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Spotify AB

Regeringsgatan 19

11153 Stockholm

Decision after supervision according to

data protection regulation - Spotify AB

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The Privacy Protection Authority's decision

Spotify's general procedures for handling requests for access

The Swedish Privacy Protection Authority states that Spotify AB (556703-7485) under

the period from and including 16 November 2021 to and including 16 May 2022 in the

information that must be provided according to article 15.1 and 15.2 of the data protection regulation¹ does not

provided sufficiently clear information about

- the purposes of the processing,
- categories of personal data to which the processing applies,
- categories of recipients of the personal data,
- the foreseen periods during which personal data will be stored or, if
this is not possible, the criteria used to determine this period,
- where personal data comes from,
-

appropriate protective measures when personal data is transferred to third countries.

The Privacy Protection Authority further notes that Spotify AB during the period from

and with June 11, 2019 through May 16, 2022 by default

do not provide the description of the data in the technical log files in English

has met the requirements that all communications provided to the data subject pursuant to

Article 15 of the Data Protection Regulation shall be clear and understandable in the manner specified in

article 12.1 of the data protection regulation.

Spotify AB has thus processed personal data in violation of articles 12.1, 15.1 a-d, 15.1 g and 15.2 of the data protection regulation.

The Privacy Protection Authority decides with the support of articles 58.2 and 83 i the data protection regulation that Spotify AB must pay an administrative fee for these shortcomings sanction fee of 58,000,000 (fifty-eight million) kroner.

Review of individual complaints

The Swedish Data Protection Authority notes with regard to complaint 1 that Spotify AB in its handling of the appellant's request for access made on 27 May 2018 has processed personal data in violation of

- Article 12.3 of the Data Protection Regulation, in that the copy of personal data has left too late,

- articles 12.1, 15.1 and 15.3 of the data protection regulation, by in that copy on personal data provided by Spotify AB has not been provided to all of the complainants personal data in an understandable form.

The Swedish Data Protection Authority notes with regard to complaint 2 that Spotify AB in its handling of the complainant's access request made on 10 October 2018 has processed personal data in violation of

- articles 15.1 and 15.3 of the data protection regulation, by in that copy on personal data provided by Spotify AB has not given access to all personal data that Spotify AB processed about the complainant,

1 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with

regarding the processing of personal data and on the free flow of such data and on the cancellation of directive 95/46/EC (General Data Protection Regulation).

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- articles 15.1 a-h and 15.2 of the data protection regulation, by not having provided any of the information specified in these regulations.

The Swedish Data Protection Authority gives Spotify AB a reprimand according to article 58.2 b i the data protection regulation for the deficiencies regarding complaints 1 and 2.

The Swedish Privacy Protection Authority orders Spotify AB according to article 58.2 c in the data protection regulation that regarding complaint 2 no later than one month after this decision gained legal force accommodate the appellant's² request for access by, with subject to any applicable exceptions in Article 15.4 of the Data Protection Regulation and 5 ch. data protection law 3, give the complainant access to all personal data that Spotify will process the complainant by providing the complainant with a copy of the personal data according to 15.3 and provide information according to articles 15.1 a-h and 15.2.

2 The complainant's identification information appears in Appendix 1

3 The Act (2018:218) with supplementary provisions to the EU's data protection regulation.

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1 Description of the supervisory matter

The Swedish Data Protection Authority (IMY) has, in the light of IMY having taken note of complaints directed against Spotify AB (Spotify) regarding the right of access pursuant to Article 15 i data protection regulation, initiated supervision of Spotify with the aim of investigating the company's way of handling the data subject's request for access is in accordance with the data protection regulation

regulations. IMY has initially reviewed the company's general procedures upon request about access and not what existed in the individual complaints. The review has been focused on whether the company's processes and routines to provide access according to article 15 on a general level enables data subjects to gain access to the personal data the company processes them and other information according to the provision. With registered refers in this context to the customers who use Spotify's services and not other categories of data subjects, e.g. employees of Spotify.

Within the scope of this review, IMY has not checked which personal data Spotify processes and if all of these are issued with each individual request. For example has any comparison between Spotify's records of processing pursuant to Article 30 i the data protection regulation and the personal data included in the copy of personal data according to Article 15.3 of the data protection regulation has not been done. IMY also does not have within the framework for this supervision reviewed whether Spotify's personal data processing otherwise complies the provisions of the data protection regulation, e.g. regarding basic principles and legal basis for the processing.

