



REPUBLIC OF ESTONIA
DATA PROTECTION INSPECTORATE

FOR INTERNAL USE

Controller of the information: Data Protection

Inspectorate

Entry made:: 08.07.2026

Access restriction valid until:: {JP kehtiv kuni} {JP

kehtiv kuni kirjeldus}

Legal basis: {JP alus}

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Ours: {regDateTime} nr
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DS.523.7774.2021.PT.KF

Decision on the termination of the proceedings

Estonian Data Protection Authority (Estonian DPA) received a complaint from ██████████ (hereinafter also referred to as *the complainant*) against ██████████ (hereinafter also referred to as ██████████, *the controller*, or *the company*) concerning the processing of his personal data. Estonian DPA forwarded the complaint to the Polish supervisory authority, *Urząd Ochrony Danych Osobowych* (UODO), as the controller is established in Poland and UODO is therefore the lead supervisory authority.

UODO conducted a supervisory procedure and, on 28 May 2026, adopted a decision pursuant to Articles 5, 6(1), 12(4), 58(2)(b), 60(9), and 56(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter *the GDPR*), as well as the relevant provisions of the Polish Code of Administrative Procedure.

In its decision of 28 May 2026, UODO partially upheld the complaint and, pursuant to Article 58(2)(b) GDPR, issued a reprimand to the controller for infringing Article 12(4) GDPR in conjunction with Article 5(1)(a) GDPR. The infringement consisted of the controller's failure to provide the complainant with information on the right to lodge a complaint with a supervisory authority and the availability of judicial remedies in relation to the complainant's request for the erasure of personal data under Article 17 GDPR. The remainder of the complaint was dismissed.

Pursuant to Article 60(9) GDPR, where the lead supervisory authority and the supervisory authorities concerned agree that part of a complaint should be dismissed or rejected and that another part of the complaint should be acted upon, separate decisions shall be adopted for each part. The lead supervisory authority shall adopt the decision concerning the part of the complaint related to actions with regard to the controller and shall notify it to the controller's or processor's main or single establishment in its Member State, while informing the complainant accordingly. The supervisory authority of the complainant's Member State shall adopt the decision concerning the part of the complaint that has been dismissed or rejected, notify the complainant thereof, and inform the controller or processor accordingly.

Accordingly, the Estonian DPA hereby adopts its decision with respect to the part of the complaint that was dismissed.

Facts of the complaint

In the complaint of 09.04.2020 and the supplementary letter of 18.04.2022, the Complainant indicated that he has entered into contract for the provision of services concluded with the Company for an indefinite period from 01.01.2020. The Company terminated the contract for the provision of services with the Complainant on 23.03.2020 in an extraordinary manner due to breach of contract in accordance with Section 11(2) of the contract.

The Complainant submits that, from 23.03.2020, the Company used the Complainant's email address, [REDACTED], despite the fact that the Complainant did not consent to this and was not informed in advance of the possibility for the Company to consult the correspondence kept by the Complainant using the email address [REDACTED]. The Complainant pointed out in this regard that on the date of filing the complaint, i.e. 09.04.2020 sending an e-mail to [REDACTED] does not result in an automatic reply or message that the e-mail address does not exist. The Complainant points out that the above meant that his e-mail address was still used by the Company at the time when the complaint was lodged on 09.04.2020.

In addition, in the supplementary letter of 18.04.2022, the Complainant's representative stated that, after the termination of the contract relationship, [REDACTED] (then Vice-President of the Company) had obtained access to the Complainant's correspondence with [REDACTED] on 22.04.2020 and 16 April 2021 and had forwarded part of that correspondence to third parties. In addition, in the above-mentioned supplementary letter, the Complainant's representative indicated that on 21 May 2021 [REDACTED] (then the Company's Director General) had obtained access to the Complainant's correspondence and had forwarded the correspondence to third parties.

On 30.03.2020, the Complainant's representative, [REDACTED], sent an email from the email address [REDACTED] to the following email addresses: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED] in which he requested the immediate closure and deletion of the Complainant's email address [REDACTED] and the cessation of the processing of the Complainant's personal data. The Complainant's representative appointed one day to comply with the request. In the complaint, the Complainant indicated that, as at the date of lodging the complaint, the Company had not responded to the request of the Complainant's representative.

