

Madam,

You have filed a complaint with the Commission nationale de l'informatique et des libertés (CNIL) against the company [REDACTED] regarding the difficulties encountered in exercising your right to delete your personal data stored on the [REDACTED] platform.

Indeed, you indicate that you have made several such requests to the company [REDACTED] in order to obtain the erasure of all your personal data. You specify that the company initially indicated to you that it intended to retain your data before informing you that it would be deleted on January 31, 2024. However, when you filed your complaint on February 23, 2024, you argued that the erasure of your data was not effective since you still had access to your [REDACTED] account.

As you know, pursuant to the cooperation procedures between European authorities established by the GDPR, the CNIL has forwarded your complaint to the Lithuanian data protection authority, which is competent to investigate it because the headquarters of the company [REDACTED] are located in Lithuania.

As part of the investigation of your complaint, the company stated that your account was blocked on November 1, 2023, and again on November 15, 2023. She confirmed that she received your erasure request dated November 15, 2023, and replied to it the same day by refusing to grant it. **She also added that your account and all the data attached to it were deleted on June 1, 2024.**

Based on the evidence gathered during the investigation phase of your complaint and after consultation with the other relevant European data protection authorities, the Lithuanian authority has adopted a decision regarding the company [REDACTED] pursuant to Article 60 of the GDPR.

First, I inform you that following the investigations carried out with the company, it was considered that the company's refusal to delete your personal data was justified.

Indeed, it appears from the evidence provided by the company that your [REDACTED] account has been blocked due to a breach of the platform's rules.

To justify this refusal, the company has put forward its legitimate interest in preserving the data of people who have a blocked account, in order to protect its online platform as well as other users against users who violate the rules. The retention of this data allows him to ensure proper execution of the formal account blocking measure of which you have been informed.

The company has also asserted its legitimate interest in retaining your personal data in the event that a refund procedure is initiated against it as a result of the transactions you have carried out on the [REDACTED] platform.

It follows from these elements that at the time of submission of your request for erasure, the processing of your personal data was necessary in relation to the purposes for which they were collected and therefore the company was not required to erase them pursuant to Article 17.1.a) of the GDPR.

Furthermore, the investigations did not enable the Lithuanian authority to establish that one of the grounds referred to in Article 17.1(b) to (f) of the GDPR is applicable in this case.

**Consequently, it appears that the company's refusal to delete your data was justified.
This part of the complaint is therefore dismissed.**

Secondly, the Lithuanian authority considered that the response to your request for erasure and the measures taken to respond to it do not comply with the provisions of the GDPR (Articles 5.1.a) and 12, paragraphs 1 and 4 of the GDPR).

Indeed, the Lithuanian authority considers that although the company assessed the need to continue processing your personal data after receiving your request for erasure, it acted in an untransparent and unfair manner towards you for the reasons explained belowbelow.

First of all, the company’s refusal was based on the fact that your request for erasure did not contain any « *specific reasons* referred to in Article 17.1 of the GDPR. However, the Lithuanian authority considers that a data subject does not have to justify a specific reason listed in Article 17.1 of the GDPR to exercise his right to erasure, and therefore that the absence of a mention of the reason referred to in a request does not justify its rejection.

Next, the Lithuanian authority considers that [REDACTED] response was not sufficiently complete and transparent since it did not set out all the reasons (purposes) for which it was necessary for your personal data to be kept and not erased.

Finally, the Lithuanian authority notes that the company informed you that your account would be deleted on 31 January 2024 and subsequently confirmed to them that your account and data were deleted on 1 June 2024. Thus, she considers that the company has provided you with misleading information about the date of your scheduled account deletion.

For these reasons, the Lithuanian authority considers that the company [REDACTED] has failed to comply with its obligations under Articles 5.1(a) (principle of fairness and transparency) and 12(1) and (4) of the GDPR (transparency of information).

However, the Lithuanian authority has, on the one hand, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] On the other hand, the authority noted that your account as well as your personal data attached to it were deleted on June 1, 2024. Accordingly, the Lithuanian authority considered that it is not necessary to impose an additional remedy on the company. She nevertheless sent a letter to the company [REDACTED] reporting the observed breaches.

In view of all the above, I inform you that your complaint has been closed.

Yours sincerely,

By delegation of the president,

[REDACTED]

Subject to the applicants' interest in bringing an action, CNIL decisions may be appealed before the Council of State within two months from their notification, plus one month for persons who remain in Guadeloupe, in Guyana, Martinique, Réunion, Saint-Barthélemy, Saint-Martin, Mayotte, Saint-Pierre-et-Miquelon, French Polynesia, the Wallis and Futuna Islands, New Caledonia, and the French Southern and Antarctic Territories; two months for people who remain abroad.