The supervisory case was initiated with a supervisory letter on 11 June 2019. Response to the supervisory letter was received on July 31, 2019. On October 16, 2019, a request was sent about completion in the matter. Response received on November 15, 2019. Spotify has subsequently on his own initiative received further additions on 25 August 2020 for the purpose to inform IMY of updates regarding procedures for handling requests for access.

Spotify is an organization with operations and users in several EU member states.

In consideration of the fact that the case is cross-border, IMY has applied the mechanisms for cooperation and uniformity found in Chapter VII of the Data Protection Regulation. Every data protection authorities in the EU have been concerned supervisory authorities in this case. With reason for the mechanisms of cooperation and uniformity, and the need for a

harmonized complaint handling within the EU⁴, the IMY extended in November 2020 the ongoing general supervision to also include what existed in three individuals complaints, which also include the complaints that were initially the basis for the supervision of the general routines.

On November 5, 2020, IMY requested that Spotify explain its approach to them deficiencies alleged in the complaints and what steps Spotify has taken to respond on the respective request for access. Spotify has responded to IMY's request on 18 December 2020. Spotify has subsequently submitted supplementary statements, on 15 April 2021 in response to supplementary questions that IMY asked on March 24, 2021 as well as on 31 August 2021 in response to questions raised by IMY on 9 July 2021.

4 In 2020, the data protection authorities worked together to determine common working methods with the handling of complaints, which resulted in internal guidance that was established in February 2021. From that the authority previously used complaints to identify recurring patterns and risks, but as a general rule end the complaints with a standard response, IMY now makes an individual assessment of each complaint. Internal EDPB Document 02/2021 on SA's duties in relation to alleged GDPR infringements, adopted 2 February 2021.

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On October 19, 2021, another request for completion was sent regarding Spotify's general procedures. Answer received on November 12, 2021. June 8 and 17 In October 2022, Spotify has, on its own initiative, submitted further additions in purpose of informing IMY about updates regarding routines for handling the request about access.

Spotify has commented on IMY's draft decision on 20 December 2022. IMY has then provided the other relevant supervisory authorities with the opportunity to comment accordingly

Article 60 of the Data Protection Regulation. The French data protection authority has thereby expressed a relevant and reasoned objection to IMY's draft decision. Spotify has on March 13, 2023, an opportunity has been prepared to comment on the objection and IMY's revised draft decision. Spotify's response was received on April 11, 2023.

Against the background of the above, the supervisory case includes an examination of Spotify's general routines for handling requests for access, partly a review of what existed in the three complaints. The general routines regarding the provision of personal data according to article 15.1 and 15.3 of the data protection regulation which reviewed are those that have been in force since IMY's supervision began on 11 June 2019 up to and including 16 May 2022. Regarding the information according to Article 15.1 and 15.2 of the data protection regulation that must be provided when a request for access has Spotify updated it several times since supervision began. IMY has therefore limited its review to the information that was valid during the period from 16 November 2021 through May 16, 2022.⁵

2 Applicable regulations

According to Article 15.1 of the data protection regulation, the data subject has the right to of it personal data controller receive confirmation as to whether personal data concerning him or her is being processed and in that case gain access to the personal data and information about

- a) The purposes of the processing.
- b) The categories of personal data to which the processing applies.
- c) The recipients or categories of recipients to whom the personal data has provided or to be provided, especially recipients in third countries and international organizations.
- d) If possible, the anticipated period during which the personal data will stored, or if this is not possible, the criteria used to determine

this period.

e) The existence of the right to request correction from the personal data controller or deletion of the personal data or restrictions on processing of personal data relating to the data subject or to object to such treatment.

f) The right to lodge a complaint with a supervisory authority.

g) If the personal data is not collected from the data subject, all available information about where this data comes from.

h) The existence of automated decision-making including profiling according to article 22.1 and 22.4, whereby at least in these cases it must be left meaningful

5 See Spotify's information according to Article 15 of the Data Protection Regulation in Appendix 2. Of the information, which was printed by

IMY on 16 May 2022, it appears that the current website was last updated on 16 November 2021. The time period for the review is therefore set for the period from and including 16 November 2021 to and including 16 May 2022.

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information about the logic behind as well as the meaning and the anticipated consequences of such treatment for the data subject.

Article 15.2 of the data protection regulation states that if the personal data is transferred to a third country or to an international organisation, the data subject shall have the right to information on the appropriate protective measures that have been taken in accordance with Article 46 at the time of transfer.

It follows from Article 15.3 of the data protection regulation that the person in charge of personal data must provide the data subject with a copy of the personal data that is being processed.

Furthermore, it appears that if the request is made in electronic form, the information must, if not otherwise requested, be provided in an electronic format that is generally used.

