

REPUBLIC

OF CYPRUS

OFFICE OF THE COMMISSIONER

FOR PERSONAL DATA PROTECTION

Ref. 11.17.001.007.263

27 July 2020

BY EMAIL

Data Protection Officer

F1 Markets Limited

Kolonakiou Avenue 43

Diamond Court, Office No: 2B

4103 Limassol, Cyprus

Dear Madam,

Subject: Investigation of complaint under the GDPR - access request of Mr. XXXXX

Decision

Further to the exchange of communications between the Office of the Commissioner for Personal Data Protection (the Commissioner) and F1 Markets Limited (the controller) concerning a complaint involving your company, we would like to bring to your attention the following assessment of the Commissioner.

Summary of the Case

On 7 August 2019, Mr. XXXXXX. sent an email to [info@investous.com](mailto:info@investous.com) requesting the closure of his account and access to his data on the basis of article 15 of the GDPR. The email was also sent to his account manager. According to the complaint, the controller did not respond to the access request and the data subject lodged a complaint with the data protection authority in September 2019.

Investigation by the Commissioner

Further to our exchange of communications, you explained that on 17 July 2019, Mr. XXXXX. requested from the Customer Support team, account closure and refund of his account, a request which was handled by the Customer Support team. On 18 July 2019, the said team replied to Mr. XXXXXX providing specific instructions on how to withdraw the remaining amount from his account in order to be able to proceed with the account closure.

Further to your internal investigation it was found that the email sent by Mr. XXXXXX. on the 7 August 2019, by which he requested access to his data, was never received as it was quarantined by the email security service and categorized as spam due to the applied information security IT measures for emails received from outside the Company. The account manager who also received the email assumed that it had an informative character and was under processing, since the established procedure for an account closure request is to be forwarded only to the team designated for this role i.e. the Customer Support team. The account manager only confirmed that the Customer Support team was working on the request filed from Mr. XXXXXXXX.

As remedial actions to the above malfunctions, you affirmed that you are working with the IT department in order to find a solution to avoid any future blocking of any possibly trusted emails from outside the Company, which do not consist information security danger.

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You further stated that you planned training sessions for the staff that interacts with the clients to remind them the procedures and you have circulated detailed instructions as to how the staff should reply to each type of request, in order to avoid having a similar miscommunication with the clients in the future.

Regarding the access request of Mr. XXXXX, the following information was gathered –

☐ On 25 October 2019, Mr. XXXXX addressed the initial access request to the official GDPR email on the controller, which was properly received this time.

□ On 27 November 2019, a letter was sent to Mr. XXXXX answering all his queries and detailed instructions were provided on how to download his data. Mr. XXXXX claimed to never have received the letter and on 16 January 2020, the controller created a link through the record management database which contained the data and sent the link to Mr. XXXXX by e-mail. On the same day, Mr. XXXXX. contacted the Customer Support team stating that he was facing a problem with the link. The Customer Support team offered assistance in order to resolve the issue but no feedback was received from Mr. XXXXX.

□ On 24 February 2020 the controller sent a follow up e-mail to Mr. XXXXXX to check whether he managed to open the link concerning the access request and Mr. XXXXXX claimed that he never received the link with his data. On 4 March 2020, a new link was created through the database and sent to Mr. XXXXX. On 5 March 2020, the controller sent a follow up e-mail to Mr. XXXXX to check whether he received the link. No answer was received by Mr. XXXXX until today.

#### Commissioner's assessment

We considered all information available in relation to the case and we have the view that you eventually complied with Mr. XXXXXX access request. Since you were able to demonstrate credibly that you have fulfilled your obligation to provide information to the complainant by means of the letters of 27 November 2019, 16 January 2020 and 4 March 2020, no further action on your part is necessary.

Furthermore, we take note of the remedial actions taken by the controller to avoid any future blocking of trusted emails and we do not intend to take further action regarding the matter.

We would like to inform you that we keep a record of all the complaints raised with us about the way organisations process personal information. The information we gather from complaints may form the basis for action in the future, where appropriate.

Commissioner

for Personal Data Protection