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Klarna Bank AB

Sveavägen 46

113 35 Stockholm

data protection officer@klarna.com

Diary number:

DI-2020-10518

Date:

2021-03-31

Decision after supervision according to

data protection regulation - Klarna

Bank AB

The Privacy Protection Authority's decision

The Swedish Data Protection Authority notes that Klarna Bank AB processed  
personal data in violation of article 12.3 of the data protection regulation<sup>1</sup> by

□

regarding complaint 1: not without undue delay, as requested by the 5

January 2019, give the complainant access to his personal data in accordance with

Article 15.

The Privacy Protection Authority gives Klarna Bank a reprimand in accordance with Article 58.2 b i  
data protection regulation.

Account of the supervisory matter

The Swedish Privacy Protection Agency (IMY) has started supervision of Klarna Bank AB

(the company) due to two complaints. Respective complaints have been handed over to

IMY, as the responsible supervisory authority for the company's operations according to Article 56

in the data protection regulation, from the supervisory authority in the country where the complainant has left

filed its complaint (Austria and Germany) in accordance with the provisions of the Regulation on cooperation in cross-border matters.

The complainants have indicated that they requested access to their personal data pursuant to Article 15 i data protection regulation. As a result of the complaints, IMY has initiated supervision with the aim of investigate whether the complainants' requests for access under Article 15 have been met as well as whether it was done within the specified deadline in article 12.3.

Klarna Bank AB states that they are responsible for personal data for it personal data processing to which the complaints relate. The company also states that they handle a large number of requests in accordance with the data protection regulation.

Complaint 1 (Annex 1 from Austria with national reference number: D130.247)

1 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 flow of such data and on repeal of Directive 95/46/EC (General Data Protection Regulation).

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Regarding the first complaint, the company states that the complainant's request for access received by the company via e-mail on 5, 10 and 29 January 2019. As the request was received by a different e-mail address than the one the company refers to for data protection issues the request was not processed in accordance with the company's internal handling procedures. The caused a longer processing time and that information and a copy of the complainant's personal data according to Article 15 was only sent on 18 June 2019. The company has quickly answered the complainant's follow-up questions about the company's personal data processing which the appellant was satisfied with.

Complaint 2 (Annex 2 from Germany with national reference number: LDA-1085.1-13373/19-F)

Regarding the second complaint, the company states that the complainant's request for access received in the company's chat on October 28, 2019. The complainant repeated his request by email on 30 October 2019. The company contacted the complainant on 6 November 2019 to request additional information. These were provided the same day. The On November 11, 2019, the company sent out information and a copy of the personal data to the complainant under Article 15, i.e. within 14 days of receipt by the company request. On November 14, 2019, the company sent more detailed information about the company's automatic decision-making when purchasing. The complainant contacted the company again on 13 December 2019 due to the fact that he did not receive the company's mailing. The company requested a new address on January 7, 2020 and have not received a response.

The proceedings have taken place through an exchange of letters. In light of the fact that it applies to two cross-border complaints, IMY has used the mechanisms for cooperation and uniformity found in Chapter VII of the Data Protection Regulation. Affected supervisory authorities have been the data protection authorities of Austria, Germany, the Czech Republic, Denmark and Norway.

Justification of decisions

Applicable regulations

The personal data controller is obliged to provide, to anyone who requests it notification of personal data relating to the applicant being processed or not. treated such data, the personal data controller, in accordance with Article 15 i data protection regulation, provide the applicant with supplementary information and a copy of the personal data processed by the data controller.

According to Article 12.3, a request for access must be handled without undue delay and in any case no later than one month after the request is received. The deadline if one month may be extended by another two months if the request is special complicated or the number of incoming requests is high.

If the deadline of one month is extended, the personal data controller must notify it registered about the extension. The notification of the extension of the deadline must take place within one month of receipt of the request. The personal data controller must also state the reasons for the delay.

According to Article 12.6, the personal data controller may, if he has reasonable grounds to doubt the identity of the natural person submitting a request under Article 15, request that additional information necessary to confirm it was recorded identity provided.

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IMY's assessment

Has there been a breach of the data protection regulation?

Complaint 1 (Annex 1 from Austria with national reference number: D130.247)

Regarding the first complaint, the IMY notes that the complainant, in accordance with article 15 of the data protection regulation, provided with information and a copy of them personal data that is processed. However, the right of access was only granted after more than five months from the submission of the first request. The request has therefore not handled without undue delay and within the stipulated time limit in Article 12.3 and nor has the complainant been informed of the delay.

What the company stated that they handle a large amount of inquiry cases according to the data protection regulation and that follow-up questions are answered quickly does not cause anyone different assessment regarding the delay and that it was therefore a question of one violation of Article 12.3 regarding Complaint 1.

Complaint 2 (Annex 2 from Germany with national reference number: LDA-1085.1-13373/19-F)

Regarding the second complaint, the IMY notes that the complainant, in accordance with article 15, provided with information and a copy of the personal data that treated. The information was provided without undue delay. After the complainant pointed out that he had not received the dispatch, the company requested alternative contact details. Against this background, IMY considers that the company has not been obliged to take any measures further action on that request.

Choice of intervention

From article 58.2 i and article 83.2 it appears that IMY has the authority to impose administrative penalty fees in accordance with Article 83. Depending on the circumstances of the individual case, administrative penalty fees must be imposed in addition to or instead of the other measures referred to in Article 58.2, such as injunctions and prohibitions. Furthermore, Article 83.2 states which factors must taken into account when deciding whether administrative penalty charges are to be imposed and at determining the size of the fee. If it is a question of a minor violation, IMY gets

as set out in recital 148 instead of imposing a penalty charge issue one reprimand according to article 58.2 b. Consideration must be given to aggravating and mitigating factors circumstances of the case, such as the nature, severity and duration of the infringement as well as previous violations of relevance.

IMY finds in an overall assessment of the circumstances that, regarding complaints

1, is a minor violation in the sense referred to in recital 148 and that

Klarna Bank AB must therefore be given a reprimand according to article 58.2 b for the found the violation.

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This decision has been taken by the unit manager Catharina Fernquist after a presentation by the lawyer Murat Vrana.

Catharina Fernquist, 2021-03-31 (This is an electronic signature)

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Copy to

Data Protection Officer, filip.johnssen@klarna.com

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How to appeal

If you want to appeal the decision, you must write to the Swedish Privacy Protection Agency. Enter in the letter which decision you are appealing and the change you are requesting. The appeal shall have been received by the Privacy Protection Authority no later than three weeks from the day you received it

part of the decision. If the appeal has been received in time, send

The Privacy Protection Authority forwards it to the Administrative Court in Stockholm examination.

You can e-mail the appeal to the Privacy Protection Authority if it does not contain any privacy-sensitive personal data or information that may be covered by secrecy. The authority's contact details appear on the first page of the decision.