

GZ: DSB-D130.206/0006-DSB/2019 from 22.8.2019□

[Note editor: Names and companies, legal forms and product names,□

Addresses (incl. URLs, IP and email addresses), file numbers (and the like), etc., as well as□

their initials and abbreviations may be abbreviated for reasons of pseudonymization□

and/or changed. Obvious spelling, grammar and punctuation errors□

have been corrected.]□

NOTICE□

S P R U C H□

The data protection authority decides on the data protection complaint of Dr. Ludwig□

A*** (complainant), represented by A*** E*** & Partner Rechtsanwälte OG, dated□

January 28, 2019 against N***Group AG, established in ****, Switzerland□

(Respondent), represented in the present complaint proceedings by□

B*** and C*** lawyers and represented in the Union area by R*** Hotels GmbH,□

due to violation of the right to information according to Art. 13 GDPR as follows:□

1. The complaint is partially upheld and it is found that the□

Respondent thus gives the complainant the right to information□

has infringed by using personal data of the complainant□

collected, but contrary to the provisions of Art. 13 GDPR on□

time of the collection of this data and also until the end of the□

Proceedings before the data protection authority no complete information□

has provided.□

2. The Respondent is charged, the Appellant within□

the following information within a period of four weeks, otherwise execution□

to share:□

a) sufficiently understandable and precise information with regard to the□

Name and contact details of the person responsible and, if applicable, his□

representative, whereby it must be explained in particular what is meant by the term ☐

“Data Protection Officer” is to be understood; ☐

b) the specific recipients of the personal data and if not ☐

possible or represents a disproportionately high effort ☐

appropriate reasons for this, but in any case more precise information with regard to ☐

to the recipient category "business partner"; ☐

c) sufficiently understandable and precise information regarding the duration, ☐

for which the personal data is stored or, if not ☐

possible, the criteria for determining this duration; ☐

d) whether the provision of the personal data is statutory or contractual ☐

is prescribed or necessary for the conclusion of a contract, whether the ☐

data subject (the complainant) is obliged to ☐

provide personal data, and what the possible consequences of that ☐

non-provision; ☐

e) the existence of automated decision-making including ☐

Profiling according to Art. 22 Para. 1 and 4 and - at least in these cases - ☐

meaningful information about the logic involved and the scope and ☐

the desired effects of such processing for the data subject ☐

person (the complainant) and ☐

f) whether it is intended to use the personal data for another purpose ☐

further processing than that for which the personal data was collected ☐

and if so, information about this other purpose. ☐

3. The complaint is otherwise dismissed. ☐

4. The Respondent is instructed to do so within a period of four weeks ☐

their information to be communicated in accordance with Art. 13 GDPR ☐

("Privacy Policy") in accordance with the clause 2 lit. a to lit. f des ☐

the prerequisites specified in the decision in question - under

Consideration of the requirements of Art. 12 Para. 1 and Para. 2 DSGVO - to

supplement and send a copy to the data protection authority within the specified period

of the newly formulated information ("Privacy Policy").

Legal basis: Article 3 paragraph 2 letter a, Article 5 paragraph 1 letter a, Article 12 paragraph 1, paragraph 2 and paragraph 3,

Article 13, Article 27, Article 57 paragraph 1 letter f, Article 58 paragraph 1 letter b and paragraph 2 letter c and letter d as well as

Article 77 (1) of Regulation (EU) 2016/679 (General Data Protection Regulation – GDPR),

OJ No L 119, 4.5.2016, p.1; §§ 24 Para. 1 and Para. 5 of the Data Protection Act -

DSG, Federal Law Gazette I No. 165/1999 as amended.

REASON

A. Submissions of the parties and course of the proceedings

1. With a submission dated January 28, 2019, the complainant alleged an infringement

in the right to information in accordance with Art. 13 GDPR and in the right to secrecy.

