



REPUBLIC OF ESTONIA
DATA PROTECTION INSPECTORATE

FOR INTERNAL USE

Holder of information: Data Protection Inspectorate

Notation made: 17.06.2026

The access restriction shall be valid until: 17.06.2101
for p 2 until entry into force of the Decision

Legal ground: Section 35(1)(2), Section 35(1)(12) of the PIA

All SAs

17.06.2026 No. 2.1-12/25/1409-3018-6

ARTICLE 60 FINAL ADOPTED DECISION**Reprimand and termination of the proceedings in a personal data protection matter**

The Polish data protection authority (the Polish DPA) received a complaint from [REDACTED] against [REDACTED] regarding the deletion of personal data. The service of the controller is available, in addition to Poland, in several European Union Member States and therefore there is cross-border processing of personal data¹. The main establishment of the controller is located in Estonia and therefore the Estonian Data Protection Inspectorate (the Estonian DPI) is the lead supervisory authority for processing a complaint pursuant to Article 56(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation, GDPR). The Polish DPA forwarded the complaint to the Estonian DPI for handling, the Estonian DPI initiated proceedings² and submitted an inquiry to [REDACTED]

Facts of the complaint

The complainant sent [REDACTED] a request for erasure of personal data on 29.08.2025, providing their telephone number for identification. The complainant immediately received an automatic reply stating that their request had not reached the support team and requiring completion of a special web form. The complainant completed the web form and received an email asking them to confirm their email address by clicking on a link. After clicking on the 'Confirm email' link, it appeared that the page does not exist.

The complainant is of the position that the controller is required to facilitate the exercise of the data subject's rights, but [REDACTED] does the opposite. The complainant finds that the GDPR does not provide for a mandatory form for submitting requests for the exercise of rights. Their initial email was legally binding and contained all necessary identification data. Article 12(6) GDPR allows reasonable verification measures, but only if the controller has reasonable doubts about the identity of the person. Providing the telephone number associated with the account should be sufficient.

After lodging a complaint with the Polish DPA, the complainant received a response from [REDACTED] on 30.08.2025, according to which [REDACTED] could not comply with the complainant's request and, in such a situation, the complainant had to delete their account themselves. The complainant finds that [REDACTED] refuses deletion without a basis.

The complainant requests that [REDACTED] delete their personal data and amend the procedures so that these do not hinder the exercise of the data subject's rights. The complainant wishes that requests

¹Art. 4(23) GDPR.

² The Supervision Authority initiated 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.

are accepted via e-mail without imposing additional requirements.

Explanations from the controller

██████████ confirmed that it is the controller with regard to the processing of personal data related to ██████ services in Poland.

The complainant's request for erasure was satisfied and the complainant was informed that their account and the personal data relating to it would be deleted on 27.11.2025, except for data that must be retained pursuant to law and [REDACTED]'s data retention policy.

Upon examination of the complainant's request, it was identified that the complainant had an outstanding debt. [REDACTED]'s customer support informed the complainant on 08.10.2025 that in case of a negative balance, the account cannot be deleted. [REDACTED] found a solution internally with the relevant team to the negative balance, after which the account fulfilled the prerequisites for account deletion.

In order for █████ users to receive privacy-related advice efficiently and without undue delay, █████’s usual approach is to first inform users directly about self-service options available in the █████ application. This enables users to manage their queries more quickly and at a time suitable for them, and to carry out routine data-related actions, such as account deletion, more quickly.

In this particular case, the complainant should not have deleted their account themselves, but customer support should have informed the user about self-service options and ██████'s support in processing the request.

████ has already informed a dedicated customer support team dealing with privacy-related issues (CSPC team) to avoid similar situations in the future. On the initiative of the CSPC team, an update of guidance material has been started so that consistent and accurate instructions would be communicated to all users in all markets. This ensures that users are provided with support from █████ and are given clear explanations about their options.

With regard to the web form and confirmation of the email address, █████ explained that when a █████ user submits a request to customer support by email, the system automatically sends the user two standard forms. The first form instructs the user to complete it if their request concerns privacy matters. In such cases, users receive a link to the privacy web form, which is permanently available via █████. The purpose of this process is to ensure that privacy-related queries are quickly directed to the CSPC team and the privacy team and that the user's email address is automatically verified in █████'s system in accordance with the requirements arising from Articles 12(2) and 12(6) GDPR. The second form, which is presented in the same email, concerns queries that are not related to privacy matters. The form ensures that user's requests are directed to the customer support team of the relevant market. According to customer support procedures, this form remains active only for a limited time.

If the complainant submitted a request via the privacy form, [REDACTED]'s system required confirmation via email. Verification is in accordance with Articles 12(2) and 12(6) GDPR, which allow controllers to use reasonable measures to verify the identity of the person making the request. Therefore, the complainant was asked to confirm their email address so that [REDACTED] could verify their identity and lawfully continue processing their privacy request.

Position of the Estonian Data Protection Inspectorate

1. Pursuant to Article 4(7) GDPR, the controller is a natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. Although the complaint has been lodged against [REDACTED], [REDACTED] has confirmed that it is the controller with regard to the processing of

personal data related to [REDACTED] services in Poland. Therefore, in this matter the controller is [REDACTED] and not [REDACTED].