In the complaint of 09.04.2020 and the supplementary letter of 18.04.2022, the Complainant alleges that the Company processed the Complainant's personal data without a legal basis, as well as failed to reply and to comply with the request for deletion of data of 30.03.2020. The Complainant requests that the supervisory authority determine: (1) how the Company obtained access to the Complainant's (private) correspondence; (2) who personally uses the Complainant's e-mail address (including at whose request), whether the Complainant's private correspondence is read and recorded, and if so, who personally does so, including at whose request and to whom the data is transferred; (3) whether it is a one-off or a continuous activity; (4) for how long the e-mail correspondence is stored; (5) what data has been read and stored; (5) whether correspondence from other employees has been read; (6) analysis of the legitimate interest of the Company. The Complainant further requests that the

supervisory authority order the Company to cease the disclosure and use of the Complainant's personal data, as well as to inform the Complainant of the breach concerning the storage and access to correspondence. In addition, the Complainant requests that the supervisory authority impose an administrative fine on the Company. In the course of the administrative proceedings, the President of the Personal Data Protection Office (hereinafter: the PUODO) obtained explanations regarding the circumstances of the case and established the following facts:

1. The Complainant was bound to the Company by a contract for the provision of services from 01.01.2020 to 23.03.2020 (evidence: complaint of 09.04.2020).
2. On 23.03.2020, the Company terminated the contract for the provision of services with the Complainant. In the notice of termination of the contract for the provision of services, the Company indicated that the reason was a breach of contract in accordance with Section 11(2). (evidence: complaint of 09.04.2020).
3. The Company explained that the Complainant's personal data had been obtained in connection with his contract relationship with the Company. The Company indicated that it had provided the Complainant with the email address [REDACTED] in connection with the contract and that this email address was to be used by the Complainant solely for business purposes. (evidence: the Company's explanation of 15 November 2021).
4. The Company terminated the contract with the Complainant because it detected that the Complainants, in cooperation with other persons, including [REDACTED] used the Company's brand name and business email addresses in order to charge customers of the [REDACTED] capital group from Estonia an additional commission, which was paid to the Estonian company established for this purpose ([REDACTED], translated as "[REDACTED]"). Due to the commission of the described acts in Estonia, the Company notified the Estonian law enforcement authorities. In particular, the company provided the Estonian law enforcement authorities with evidence in the form of correspondence from the Complainant's business e-mail box, which allegedly showed that the Complainant, using his business e-mail address, had agreed on a course of action and confirmed the existence of an alleged additional commission to [REDACTED]'s customers. (evidence: the Company's explanation of 15 November 2021).
5. As at 15.11.2021, i.e. the date on which the Company submitted its first explanations in the case, criminal proceedings were ongoing in Estonia with the participation of the Complainant and [REDACTED] (evidence: the Company's explanation of 15 November 2021)
6. At present, criminal proceedings against the Complainant are still ongoing in respect of actions to the detriment of the Company. The Complainant has the status of wanted person and the e-mails containing the findings between the Complainant and [REDACTED] constitute evidence of the actions taken by the Complainant and [REDACTED] causing damage to the Company. (evidence: Company's explanation of 12.05.2025)
7. 22.04.2020, [REDACTED], [REDACTED], [REDACTED], from the email address [REDACTED], sent to: [REDACTED] and [REDACTED] the Complainant's correspondence with [REDACTED] (evidence: Complainant's supplementary letter of 18.04.2022)
8. On 22.04.2020, correspondence between the Complainant and [REDACTED] was forwarded from the email address [REDACTED] to the email address [REDACTED] (evidence: Complainant's supplementary letter of 18.04.2022)
9. 16.04.2021, the Complainant's correspondence with [REDACTED] of 15.01.2020 and 20 and 25.02.2020 was viewed (evidence: Complainant's supplementary letter of 18 April 2022)