In summary, the Respondent is a company in

Switzerland, which appears on the Internet under the domain http://www.alpen***.at and

also offers services in Austria and also operates hotels. the

Complainant resides in Austria. Upon request, the Respondent

of the complainant on January 22, 2019 an offer for a holiday trip by e-

mail placed. The complainant sent a refusal by e-mail on the same day.

On January 23, 2019, the Respondent contacted a

Advertising for the company's own newsletter including a link to register.

The complainant had no information on data processing

been announced, in particular he was not informed of the following: 1) the

Name and contact details of the person responsible, 2) the contact details of the

Data Protection Officer, 3) the purposes for which the personal data

are to be processed and the legal basis for the processing, 4) the

legitimate interests pursued by the controller or a third party□

5) the duration for which the personal data will be stored or,□

if this is not possible, the criteria for determining this duration, 6) passing□

a right to information on the part of the person responsible about the person concerned□

personal data as well as correction or deletion or on□

restriction of processing or a right to object to processing□

and the right to data portability, 7) the existence of a right of appeal□

a supervisory authority, 8) whether the provision of the personal data is legal□

or contractually required or necessary for the conclusion of a contract, whether the□

data subject is obliged to provide the personal data, and□

what possible consequences the non-provision would have and 8) information about the□

intended further processing of the personal data for another□

purpose than that for which the personal data was collected.□

2. With the completion of February 11, 2019, the respondent was on the part of the□

Data Protection Authority asks to announce their representative according to Art. 27 GDPR. With□

The Respondent finally gave the R*** Hotels a statement of May 8, 2019□

GmbH known as a representative in the Union area.□

3. With a statement dated April 9, 2019, the attorney-represented□

Respondent summed up that the complainant with letters□

from April 9, 2019, the information in question in accordance with Section 24 (6) DSG□

were subsequently made available.□

4. The complainant then replied - according to the parties to the results of the□

investigation – in its statements of April 16, 2019 and April 24□

2019 summarized that § 24 para. 6 DSG on the situation in which a□

responsible person does not comply with the information obligation is not to be applied. sense□

and the purpose of Art. 13 GDPR is to provide the data subject with the data collection□

To give the opportunity to decide to claim a certain service□
and to make it available to the person responsible for a specific purpose. This□
The purpose cannot be fulfilled by "catching up" on the information.□
Furthermore, the information provided is incomplete and/or incorrect. the□
Respondents refer to a "data protection officer", but this is□
not designated as a representative within the meaning of Art. 27 GDPR. Under the heading "Collection of□
Data" credit reference agencies are mentioned within the scope of the intended purpose, below□
these credit agencies are not named as recipients of data (categories),□
but it is only said generically that "the data within the□
group of companies" are processed and passed on to "business partners". this□
is not precise enough. The Respondent also fulfills the obligation to□
Specification of the storage period not in the necessary manner, as there are no deadlines□
for storage, for example with reference to provisions of a tax law nature,□
are indicated. The Respondent also restricts the rights of those affected□
Person (apparently meaning: the exercise of rights) to written requests and requests□
by email ("exclusively"), a restriction to "certain channels" is not□
allowed. Furthermore, there is no information according to Art. 13 Para. 2 lit. e and lit. f GDPR□
been granted.□

5. The DPA took on April 26, 2019 by telephone with the□
complainant contact. During this telephone conversation, the complainant gave□
known that the complaint in question does not affect the right to□
Confidentiality according to § 1 Para. 1 DSG. A corresponding file note is available□
GZ DSB-D130.206/0004-DSB/2019 available.□