Recital 63 of the data protection regulation states, as far as relevant, the following:

The data subject should have the right to access personal data that has been collected this as well as being able to exercise this right in a simple way and at reasonable intervals, for to be aware that treatment is taking place and to be able to check that it is legal. (...) All data subjects should therefore have the right to be informed and notified above all, for what purposes the personal data is processed, if possible which time period the processing is in progress, who receives the personal data, underlying logic in connection with automatic processing of personal data and, at least when the processing is based on profiling, the consequences of such treatment. (...)

It also follows from Article 12.1 of the data protection regulation that it personal data controller must take appropriate measures to ensure that all communications given to the registered under Article 15 must be in a concise, clear and clear, understandable and easily accessible form, using clear and unambiguous language.

It follows from Article 12.2 of the data protection regulation that the person in charge of personal data must facilitate the exercise of the data subject's right of access under Article 15.

According to Article 12.3 of the Data Protection Regulation, the personal data controller must request, without undue delay and in any case no later than one month after having received the request, provide the registered information about the actions which was taken in accordance with Article 15 of the Data Protection Regulation. This period may if necessary be extended by a further two months, taking into account the complexity of the request and the number of requests received. The personal data controller must notify it registered for such an extension within one month of the receipt of the request and state the reasons for the delay.

3 Spotify's general procedures for handling

request for access - Justification of decision

3.1 Information - article 15.1 a-h and 15.2 i

data protection regulation

3.1.1 What emerged in the case

In summary, Spotify has stated the following. Spotify provides information in

in accordance with article 15.1 a-h and 15.2 of the data protection regulation via an online function.

This feature is available in 21 different languages and those who visit the page will

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automatically to be given the information in language based on language settings in their

browser.

Registrants who exercise their right of access are informed about the function in several ways. IN

each copy of personal data provided pursuant to Article 15.3 i

data protection regulation, a link to the information is included. The information also goes

to find online, partly in the list of available functions on the company's page for "Integrity &

Security" partly via the answer to the question "Where can I find information about Spotify's processing

of personal data that Spotify is obliged to provide under Article 15 of the GDPR?"

on the company's page for "Personal data rights and privacy settings".

In the information⁶ according to Article 15 of the data protection regulation that Spotify submitted

the period from and including 16 November 2021 to and including 16 May 2022, as IMY

taken note of, Spotify provided, among other things, information about the purpose of treatment (article

15.1 a), which categories of personal data are processed (Article 15.1 b), recipients

or categories of recipients (Article 15.1 c) and the source of the personal data (Article 15.1

g). In addition to that, the information according to Article 15 also contained information about international transfers (Article 15.2), criteria for how long the personal data saved (Article 15.1 d), what rights the data subject has (Article 15.1 e), the right to submit a complaint to the data protection authority (Article 15.1 f), automated decision-making (Article 15.1 h) and the possibility of obtaining a copy of personal data.

In the information pursuant to Article 15 of the Data Protection Regulation, Spotify also informed that the processing of personal data is described in more detail in the company's privacy policy, which could also be accessed through a direct link. In the privacy policy can be found including descriptions of the categories of personal data that Spotify processes.

Spotify has stated that all questions that are not answered by the information according to Article 15 i the data protection regulation or which has not been explained to the user in one satisfactory manner is promptly escalated to the company's data protection team. In that way, the company states, the data protection team is made aware of, and given the opportunity to respond, questions about clarifications or requests for more individualized information about the processing of personal data according to Article 15 of the Data Protection Regulation.

3.1.2 The Privacy Protection Authority's assessment

IMY states that Spotify's function for information according to Article 15 i the data protection regulation during the period that is the subject of review existed available on several different pages on Spotify's website. Furthermore, a link to was included the information in the "Read me first" file that was attached to each copy of personal data which was provided to the data subject in accordance with Article 15.3 i the data protection regulation in case of a request for access. IMY assesses with that in mind above that Spotify's routines during the relevant period were sufficient to ensure that information according to Article 15 was provided to the data subject at each access request.

IMY further notes that Spotify's information according to Article 15 i

the data protection regulation covered all the points of information that according to article 15.1 a-h and 15.2 of the data protection regulation must be provided to the data subject. For that the information must meet the requirements set in the data protection regulation must

6 See Appendix 2

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however, the information is also designed in such a way that the purpose of the right of access is fulfilled.

The purpose of the right of access is for the data subject to be aware that processing takes place and be able to check that it is legal, which is evident from reason 63 to data protection regulation. For example, a registered person must be able to check which categories of data are processed about him or her, for which purposes and for how long. So that the registered person can check if the processing of personal data is legal, he or she must know which treatments are relevant in his or her specific case. The information provided must hereunder provided in a manner that meets the requirements for transparency in Article 12.1 i data protection regulation.

