

# Factsheet 15:

## National complaints, form, conditions

### Procedure for referral to the CNPD

The CNPD may receive a complaint electronically or by post.

In order to facilitate the submission of a complaint, the CNPD provides a complaint form which is available online on the website of the National Commission.

An acknowledgement of receipt, indicating a reference attributed to the complaint, shall be issued to the complainant within 10 working days. The acknowledgement of receipt does not take a position on the competence of the CNPD or on the admissibility of the complaint.

### Competence of the CNPD

The National Complaints Department of the CNPD examines, in the light of the legal texts on data protection, whether the CNPD is materially and territorially competent to deal with the complaint.

### Admissibility of a complaint

The CNPD Complaints Department examines whether the complaint is admissible.

A complaint shall be admissible only where the following cumulative criteria are met, namely where:

- The complaint is lodged by a data subject who is a natural person or by a non-profit-making body, organisation or association;
- The complaint is drafted in Luxembourgish, French and German (including the attached documents attesting to the facts described in the complaint);
- The complaint makes it possible to identify its author, namely that it contains at least their surname and forename or their business name and their postal address;

- The complaint makes it possible to identify the controller or processor involved;
- The complaint contains sufficient information (including copies of any documents attesting to the facts alleged in the complaint) to identify the data processing at issue, which may constitute a breach of data protection rules;
- The very subject matter of the complaint should not be the subject of proceedings before a court at the same time.

The CNPD may request the complainant, within a time limit it sets, to provide any additional documents or information it considers useful for examining whether the complaint is admissible. If the complainant does not reply within the time limit set, the CNPD informs them that it will take no further action regarding their complaint.

In the event that a complaint is inadmissible, the CNPD services shall inform the complainant accordingly, specifying the criterion(s) of inadmissibility. [...]

### Analysis of the merits of a complaint

When a complaint is admissible, the CNPD's Complaints Department analyses whether the subject matter of the complaint is likely to be resolved without launching an investigation procedure.

The facts alleged in the complaint are then communicated to the controller in question, so that he or she can provide any explanations he or she deems useful. Such exchanges may take place by any means. [...]

The identity of the complainant shall not be communicated to the controller or processor, unless it is essential for the processing of the complaint.