2. Pursuant to Article 17(1) GDPR, the data subject has the right to obtain from the controller the erasure of personal data concerning them without undue delay and the controller is obliged to erase those data if there are reasonable grounds for doing so. Pursuant to Article 12(3) GDPR, the controller shall provide the data subject without undue delay, but no later than one month from the receipt of the request, with information on the action taken on the request.

3. It is apparent from the materials submitted that the complainant sent a request for erasure to the controller on 29.08.2025, to which they received an automatic reply requesting completion of a web form and confirmation of the email address. The complainant was not able to confirm their email address because the web link returned an error message. The complainant informed the controller by e-mail on 29.08.2025 that they were unable to confirm their e-mail address in the web form. On 30.08.2025, the controller responded to the complainant that their case was being handled and informed about the case number. On the same day, the complainant lodged a complaint with the Polish DPA. On 31.08.2025, the complainant received a notification from the controller that [REDACTED] was unable to fulfill the request on its part and in such a situation the complainant had to delete their account themselves. The complainant replied that they will inform the DPA thereof. On 02.10.2025 the complainant re-initiated a conversation with the controller and asked whether their personal data had been deleted and reminded that a complaint had been lodged with the data protection authority. As a result of the conversation, it was explained to the complainant that the controller could not delete the account because it had a negative balance. The account together with the data can be deleted after the outstanding debt has been settled. The complainant found that the controller continues to process their personal data without consent. After the Estonian DPI's intervention, the controller found an internal solution to the negative balance, after which the account fulfilled the prerequisites for the deletion. The complainant was informed on 07.11.2025 about the deadline for deletion of the account (27.11.2025) and the possibility of withdraw the request.

4. In this case, although the request was answered, contradictory and misleading information was provided to the complainant (that the complainant had to delete their data himself, that the complainant had a negative balance). The controller has an obligation to act in the exercise of the data subject's rights and the GDPR imposes the obligation to erase data on the controller. If the controller refuses to erase the data itself and requires the data subject to do so (e.g. in an application), it disregards its direct obligation arising from the GDPR to act on the basis of the data subject's request. The controller resolved the complainant's erasure request only after the intervention of the supervisory authority. This indicates that the controller's processes for handling the data subject's request did not ensure compliance with the personal data protection regulation and did not function. By the foregoing, the controller infringed Article 12(3) in conjunction with Article 17(1) GDPR.

5. The Estonian DPI asked the Polish DPA to contact the complainant in order to obtain confirmation from the complainant regarding the resolution of their request. The Estonian DPI also requested the complainant to indicate if the complainant has additional questions regarding the fulfilment of their request. The Polish DPA informed the Estonian DPI that it had contacted the complainant, but no feedback was received.

6. The Estonian DPI takes into account that the complainant's request has been resolved and no additional questions were received from the complainant regarding the fulfilment of their request. Therefore, the Estonian DPI does not consider it necessary to further examine whether and for what reason there were data in the controller's systems about a negative balance of the complainant, due to which the rights of the data subject were restricted, but to which [REDACTED] found a solution during further investigation. Therefore, the Estonian DPI does not assess in this case a possible infringement of the principle of accuracy of data (Article 5(1)(d) GDPR).

7. The complaint also refers to an infringement of Article 12(6) of the GDPR in relation to verification of identity. The complainant is of the position that requests must be accepted via email without imposing additional requirements. In the opinion of the Estonian DPI, [REDACTED] has not infringed Article 12(6) GDPR in the verification of the e-mail address in this case and has applied a reasonable verification measure. This fulfils the controller's duty of care to identify the person, while not being at the same time an excessively burdensome solution for the data subject. However, the controller must ensure that the verification process is not unreasonably complicated for the data subject.

On the basis of the foregoing, [REDACTED] infringed the requirements of the General Data Protection Regulation when handling the complainant's request for erasure. In particular, the requirement arising from Article 12(3) in conjunction with Article 17(1) GDPR to resolve the data subject's erasure request was not fulfilled.

The Estonian DPI additionally takes into account that the controller has cooperated with the Estonian DPI, the complainant's personal data has been deleted and the infringement has ceased. The Estonian DPI also takes into account [REDACTED]'s explanations that updating of guidance materials has been started so that consistent and accurate instructions would be communicated to all users in all markets.

Under Article 58(2)(b) GDPR, the Estonian Data Protection Inspectorate reprimands [REDACTED] and terminates the supervisory proceedings.

At the same time, the Estonian DPI draws the controller's attention to the following. Pursuant to Article 12(2) GDPR, the controller shall facilitate the exercise of data subject rights. If the identification link does not work, this does not help the data subject to exercise their rights. Taking into account that in this case the complainant informed the controller about the non-functioning of the email verification link, [REDACTED] must in the future check more carefully that email verification links actually work.

The reprimand and the notice of termination of supervision proceedings can be challenged within 30 days by submitting an appeal to the administrative court under the Code of Administrative Court Procedure³.

Respectfully,

[REDACTED]
lawyer
authorized by the Director-General

³ <https://www.riigiteataja.ee/et/akt/103062026067>