B. Subject of Complaint□

Based on the submissions of the appellant, it follows that□
The subject of the complaint is whether the respondent is the complainant□

thereby violated the right to information by the Respondent□

personal data of the complainant collected, but contrary to the□

Provisions of Art. 13 GDPR at the time of collecting this data and also□

until the end of the procedure before the data protection authority no corresponding□

provided information.□

A violation of the right to secrecy was against the background of the restriction□

the complaint about a violation of the right to information according to Art. 13 GDPR□

check.□

C. Findings of Facts□

1. The Respondent is established in Switzerland□

company, the complainant is a natural person and in Austria□

resident. The complainant is a registered lawyer.□

2. The Respondent operates a webpage https://www.alpen***.at/ among other things□

hotel booking platform. The content of the webpage is written in German.□

3. The Respondent submitted at the request of the Appellant on January 22nd□

2019 an offer for a holiday trip by email. The complainant granted on□

same day a rejection by e-mail.□

4. The Respondent has at least a first and last name on the basis of this request□

and the email address of the complainant are stored in their system.□

5. On January 23, 2019, the Respondent sent the following email to the□

Complainant sent (formatting not reproduced 1:1):□

[Editor's note: The original facsimile/graphic reproduction presented here in the□

The e-mail inserted into the notification text cannot be pseudonymised with reasonable effort□

will. It is that of an employee of the respondent□

sent an offer to order a newsletter from the Respondent (with a link to□

corresponding registration website).]□

6. As part of the present complaints procedure, the Respondent□

provided the complainant with the following information before the conclusion of the procedure□

(Formatting not reproduced 1:1):□

"Data protection□

We process your personal data in accordance with the provisions of□

General Data Protection Regulation (GDPR) and the national data protection law.□

In the following we will inform you about us as well as the type, scope and purpose of the□

Data collection and use:□

who we are□

The person responsible for data processing is N***Group AG, G***straße 3*, ***,□

Switzerland. Our company's data protection officer is Emilie O***, who you can contact via□

E-mail at emilie.o***@n***group.com or by phone at +41 *3* 7*4*3*□

be able. Please send your data protection inquiries in writing or by e-□

mail directly to our data protection officer.□

Collection and processing of data□

We process the personal data that you give us as a user of the website□

and/or as a customer of our products or interested in our products□

provide. The processing of your personal data takes place within the framework□

the initiation of the contract, as well as for the purpose of fulfilling our contractual obligations□

Obligations with you to obtain credit checks from credit reference agencies,□

to answer your inquiries, or for advertising measures. Legal basis of□

data processing is□

- Article 6 paragraph 1 lit. b GDPR, insofar as the processing of your personal data for□

contract initiation or fulfillment is required;□

- Art. 6 (1) lit. c GDPR, provided that the processing of your personal data is based on□

due to a legal obligation on our part (e.g. due to□

retention periods to be observed by the tax authorities)□

- Art. 6 (1) lit. a GDPR, if you consent to the processing of your data by us□

have consented (e.g. as part of a registration or participation in a□

competition organized by us);□

- Art. 6 (1) lit. f GDPR, provided that we have a legitimate interest in processing□

of your data, that your interest in the protection of your personal data□

predominates (such as obtaining creditworthiness information from credit agencies□

us before entering into a legal transaction or for advertising purposes if you are already a□

customer or interested party in our services have appeared [recital 47□

GDPR]).□

Use and Disclosure of Personal Data□

If you contact us as a user of our website and/or a customer or interested party of our□

If you have made personal data available to the product world, we will process it□

only for the aforementioned data processing purposes.□

Personal data is processed by us within the group of companies□

processed and transmitted to our business partners.□

The deletion of the stored personal data takes place when you as a user□

the website and/or customer consent to the processing of your personal data□

revoke data, or if your data is used to fulfill the purpose of the processing□

Purposes are no longer required, or if the processing is for other reasons□

legal reasons is or will be inadmissible. Data used for billing and□

accounting purposes or to fulfill legal obligations,□

remain unaffected by a request for deletion.□

Information, correction, deletion□

We would like to point out that you have a right under the General Data Protection Regulation□

to information (Article 15 GDPR), a right to rectification (Article 16 GDPR), a right□

to deletion (Art. 17 DS-GVO), a right to restriction of processing (Art. 18

DS-GVO), a right to data portability (Article 20 DS-GVO) and a

Right of objection (Article 21 GDPR).

