



Litigation Chamber

Decision 211/2025 of 18 december 2025

File number: DOS-2023-03248

The Litigation Chamber of the Data Protection Authority;

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 *on the protection of individuals 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), (hereinafter "GDPR");

Having regard to the Act of 3 December 2017 *establishing the Data Protection Authority*, hereinafter referred to as "LCA";

Having regard to the internal rules, as approved by the Chamber of Representatives on 20 December 2018 and published in the *Moniteur Belge* on 15 January 2019 (hereinafter "the internal rules");

Having regard to the documents in the file;

Has taken the following decision regarding:

The complainant: [REDACTED], hereinafter referred to as "the complainant";

The defendant: [REDACTED]
[REDACTED], hereinafter "the defendant".

I. Facts and procedure

1. The subject of the complaint concerns failure to comply with a request for access to personal data.
2. On 31 July 2023, the complainant lodged a complaint with the Data Protection Authority against the defendant.
3. On 28 August 2023, the complaint was declared admissible by the First Instance Service on the basis of Articles 58 and 60 of the LCA and was referred to the Litigation Chamber on the basis of Article 62, § 1 of the LCA.
4. On 20 September 2023, the Litigation Chamber launches the procedure in accordance with Article 56 of the GDPR to identify the lead supervisory authority (hereinafter “LSA”) for the defendant and the supervisory authorities concerned (hereinafter “CSA”) via the Internal Market Information System (hereinafter “IMI”).
5. On 11 October 2023, the French supervisory authority Commission Nationale de l'Information et des Libertés (hereinafter “CNIL”) announces that it is the LSA for the defendant, as the defendant's head office is located in France.
6. On 3 September 2024, the CNIL submits a question to the complainant via the Litigation Chamber. On 8 November 2024, the Litigation Chamber forwards the complainant's response to the CNIL.
7. On 20 March 2025, the CNIL submitted a new question to the complainant. The Litigation Chamber forwarded the question to the complainant on 5 June 2025 and expected a response by 19 June 2025. On 8 July 2025, the Litigation Chamber informed the CNIL that it had not received a response from the complainant.
8. In accordance with Article 60.3 of the GDPR, the CNIL published the draft decision on the IMI platform on 23 July 2025. No objections were raised to the CNIL's draft decision within a period of four weeks, which means that the draft decision was taken in consensus with the other authorities and is therefore binding.
9. Finally, this final decision is a decision in accordance with Article 60.8 GDPR. As the complaint is dismissed, the data protection authority where the complaint was lodged, *in this case* the GBA, will take the decision and inform the complainant and the defendant thereof.

II. Reasons

10. After receiving a telephone call from a representative of the defendant, the complainant requested access to his personal data from this defendant, with whom he had never had any

contact, on 28 June 2023. In his complaint, the complainant stated that he was not given access to his personal data processed by the defendant.

11. The CNIL contacted the defendant on 24 April 2024 to request an explanation for the lack of response to the complainant's request for access. The defendant stated that the request had remained unanswered due to an internal error. On 17 May 2024, the defendant provided the complainant with a link so that he could view and download his personal data. In addition, the defendant also stated that it had made improvements to its procedures for handling requests.
12. On 16 October 2024, the complainant stated that the link provided by the defendant was not active. On 8 November 2024, the CNIL requested the defendant to respond to this.
13. After several exchanges to fully understand the situation, it became clear that the defendant did not process or had not processed any personal data belonging to the complainant and that no representative working for the defendant had the name provided by the complainant in his complaint. The CNIL then requested proof from the complainant that his personal data had indeed been processed, to which the complainant did not respond.
14. On the basis of the elements in the file, the Litigation Chamber dismisses the complaint in accordance with Article 95, §1, 3° LCA.
15. When a complaint is dismissed, the Litigation Chamber must justify its decision in stages¹ and:
 - declare a technical dismissal if the file contains no or insufficient elements that could lead to a conviction, or if there is insufficient prospect of a conviction due to a technical obstacle, as a result of which it cannot reach a decision;
 - or declare a policy dismissal if, despite the presence of elements that could lead to a sanction, the continuation of the investigation of the file does not seem appropriate in light of the priorities of the Data Protection Authority, as specified and explained in the Litigation Chamber's dismissal policy².
16. In the event that the case is dismissed on more than one ground, the grounds for dismissal (i.e. technical dismissal and policy dismissal) must be dealt with in order of importance³.
17. In the present case, the Litigation Board is dismissing the complaint on the grounds of a discretionary dismissal. There is a motive underlying the Litigation Chamber's decision why

¹ Court of Appeal of Brussels, Markets Division,^{19th} Chamber A, Chamber for Market Affairs, judgment 2020/AR/329, 2 September 2020, p.18.