10. On 21.05.2021, the Complainant's correspondence was forwarded from [REDACTED] to [REDACTED]. Then, on the same day, [REDACTED] from the e-mail address [REDACTED] sent to: [REDACTED] and [REDACTED] e-mail from the Complainant (evidence: Complainant's supplementary letter of 18 April 2022)
11. [REDACTED] and [REDACTED] acted as the Company's legal representatives in the proceedings in Estonia against the Complainant (evidence: the Company's explanation of 21.10.2025)
12. [REDACTED] acted as an independent proxy (pl. prokurent samoistny) of the Company. [REDACTED] was employed as the Company's Operations Director. [REDACTED] and [REDACTED] had authorisations, valid respectively from 30.09.2019 and 11.10.2018, to process personal data in accordance with the scope of professional or contractual duties performed for the position held in the Company (evidence: the Company's explanation of 21.10.2025)
13. Only [REDACTED], had access to the Complainant's mailbox. The Company explains that the Complainant's e-mails were verified only in view of the above-mentioned proceedings in Estonia and forwarded as evidence to the Estonian Police and courts. In this regard, the Company pointed to the need to determine the manner in which the Complainant and [REDACTED] acted, as well as to identify the affected customers of the Company. This information served as evidence in the case. (evidence: Company's explanation of 12.05.2025)
14. The Complainant's email address is currently deactivated. By sending an e-mail to the Complainant's address, the sender receives a return message that the address [REDACTED] does not exist. (evidence: Company's explanation of 12.05.2025)
15. The Company indicates that it is currently processing the Complainant's personal data in terms of name, surname and e-mail address pursuant to Article 17(3)(e) GDPR in conjunction with Article 6(1)(f) GDPR (for the establishment, exercise or defence of claims). In addition, the Company indicated that it is processing the data on the basis of Article 6(1)(c) GDPR in conjunction with Article 74 of the Accounting Act, in connection with the need to store settlement documents for 5 years in the scope: name, surname, address indicated on the invoice, account number of the Complainant. The Company explained that, in accordance with Section 9 of the contract for the provision of services concluded between the Company and the Complainant, the Complainant was entitled to remuneration for the proper performance of the contract, described in detail in para. 1 of the above agreement. According to the paragraph. 3 Section 9 of the contract referred to above was paid by bank transfer to the Complainant's bank account within seven days from the date of submission of the invoice. The invoice was to be issued at the earliest on the last day of the month. The Company counts the period of five years from the date of issue of invoices by the Complainant during the period of validity of the above-mentioned speech contract, i.e. in the period from 1 January to 23 March 2020, when the contractual relationship between the Complainant and the Company ceased. In accordance with Article 74(3) of the Accounting Act: the retention periods laid down in paragraph 2 shall be calculated from the beginning of the year following the financial year to which the harvest relates. The Company indicates that it follows from the provision that the Company is obliged to keep accounting documents issued in 2020 until the end of 2025 (evidence: Company's explanation of 12.05.2025)
16. On 30.03.2020, the Complainant's representative sent an e-mail to the following e-mail addresses: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED], by which he requested the immediate closure and deletion of the Complainant's email address

██████████ and the cessation of the processing of the Complainant's personal data. The e-mail did not contain a power of attorney to represent the Complainant in exercising the right to delete the Complainant's personal data. By letter, the Complainant's representative requested a reply to the request to ██████████ by 31 March 2020 (evidence: Complaint of 09.04.2020; the Company's explanations of 15.11.2021 and 12.05.2025)

17. On 24 April 2020, the Company's representative, ██████████, sent a reply to the Complainant's request addressed to '██████████, ██████████, represented by: Attorney ██████████, Law Office ██████████, ██████████, e-mail: ██████████' indicating that it is not legally possible to delete e-mail, because the data contained in it may constitute evidence in cases prosecuted by public indictment - i.e. in the case of committing the crime of fraud and the criminal-fiscal crime of issuing a false invoice by the Company. In these circumstances, the removal of content from the email ██████████ could expose the Company to criminal liability (evidence: Company's explanation of 12.05.2025)

Legal reasoning of the decision

1. As regards the Complainant's allegation that the Company processes the Complainant's personal data without a legal basis and failed to comply with the request to delete his personal data, the PUODO considered the following.

The provision entitling controllers to process data of natural persons is Article 6(1) of the GDPR, according to which data processing is permissible only if one of the conditions set out in that provision is met. Catalogue of conditions listed in Article 6(1) GDPR, is closed. Each of the grounds for legalizing the processing of personal data is autonomous and independent. This means that those conditions are, in principle, equal, and therefore the fulfilment of at least one of them determines the lawful processing of personal data. Consequently, the consent of the data subject is not the only basis for the processing of personal data, since the data processing process will also comply with the GDPR if the controller demonstrates that another of the above-mentioned conditions is met. Irrespective of the consent of the data subject (Article 6(1)(a) GDPR), the processing of personal data is permissible when it is necessary to comply with a legal obligation to which the controller is subject (Article 6(1)(c) GDPR) and where the processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where those interests are overridden by the interests or fundamental rights and freedoms of the data subject which require the protection of personal data, in particular where the data subject is a child (Article 6(1)(f) GDPR).