Please address your data protection inquiries exclusively in writing or via e-

mail to the following address:

N**Group AG

G**strasse 3*

Switzerland

email: info@n**group.com

We will comply with your data protection concerns - if necessary

Identity verification - comply promptly and inform you of this. Should legal

If there are reasons that prevent us from responding to your request, we will let you know

also inform, stating the exact reasons. In this context

we also draw your attention to your right to lodge a complaint with the data protection authority."

Evidence assessment: The findings made are based on the submissions of the

Complainant in the context of the submission of January 28, 2019, which to no

point in time was disputed by the Respondent. In addition, the

findings made on an official search of the website

https://www.alpen**.at/ (accessed August 21, 2019). Finding that it is

the complainant is a registered lawyer, is based on

official knowledge.

D. In legal terms it follows that:

1. Respondent and its representative in the Union

First of all, it should be pointed out that the "One-Stop-Shop" mechanism according to Art. 60

GDPR does not apply in the present case, since the Respondent, as

results from their statement of April 9, 2019, as the person responsible within the meaning of Art. 4 Z 7

GDPR is to be considered and has its registered office only in Switzerland (cf. the decision of the

Data Protection Authority of March 7, 2019, GZ DSB-D130.033/0003-DSB/2019).

In a statement dated May 8, 2019, the Respondent named R*** Hotels

GmbH as its representative in the Union area in accordance with Art. 3 Para. 3 in conjunction with Art. 27 Para. 1

GDPR. Since the appointment of a representative according to the express text of the regulation

according to Art. 27 Para. 5 DSGVO does not involve any transfer of responsibility -

and the Respondent has at no time argued that the

R*** Hotels GmbH as (jointly) responsible for the present

Processing in connection with the booking platform https://www.alpen***.at/ and in particular the

Processing of the complainant's personal data is to be considered –

the present decision of the data protection authority is directed against the

Respondent.

2. On the geographical scope of the GDPR

Although the Respondent is not established in the Union, the

Processing of the complainant's personal data (at least first and

Surname and email address) who is resident in Austria

Connection with the offering of goods or services (representatively:

Operation of a German booking platform under the domain - https://www.alpen***.at/

thus an Austrian top-level domain – as well as the offer to participate in

a newsletter with current travel offers).

Against this background, the GDPR takes place in accordance with Article 3(2)(a) GDPR

applies from a spatial point of view (cf. Recital 23 DSGVO, according to which the use

the language of a data subject in connection with the possibility of goods and

Ordering services in this language indicates that the

Controller intends to provide goods or services to persons in the Union

as well as the decision of the data protection authority of March 7, 2019 loc.□

3. On Art. 13 GDPR as a subjective right of the data subject□

The data protection authority has already dealt with the question of whether the "information requirements"□

according to Art. 13 and Art. 14 GDPR vice versa as subjective data subject rights□

can be asserted, and assumes according to stRsp that□

that a data subject can refer to Art. 13 and Art. 14 GDPR independently of the application□

can support (cf. the decision of the data protection authority of October 31, 2018,□

GZ DSB-D123.076/0003-DSB/2018).□

4. On the term "survey", on the provision of information□

In the present case, the data protection authority assumes that the□

Respondent the data of the complainant (at least first and last name□

and his e-mail address) iSv Art. 13 Para. 1 DSGVO thereby "collected", by□

This one contact option for booking inquiries and offers□

provided, which the complainant also used. In other words:□

If a public email address or contact form is provided, a□

Responsible assume that a data subject also has this possibility□

uses to contact the person responsible in connection with the offer□

record.□

As is clear from Recital 58, second sentence GDPR, Art. 12 Para. 1 GDPR□

required standard with regard to "easy accessibility" of the information□

Art. 13 GDPR can be achieved by storing the information electronically□

form, "e.g. on a website if they are for the□

intended for the general public".□

A response in the form that the information according to Art. 13 GDPR upon collection□

are to be proactively sent to a data subject by email is therefore (at least in□

online context) not required if the requirement of "ease of access"□

is fulfilled (cf. cf. Art. 29 Data Protection Working Party, guidelines for transparency according to the Regulation 2016/679, WP 260 rev.01, 17/DE, S 22, according to which the information obligation also can be fulfilled by a data subject "actively directing to the site where the information is available", for example via a direct link).