² In this regard, the Litigation Chamber refers to its dismissal policy as set out in detail on the GBA website: <https://www.gegevensbeschermingsautoriteit.be/publications/sepotbeleid-van-de-geschillenkamer.pdf>

³ Cf. Title 3 – *In which cases is my complaint likely to be dismissed by the Litigation Chamber?* of the Litigation Chamber's dismissal policy.

it considers it undesirable to pursue the case further and therefore decides not to proceed, *inter alia*, to a substantive hearing.

18. First, in accordance with its dismissal policy, the Litigation Chamber examines whether the complaint submitted contains grievances with a significant social and/or personal impact. In order to evaluate the above, the Litigation Chamber bases itself on the criteria used by the European data protection authorities to identify 'high-risk' processing within the meaning of Article 35 of the GDPR.
19. *In this case*, the Litigation Chamber finds that the processing operation to which the complaint submitted by the complainant relates cannot, *prima facie*, be classified as one of the cases listed in Article 35(3) of the GDPR⁴.
20. If the criteria for a significant societal or personal impact do not apply, the Litigation Chamber weighs the personal impact of the circumstances of the complaint on the fundamental rights and freedoms of the complainant against the efficiency of its intervention in order to decide whether it considers it appropriate to examine the complaint on its merits.
21. The Litigation Chamber considers that the complaint is not sufficiently detailed and is not supported by evidence that would enable the Litigation Chamber to decide whether or not there has been a breach of the GDPR.⁵ After several contacts between the CNIL and the defendant, it appeared that the latter had not processed any personal data belonging to the complainant. At the request of the CNIL, the complainant was asked to provide proof of the processing of personal data, to which the complainant did not respond.

III. Publication and communication of the decision

22. In view of the importance of transparency with regard to the decision-making process of the Litigation Chamber, this decision is published on the website of the Data Protection Authority. However, it is not necessary to disclose the identification details of the parties directly for this purpose.
23. In accordance with its policy on dismissals, the Litigation Chamber will forward the decision to the respondent⁶. The Litigation Chamber has decided to notify respondents *ex officio* of its decisions to dismiss cases. However, the Litigation Chamber refrains from such

⁴ a) a systematic and extensive assessment of personal aspects of natural persons, based on automated processing, including profiling, and on which decisions are based that have legal consequences for the natural person or that similarly significantly affect the natural person;

b) large-scale processing of special categories of personal data referred to in Article 9(1) or of data relating to criminal convictions and offences referred to in Article 10; or

c) systematic and large-scale monitoring of publicly accessible areas.

⁵ See criterion B.5 in the Litigation Chamber's dismissal policy.

⁶ See Title 5 – *Will the dismissal of my complaint be published? Will the other party be notified?* of the Litigation Chamber's dismissal policy.

notification when the complainant has requested anonymity vis-à-vis the respondent and the notification of the decision to the respondent, even if pseudonymised, nevertheless makes it possible to (re)identify the complainant⁷. This is not the case in the present case.

FOR THESE REASONS,

the Litigation Chamber of the Data Protection Authority, after deliberation, to dismiss the present complaint on the basis of Article **95, §1, 3°** of the LCA.

An appeal may be lodged against this decision in accordance with Article 108, §1 of the LCA, within a period of 30 days after notification thereof, with the Court of Appeal (Court of Appeal of Brussels), with the Data Protection Authority as the defendant. Such an appeal may be lodged by means of a petition for review, which must contain the elements listed in Article **1034ter** of the Judicial Code (J.C.)⁸. The petition for intervention must be submitted to the registry of the Court of Appeal in accordance with Article **1034quinquies** of the J.C..⁹, or via the e-Deposit information system of the Ministry of Justice (Article **32ter** of the J.C.).

In order to enable the complainant to consider other possible legal remedies, the Litigation Chamber refers the complainant to the explanation in its dismissal policy¹⁰.

Hielke HJMANs

Director of the Litigation Chamber

⁷ *Ibid.*

⁸ The petition must state, on pain of nullity:

- 1° the day, month and year;
- 2° the surname, first name and place of residence of the applicant and, where applicable, their capacity and national registration number or company registration number;
- 3° the surname, first name, place of residence and, where applicable, the capacity of the person to be summoned;
- 4° the subject matter and a brief summary of the grounds for the claim;
- 5° the court before which the claim is brought;
- 6° the signature of the applicant or his solicitor.

⁹ The application and its annexes shall be sent by registered letter to the registrar of the court or deposited at the registry in as many copies as there are parties involved.

¹⁰ See Title 4 – *What can I do if my complaint is closed?* of the Litigation Chamber's dismissal policy.