

Paris, on September 8th, 2025

I am responding to the complaint () against and sent by the Dutch Data Protection Authority pursuant to the provisions of Article 61 of the General Data Protection Regulation ("GDPR")

The complainant, was informed that his personal data had been collected by the company owner of the email address, exercised his right to access his personal data by email on July 5, 2024, in order to find out the source that led to his data being collected in the company's contact database.

In response, by emails dated July 5 and 8, 2024, informed the complainant that his data had been collected on the basis of its legitimate interest from sources available online and accessible to the public.

However, challenged this legal basis on the grounds that the processing of his data was not necessary and added that his email address had never been made public. In any event, he informed the company that the document it had sent did not provide any information on the source of his data.

As Mr. informed our Dutch colleagues on May 1, 2025, that he had still not received a satisfactory response to his access request, and specified that he wanted his personal data to be erased, the CNIL intervened in support of his complaint to by letter dated May 26, 2025.

Following this intervention, contacted Mr. to provide clarification regarding the legal basis for the processing of his personal data, the source of the data, and to confirm that his request for erasure had been taken into account. The company also provided a copy of this response to the CNIL.

In this regard, Mr. informed the Dutch data protection authority that he was satisfied with the response provided by regarding the source of his data and his request for erasure. Nevertheless, the complainant once again challenged legitimate interest as the legal basis for the collection of his personal data.

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As you know, following an inspection procedure in June 2022, the CNIL's restricted committee considered that [REDACTED] had failed to comply with several obligations set out in the GDPR. In particular, it considered that:

- the collection by [REDACTED] of contact details for which [REDACTED] users had expressly limited visibility on [REDACTED] exceeded what could reasonably be expected of people registering on a [REDACTED] social network. It therefore considered that the contact details had been collected unlawfully (article 6 of the GDPR);
- the company's delay in informing individuals about the collection of their data, and *even more so* by sending an email in English, did not provide transparent and comprehensible information (Articles 12 and 14 of the GDPR);
- [REDACTED] response to the data subjects' requests for right of access was insufficient in the light of Article 15 of the GDPR.

With regard to the breach of Article 6 of the GDPR regarding the legal basis for processing the personal data of individuals who have chosen to limit the visibility of their contact details on [REDACTED] the restricted committee considered that this masking of contact details constituted *"a form of opposition, an essential corollary of legitimate interest, which must be taken into account by the company, which therefore has no legitimate interest in collecting the masked contact details"*.

Furthermore, the restricted committee noted that [REDACTED]'s privacy policy emphasized that data processed from its social network must be processed in accordance with users' preferences.

Therefore, in the light of these elements, the restricted committee considered that the interests or fundamental rights and freedoms of the data subjects, in particular their right to privacy, prevailed over the legitimate interest of the data controller in processing their data in order to ensure the functioning of its extension, so that [REDACTED] legitimate interest could not be used as legal basis.

With regard to the other legal bases, the restricted committee noted that the persons whose contact details had been collected had never consented to this collection or to their transfer to the company for the purpose of operating the [REDACTED] extension. It also pointed out that there was no contract between the persons concerned and [REDACTED]

Thus, the restricted committee considered that neither the legal basis of consent, nor that of contract, nor any other legal basis (compliance with a legal obligation, safeguarding the vital interests of the data subject or performance of a task carried out in the public interest) appeared to constitute a valid legal basis under the GDPR for the processing in question. Consequently, the collection of contact details of [REDACTED] users who had decided not to make such data visible had no legal basis, which justified the finding of a breach of the aforementioned Article 6.

As a result, the restricted group imposed an administrative fine [REDACTED] on [REDACTED] for all of these breaches, and enjoined the company, within a period of 6 months, to:

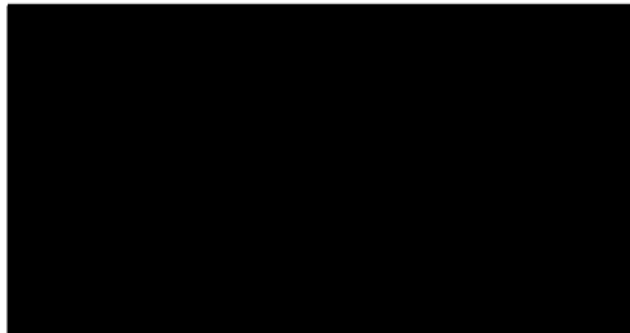
- cease collecting the data of people who have chosen to limit the visibility of their contact details, and delete the contact data collected in this way or, failing that, if it is impossible to distinguish this data whose visibility has been limited from other data, inform them within 3 months of the processing of their data and of the possibility of objecting to it, and use the data solely for this purpose;
- inform the people whose data is collected in a language they understand;

- respond to access requests from individuals in accordance with the provisions of Article 15 of the RGPD by providing them with all the information it has on the sources from which the data is collected.¹

In the light of these elements, of the measures taken by [REDACTED] to respond to Mr. [REDACTED] requests for access and erasure and having no doubt that the company will take the appropriate measures to bring its processing operations into compliance with the aforementioned injunction, the CNIL, in agreement with the other European data protection authorities, is therefore closing this complaint.

I would nevertheless like to point out that the CNIL reserves the right to use all the powers granted to it by the GDPR and by the amended Act of 6 January 1978 in the event of further complaints.

Yours sincerely,



¹ [REDACTED]