In the present case, however, the Respondent never entered

Meeting led that the information according to Art. 13 GDPR iSd considerations on a publicly accessible website were "easily accessible" to the complainant.

The Respondent's e-mail of January 23, 2019 also contains no indications

apparent that the Respondent is complying with its obligation to provide information (e.g. a

analogous note: "Information on how we handle your personal data

Data can be found under [Link]).

In this context it should be pointed out that according to Art. 5 Para. 2 in connection with

Art. 24 para. 1 GDPR, the person responsible is responsible for providing evidence that

that the processing (specifically: the provision of the information in accordance with

Art. 13 at the time of collection) in accordance with the GDPR

Against this background, it can be assumed that the Respondent

Obligation to provide information at the time the personal data is collected

complainant has not fulfilled.

It must then be clarified whether they will fulfill their obligation to provide information up to the end of the procedure

has met before the data protection authority:

4. Regarding point 2.

a) Re point 2. a)

The Respondent has in connection with its duty to provide information under Article 13 (1) lit

DSGVO named a "data protection officer" including contact details.

It should be noted that the GDPR does not use the term "data protection officer".

is or at most the "responsible person" (cf. Art. 4 Z 7 DSGVO) can be meant.

Proceeding from this, it is unclear whether the Respondent's ins□

Meet managed "data protection officers" for a kind of internal contact point□

of the respondent, or a data protection officer within the meaning of Art. 37 et seq□

GDPR. From the point of view of the complainant (who was not aware at the time□

about it) it would also have been the representative according to Art. 27 DSGVO□

be able.□

Taking into account the precision and□

The Respondent is therefore required to comply with the requirement of comprehensibility□

understandable and precise information in terms of name and contact details□

of the person responsible and, if necessary, of his representative, whereby□

in particular, it must be explained what is meant by the term "data protection officer".□

understand is.□

b) Re point 2. b)□

The Respondent has in connection with its obligation to provide information according to Art. 13 para. 1□

lit. e GDPR generally limited to categories of recipients of the□

to name personal data.□

The data protection authority goes, although the GDPR the wording "or"□

used, against the background of what is expressly stated in Article 5 (1) (a) GDPR□

enshrined principle of transparency assumes that the naming of concrete□

Recipients should at least be given priority.□

If it would cause a disproportionate amount of effort or the concrete□

Recipients are not yet known, the person responsible can rely on the naming of□

Restrict categories of recipients (cf. on the legal situation according to the directive□

95/46/EG the ruling of the Constitutional Court of October 2, 2007, B 227/05, according to which the question□

whether in the case of the right to information [in the terminology of the time] recipient or□

groups of recipients are to be named, a weighing up is to be carried out in individual cases).□

With regard to the naming of "business partner" and "credit reporting agencies" is lacking more detailed information on the part of the Respondent in any case not comprehensible, which is why the specific "business partners" and "credit reference agencies" are not mentioned. In any case, the recipient category "business partner" is too general and needs to be differentiated in this regard.

The Respondent is therefore required to identify the specific recipients of the personal data, and if this is not possible or a disproportionate represents a great deal of effort, the corresponding reasons for this, but in any case more precise to provide information regarding the recipient category "business partner".

c) Re point 2. c)

The Respondent has in connection with its obligation to provide information under Article 13 (2) lit GDPR stated that data used for billing and accounting purposes or are required to fulfill legal obligations, from a request for deletion would remain unaffected.