2. The Company has processed the Complainant's data for accounting and settlement purposes pursuant to Article 6(1)(c) GDPR in conjunction with Article 74 of the Accounting Act of 29 September 1994 (consolidated text: Journal of Laws 2023, item 120), due to the need to store settlement documents for 5 years. In this respect, the Company has processed data such as: name, surname, address indicated on the invoice, account number of the Complainant. The Company counts the period of five years from the date of issue of invoices by the Complainant during the period of validity of the above-mentioned speech contract, i.e. in the period from 1 January to 23 March 2020, when the contractual relationship between the Complainant and the Company ceased. The Company points out that in accordance with Article 74(3) of the Accounting Act, the Company is obliged to keep the accounting documents issued in 2020 until the end of 2025. In the light of the above, it must be concluded that the processing of the Complainant's personal data by the Company for this

purpose and to the extent resulting, inter alia, from the above-mentioned provisions was necessary for the fulfilment of its legal obligation and was therefore based on the condition arising from Article 6(1)(c) GDPR.

3. During the proceedings, it was established that the Complainant's personal data regarding the name, surname, e-mail address and correspondence kept by the Complainant available in the e-mail address mailbox [REDACTED] entrusted to the Complainant during the term of the contract for the provision of services, including maintaining access to this mailbox, was made for the purpose of establishing, pursuing or defending claims. The Company pointed out that the data in the above-mentioned scope were made available only to Estonian law enforcement authorities and Estonian courts in connection with ongoing proceedings. The Company explained that it had provided the Estonian law enforcement authorities with evidence in the form of correspondence from the Complainant's business e-mail box, which allegedly showed that the Complainant, using his business e-mail address, had arranged a course of action and confirmed the existence of an alleged additional commission to [REDACTED]'s customers.
4. The decision on the merits of the claims brought by the Complainant and the Company falls within the jurisdiction of the relevant courts in Estonia. However, the Company's actions aimed at establishing, pursuing or defending claims, for which the processing of the Complainant's personal data in the above-mentioned scope is necessary, should be considered legal. The above has a legal basis in the condition resulting from Article 6(1)(f) GDPR. This applies to the processing of data by the Company's employees, i.e. [REDACTED] and [REDACTED], who had valid authorizations to process personal data in connection with their position and official duties. This also applies to the transfer of personal data to [REDACTED] and [REDACTED], who acted as legal representatives of the Company in proceedings conducted in Estonia against the Complainant. In the opinion of the PUODO, the processing of the Complainant's personal data consisting in making his personal data available by the Company in scope of name, surname, e-mail address and correspondence kept by the Complainant available in the e-mail address inbox of the Complainant to the legal representatives in order to represent the Company in the proceedings was a legal process and was based on the premise arising from Article 6(1)(f) GDPR.
5. In order to legitimise processing on the basis of Article 6(1)(f) of the GDPR, the first step requires the cumulative fulfilment of two conditions: namely, the existence of a legitimate interest on the part of the controller or a third party, and the necessity of the processing for the purposes arising from that interest. In the second stage, however, it is necessary to assess whether a negative condition is met, namely the existence, in the given circumstances, of the data subject's interests or fundamental rights and freedoms which override the legitimate interests of the controller or a third party (D. Lubasz, W. Chomiczewski [w:] RODO. Ogólne rozporządzenie o ochronie danych. Komentarz, ed. E. Bielak-Jomaa, Warszawa 2018, art. 6.) In establishing this condition for the admissibility of data processing, the EU legislator used the vague term 'legitimate interest' without defining the concept. As accepted in legal doctrine, a legitimate interest should not be understood narrowly, merely as an interest directly arising from a legal provision (granting a specific right to a data subject); it should be interpreted more broadly as various types of interest that find their justification in the provisions (Fajgielski Paweł, Test ważenia interesów i praw przy stosowaniu klauzuli prawnie uzasadnionych interesów, LEX). It may therefore be a factual, economic or legal interest, but one that is lawful. In recitals 47 and 49, the EU legislator cited the following as examples of such interests: direct marketing,

fraud prevention, and ensuring the security of services offered or made available via networks and systems. Furthermore, the controller must demonstrate that the processing is necessary for the purposes of legitimate interests. It is therefore not sufficient for these interests to exist; rather, their realisation must also require the processing of personal data. As is the case under Article 6(1)(b) of the GDPR, there must also be a direct link here between the pursuit of a legitimate interest and the need to process personal data D. Lubasz, W. Chomiczewski [w:] RODO. Ogólne rozporządzenie o ochronie danych. Komentarz, ed. E. Bielak-Jomaa, Warszawa 2018, art. 6.).

