A Street, 00-014 Warsaw). The filing fee for the complaint is PLN 200. The party has the right to apply for legal aid, including exemption from court costs.

Pursuant to Article 54 § 1a of the Act of August 30, 2002—Law on Proceedings before Administrative Courts—a complaint in the form of an electronic document shall be submitted to the authority's electronic inbox. Therefore, complaints to an administrative court submitted electronically through the President of the Personal Data Protection Office must be sent to the ePUAP mailbox address of the President of the Personal Data Protection Office.