It should be noted that the information obligation according to Art. 12 Para. 2 GDPR after the express regulation text only exists if this is necessary in order to to ensure fair and transparent processing. The Respondent sees this requirement of Art. 12 Para. 2 DSGVO apparently as fulfilled by, without to address this requirement, the information according to paragraph 2 leg. cit. at least partially made available.

With regard to the information on the storage period, it should be noted that the general Reference to "billing and accounting purposes" or the "compliance with legal Obligations" is not sufficient:

On the one hand, this is essentially a repetition of what is stated in Art. 5 Paragraph 1 lit. e GDPR enshrined principle of storage limitation, which also generally linked to the fact that personal data is only stored for so long

may be used as required for the purposes. On the other hand, this corresponds to

Information does not comply with the precision and

Comprehensibility requirement, since it cannot be imposed on a data subject,

Deadlines (e.g. with regard to accounting or with regard to other

Obligations of an entrepreneur in Switzerland) to research.

The Respondent is therefore required to be sufficiently understandable and precise

Information regarding the duration for which the personal data

be saved or, if this is not possible, the criteria for the determination

communicate this duration.

d) Re point 2. d)

Based on the information subsequently provided on January 23, 2019

apparent that the Respondent has complied with its duty to provide information pursuant to Art. 15 para. 2

lit. e GDPR until the conclusion of the procedure before the data protection authority

obviously not complied.

The Respondent is therefore required to communicate whether the provision of the

personal data required by law or contract or for a

Conclusion of the contract is necessary, whether the data subject is obliged to

provide personal data, and what the possible consequences of that

non-provision would have.

e) Re point 2. e)

Based on the information subsequently provided on January 23, 2019

evident that the Respondent has complied with its duty to provide information pursuant to Art. 15 (2) lit. f

DSGVO until the conclusion of the procedure before the data protection authority

has not complied.

The Respondent is therefore required to provide information about the existence of a

Automated decision-making including profiling in accordance with Art. 22 Para. 1 and 4

and – at least in these cases – meaningful information about the people involved□

Logic as well as the scope and intended effects of such□

Communicate processing for the data subject (the complainant).□

f) Re point 2. f)□

The respondent has the personal data of the complainant -□

in addition to the original purpose, namely to answer a customer inquiry – how□

found used to contact them via email to dem□

Complainant an offer to subscribe to a newsletter with current□

to make travel offers.□

Notwithstanding the admissibility of this request, which is not the subject of the proceeding,□

to state that this is an information obligation according to Art. 13 Para. 3 DSGVO□

has arisen.□

Based on the information subsequently provided on January 23, 2019□

apparent that the Respondent has complied with its obligation to provide information under Art. 15 para. 3□

DSGVO until the conclusion of the procedure before the data protection authority□

has not complied.□

The Respondent is therefore required to state whether it intends to□

further process personal data for a purpose other than that for which□

the personal data were collected and, if so, likewise□

Include information about this other purpose.□

g) To the performance mandate□

It should be noted that in the case of a successful complaint pursuant to Section 24 (5) DSG only□

then a performance order is to be issued if a complaint is made in connection with the right to□

Information, correction, deletion, restriction or data transfer apply□

is made.□

According to stRsp of the VwGH, an analogy is also permissible in public law,□

However, the prerequisite is the existence of a real legal gap (cf. VwGH

10.10.2018, Ra 2018/08/0189 Rs 4 mwN).

It should be pointed out that the Austrian legislature in the course of the adjustment

of the DSG to the GDPR in § 24 para. 5 and para. 6 DSG apparently not

it has been assumed that the information obligations according to Art. 13 and Art. 24 DSGVO

View of a data subject vice versa also as application-independent

Information rights can be asserted.

Based on this, it should be noted that Section 24 (5) and (6) DSG also applies

Complaints related to the right to information according to Art. 13 and Art. 14 GDPR analogously

Find application.

