



ANDMEKAITSE INSPEKTSIOON

Polish SA

Final decision

Termination of proceedings

The Estonian Data Protection Inspectorate received a complaint of [REDACTED] (the Complainant) from the Polish data protection authority via the cross-border procedural system IMI concerning his request for access to his data. Following the receipt of the complaint, the EDPI commenced supervisory proceedings¹.

Facts of the complaint

According to the complaint, on 13 April 2020, the applicant submitted a request for data access request to [REDACTED] (the Controller), which [REDACTED] did not comply with and instead instructed the complainant to contact the Polish company [REDACTED]. The Complainant submitted an additional request on 23 March 2024, which had not been answered by the Controller at the time of submission of the complaint. It is apparent from the documents submitted to the EDPI that the Complainant also contacted the aforementioned company [REDACTED]. In its reply, the company stated that [REDACTED] is responsible for the processing of personal data under a contract pursuant to Article 28 of the General Data Protection Regulation (GDPR). The Complainant requests that the EDPI order [REDACTED] to respond to the request for access to his personal data. The Complainant indicated that the Controller should additionally provide information and explanations regarding the reasons for the lack of information provided to him in accordance with Article 14 of the GDPR.

Explanations provided by the data controller

[REDACTED] replied to EDPI's enquiries, stating that they have explained to the applicant on 26 June 2024 that [REDACTED] is the controller of his debt data and that the complainant's access request has been answered in Polish, on 1 July 2024. A copy of the reply sent to the complainant was forwarded to the EDPI.

The controller explained that the data subject's request of 23 March 2024 had not been answered within the deadline, as it had been categorized under the label 'DONE' or 'FINISHED' due to human error. For this reason, the request was not resolved in accordance with the internal policy of the controller, pursuant to which requests from the data subject are answered in writing within one month of receipt of the request.

The controller explained that internal processes have been improved in order to prevent such a situation from reoccurring in the future. At least once a calendar month, an employee of the company checks the folder with the "DONE" or "FINISHED" label to make sure that it does not

¹ The Supervision Authority commenced proceedings on the basis of Section 56(1) and (3)(8) of the Personal Data Protection Act. Legal basis for requesting clarifications: Sections 57-58 of the Personal Data Protection Act, Section 30(1) and (3) of the Law Enforcement Act, and Article 58(1)(a), (e) and (f) of the General Data Protection Regulation; in the case of an administrative authority, Section 75(2)(1)(1) of the Government of the Republic Act.

contain any unanswered requests from data subjects. The principles for handling requests have been reiterated by the controller to the staff dealing with requests related to personal data.

Position of the Data Protection Inspectorate

The requirements for the processing of personal data arise from Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation or GDPR), the Personal Data Protection Act, legislation established on the basis thereof and other laws.

Pursuant to Article 12(1) GDPR, the controller shall take appropriate measures to provide the data subject with the information referred to in Articles 13 and 14 and to inform him or her of the processing pursuant to Articles 15-22 and 34 in a concise, transparent, intelligible and easily accessible form, using clear and plain language. Article 15(1) GDPR grants the data subject the right of access to their personal data and related information. Pursuant to recital 63 of the GDPR, the data subject should have the right of access to personal data which have been collected concerning him or her and to exercise that right easily and at reasonable intervals, in order to be aware of the processing and to verify its lawfulness. Every data subject should therefore have the right to know and be informed, in particular, of the purposes of the processing of personal data, where possible, the period for which the personal data are processed, the recipients of the personal data, the logic involved in the automated processing of personal data and the possible consequences of such processing, at least where the processing is based on profiling.

Pursuant to Article 12(3) GDPR, the controller is obliged to respond to requests from the data subject without undue delay and at the latest within one month of receipt of the request. That period may be extended by two months, where necessary, taking into account the complexity and number of the request. The controller shall inform the data subject of any such extension and of the reasons for the delay within one month of receipt of the request.

According to the complaint, the complainant submitted a request for access to personal data by e-mail on 23 March 2024. Since the application in question was classified in the wrong folder due to an error, the applicant received a reply to the application only after the supervisory authority intervened on 1 July 2024. In doing so, the controller breached the one-month time limit under Article 12(3) GDPR to respond to the data subject's request. The EDPI notes that it does not consider it necessary to carry out a separate investigation of the request submitted to the Controller in 2020, since the EDPI considers the request of 2024 as a repeated access request, which has been complied with. Due to the time passed, it would be difficult to determine the details surrounding the 2020 request. Furthermore, a separate investigation would not be procedurally efficient. For the aforementioned reasons, EDPI does not consider a separate investigation regarding the request of 2020 to be necessary.

In case of violation of GDPR, the Data Protection Inspectorate has different corrective powers, including reprimand, precept, fine (Article 58(2)(a)(j)-GDPR). In particular, the measure should be appropriate, necessary and proportionate, taking into account the circumstances of each individual case.²

The EDPI takes into account that:

1. The proceedings are based on an individual complaint by one data subject.
2. The controller has confirmed that the data subject's request was not answered in accordance with the standard internal processes of [REDACTED] and that instructions have been given to the company's customer support team to prevent the respective errors in the future.
3. The infringement is not continuous and was of a minor nature.
4. The EDPI has established that the applicant received solutions to the matters brought up in the complaint. The EDPI notes that as the access request submitted pursuant to article 15 GDPR was fulfilled, the Complainant also received the relevant information listed in article 14 GDPR. Therefore a separate analysis of an alleged article 14 infringement is not required. Furthermore,

² GDPR recital 129.

the complainant did not submit any proof of the alleged infringement of article 14.

5. The controller cooperated swiftly with the EDPI.

Although the controller did not comply with the time limit under Article 12(3) GDPR to respond to the data subject's request, in the light of the above, and in accordance with the principle of proportionality, the EDPI will not take corrective measures under Article 58 of the GDPR.

The Data Protection Inspectorate draws [REDACTED]'s attention to the following:

1. The controller shall take appropriate measures to inform the data subject of the processing of personal data pursuant to Article 15 GDPR in a concise, transparent, intelligible and easily accessible form, using clear and plain language (Article 12(1) GDPR).
2. The controller shall provide the data subject with a report on any action taken pursuant to Articles 15 to 22 on request without undue delay and at the latest within one month of receipt of the request. That period may be extended by two months, where necessary, taking into account the complexity and number of applications. The controller shall inform the data subject of such extension and of the reasons for the delay within one month of receipt of the request (Article 12(3) GDPR).

On the basis of the above, the Inspectorate terminates the supervisory procedure.

When Final Decision is adopted pursuant to GDPR Art 60(7), the notice of termination of the supervision proceedings can be challenged within 30 days by submitting an appeal to the administrative court under the Code of Administrative Court Procedure.³

Respectfully

[REDACTED]

Lawyer

under the authority of the Director-General

³ [Code of Administrative Court Procedure–Riigi Teataja](#)