6. The protection of personal data is not an absolute right and its purpose is not to prevent actions in the course of proceedings before a common court. In the case at hand, the PUODO assessed that the right to the protection of the Complainant's personal data does not take precedence over the interests pursued by the controller of his data, in this case the Company. As indicated above, the Company processed the Complainant's personal data in connection with the ongoing proceedings, and the correspondence sent by the Complainant from the Company's domain served as evidence in those proceedings. It is not the role of the PUODO to conduct proceedings aimed at removing evidence in cases conducted before courts or other state authorities, even if they contain personal data. It should also be noted that the complainant's personal data was disclosed solely to the Estonian law enforcement authorities and the Estonian courts in connection with the proceedings referred to above.

In light of the circumstances outlined, in the opinion of the PUODO, the Company's legitimate interest in establishing, pursuing or defending claims—for which the processing of the Complainant's personal data was and remains necessary—takes precedence over the Complainant's interests and rights.

7. It is irrelevant in the present case to invoke a request for deletion of the Complainant's data. In accordance with Article 17(1) the data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the circumstances listed in that provision applies, in particular where the personal data have been processed unlawfully.

Having regard to the content of Article 17(3)(b) GDPR, paragraphs (1) and (2) shall not apply to the extent that the processing is necessary for compliance with a legal obligation requiring processing under Union or Member State law to which the controller is subject. As stated above, until the end of 2025 the Company processed the personal data contained in the Complainant's personal file on the basis of Article 74(3) of the Accounting Act, i.e. on the basis of a legal obligation.

At the same time, taking into account the content of Article 17(3)(e) GDPR, paragraphs 1 and 2 shall not apply to the extent that the processing is necessary for the establishment, exercise or defence of legal claims. In the opinion of the PUODO, taking into account the criminal disputes between the Company and the Complainant, it is not possible to order the Company to delete the Complainant's personal data as regards the name, surname and content of the Complainant's e-mail address box, because due to the circumstances of the case, it is justified to process the above-mentioned until the criminal proceedings involving the Complainant are finalized.

8. The administrative procedure conducted by the PUODO serves to control the

compliance of data processing with the provisions on the protection of personal data and is aimed at issuing an administrative decision restoring the lawful state on the basis of Article 58(2) GDPR. The assessment carried out by the PUODO in each case serves to examine the legitimacy of an order addressed to a specific entity corresponding to the provisions of Article 58(2) GDPR to restore the lawful state in the data processing process - it is therefore justified and necessary only to the extent that irregularities in the processing of personal data exist. In the present case, the authority established that the Company had a legal basis for processing the Complainant's personal data, i.e. Article 6(1)(c) GDPR as regards the Complainant's personal file and currently has a legal basis, ie. Article 6(1)(f) GDPR to process the Complainant's data as regards the name, surname and contents of the Complainant's e-mail address.

In view of the above, the PUODO dismisses the complaint regarding the processing of the Complainant's personal data without a legal basis and failure to comply with the request to delete the Complainant's data.

With regard to the Complainant's requests for a determination by the supervisory authority: (1) how the Company obtained access to the Complainant's (private) correspondence; (2) who personally uses the Complainant's e-mail address (including at whose request), whether the Complainant's private correspondence is read and recorded, and if so, who personally does so, including at whose request and to whom the data is transferred; (3) whether it is a one-off or a continuous activity; (4) for how long the e-mail correspondence is stored; (5) what data has been read and stored; (5) whether correspondence from other employees has been read; (6) analysis of the legitimate interest of the Company, it should be pointed out that the PUODO made the above findings in the course of the proceedings, which is reflected in the collected case file, as well as facts and legal justification indicated in this decision.

With regard to the request to impose an administrative fine on the Company, it should be pointed out that the PUODO may impose an administrative fine on the Controller (Article 58(2)(i) GDPR), however, does so ex officio and not at the request of the Complainant.

The addressee of the decision may challenge the termination of the proceedings within 30 days by submitting either an objection under the Administrative Procedure Act to the Director General of the Data Protection Inspectorate, or a complaint under the Code of Administrative Court Procedure to the administrative court (in which case the objection can no longer be examined in the same matter).

Yours sincerely

/Digitally signed/



lawyer

authorized by Director General