In addition, it should be pointed out that the directly standardized in the GDPR

Power of the data protection authority to issue a performance mandate in accordance with Art. 58

Paragraph 2 lit. c GDPR also applies:

Although leg. cit. namely assumes that a supervisory authority

The person responsible can instruct “the requests of the data subject to exercise

to comply with the rights to which it is entitled under this ordinance”, leg. cit.

vice versa in the sense of an interpretation based on legal protection interests

more also on the application-independent information rights according to Art. 13 and Art. 14

refer to GDPR.

A period of four weeks is appropriate to provide the relevant information

to share.

For the sake of completeness, it should be pointed out that this is in relation to Section 24 (6) DSG

means that the information according to Art. 13 and Art. 14 GDPR also subsequently up to

can be made available at the end of the procedure (whereby § 24 para. 6

DSG is not relevant in the result):

This consideration is covered in Art. 57 (1) (f) GDPR, according to which the

data protection authority to investigate complaints "to a reasonable extent".□

This consideration is further covered in recital 131 first sentence GDPR, according to which the□

Regulation such an "amicable agreement" between the person responsible and the person concerned□

person and the supervisory authority as an intermediary of the GDPR. With□

In other words: If the complaint of a data subject has been eliminated, that is□

Legal protection aim of the provision according to Art. 77 Para. 1 DSGVO (which is based on the fact that□

a processing "infringes" the Regulation and not: "infringes or infringes"□

has reached.□

5. Re point 3.□

According to Art. 13 Para. 4, Para. 1, Para. 2 and Para. 3 leg. cit. no application – and are□

The information is therefore not communicated to the person concerned - insofar as the□

data subject already has the information.□

As established, the complainant is a registered one□

Lawyer. Against this background, it can be assumed that the complainant□

as a legally qualified person about the existence of his data protection law□

Rights of data subjects (Art. 13 Para. 2 lit. b GDPR) and the right to lodge a complaint□

Supervisory authority (lit. d leg. cit.) already at the time of collection (or in general)□

has.□

The data protection authority does not ignore the fact that the information pursuant to Art. 13 GDPR□

are to be made available to a general group of addressees and that it is□

insufficient information is an objective violation of the regulation□

acts; however, this is in an official review process□

("Privacy Review") in accordance with Article 58(1)(b) GDPR.□

In any case, the success of a complaint according to Art. 77 Para. 1 in conjunction with Section 24 Para. 1 DSG is on□

subject to the condition that there is also a specific complaint that□

on Art. 13 Para. 2 lit. b and lit. d GDPR is not objectively recognizable (cf. on□

lack of a subjective violation of rights such as VwSlg 11.568 A/1984 mwN).□

With regard to the appellant's submission that the respondent□

the rights of the data subject (apparently meaning: the exercise of these rights).□

Restrict written requests and requests by email ("exclusively"), a□

Restriction to "certain channels" is not permitted and therefore a violation□

contrary to Art. 12 (2) GDPR, the considerations just made apply□

analogous.□

Although the complainant is right in terms of content, in relation to the□

specific complaints procedures that a complaint is not□

is recognizable, since the complainant never claimed that he□

submitted an application by post to the respondent in accordance with Art. 12 (3) GDPR□

had, which would have remained unanswered as a result.□

6. Regarding point 4.□

Since according to Art. 13 GDPR (from the point of view of the person responsible) it is a□

duty to inform, and the information not only to the complainant,□

but are to be made available to a general group of addressees□

In the present case, the data protection authority ex officio relinquished its power under Art. 58□

Paragraph 2 lit. d GDPR use.□

The Respondent is therefore required to keep its information (its□

"Privacy Policy"), which you with the data protection authority with statement of□

January 24, 2019, in accordance with the clause 2 lit. a to lit. f mentioned□

Requirements - taking into account the requirements of Art. 12 Para. 1 and Para. 2□

GDPR - to be added.□

A period of four weeks is appropriate to comply with the statement□

implement.□

It was therefore to be decided accordingly.□