Against the background of the purpose of the right of access, there is often a need to adapt the content of the information according to Article 15.1 and 15.2 i the data protection regulation to the data subject who has made the request, for example depending on which of the personal data controller's services the data subject has chosen to use. However, this does not apply to all parts of the information. While the right to enter complaints to a supervisory authority (Article 15.1 f of the Data Protection Regulation) not changes depending on who requests access, other information may vary depending

on which service the data subject uses, for example which categories of personal data processed, recipient and from where personal data was collected.

The same applies to information about whether a transfer has taken place to a third country and if so what appropriate protective measures have been taken during the transfer.

In order for the data subject to have the opportunity to check that the processing concerns him or her is legal it is therefore required, in accordance with what is stated above, that Spotify must have taken measures to adapt the information to that of the registrant specific situation.⁷

IMY notes that the information⁸ provided by Spotify pursuant to Article 15 i the data protection regulation was generally designed. The same information was thus provided regardless of who requested access in accordance with Article 15 of the Data Protection Regulation.

The information was thus not adapted based on each request for access. However described Spotify when certain information was relevant for the data subject, for example "If you use a third-party service (...)", "If you choose to pay for a service or function via invoice (...)" and "In cases where you have given us permission (...)". There was thereby certain prerequisites for the data subject to determine which information meant him or her. There was also an opportunity for registrants to apply to Spotify and request more individualized information as well as clarification of it information that had been provided.

IMY considers that such generally designed information may be suitable for standardized services that include personal data processing. Because they data subjects must understand how their personal data is processed, however, it must always be possible to clearly and simply read out which information is applicable in which situations based on the information provided. This means that the possibility for those registered to turn to Spotify for more individualized information as well as clarifications does not affect the assessment of whether the information here is sufficiently clear

the respect. Generally designed information must not entail any ambiguities regarding

7 See the European Data Protection Board's (EDPB) guidelines on the right of access - Guidelines 01/2022 on data subject rights – Right of access, version 2.0 (finally adopted on 28 March 2023), paragraph 113.

8 See Appendix 2

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whether the data subject is affected by the current information or not based on

his individual situation. IMY therefore has to test the information that Spotify

submitted met these requirements.

Information on categories of personal data, purpose, recipient and source

Information about the purpose of the processing must refer to the purposes for which it is

data subject's personal data is actually processed, and must not consist of only one

enumeration of various purposes without clarifying which purposes are relevant

the person requesting access. Furthermore, information about the categories of personal data

which are processed need to be adapted to the circumstances of the data subject who requests

access. With regard to information about recipients or categories of recipients, such should

information be as specific as possible. The data controller should normally

state to which actual recipients the personal data has or is to be disclosed, if

it is not impossible because, for example, there is no information yet

about who the recipients are. In addition, all available information must be provided about where from

the personal data will, if the personal data has not been collected from it

registered.⁹

Regarding the information provided by Spotify about the purpose of the processing,

recipient of personal data and source from which the data was collected states

IMY that the information was divided based on different categories of personal data. These categories of personal data consisted of "user data", "usage data", "data on plan verification", "voting data", "payment and purchase data" and "competition, survey and lottery data". The categories of personal data specified were generally held and contained none in several cases, for example regarding "user data" and "usage data".

more detailed description of which personal data could be included. IMY believes that, especially in the absence of a clear description of the relevant categories, was not possible for the data subjects to, based on the information provided, understand which personal data which were included in the various categories. Because the information on purpose, recipient and source was divided according to these categories of personal data entails this lack that it was also not possible for data subjects to easily understand which personal data processed for which purposes, which personal data taken from which source or which personal data was provided to a particular recipient or category of recipients. Those registered have thus not had the opportunity to read out in which way their personal data was processed.

IMY therefore believes that Spotify has not provided sufficiently clear information about the purposes with the processing (Article 15.1 a of the data protection regulation), the categories of personal data processing applies (Article 15.1 b of the data protection regulation), recipients or categories of recipients (Article 15.1 c of the data protection regulation) or source from which the data was collected (Article 15.1 g of the Data Protection Regulation).

The information was not concise, clear and clear, nor was it easily accessible. The thus also did not meet the requirements of Article 12.1 of the Data Protection Regulation.

Information on storage period

Information provided about how long personal data is stored must be sufficient specific so that the data subject understands how long his personal data will last to be stored. If it is not possible to specify the time of deletion, the relevant one should be used instead

9 See the European Data Protection Board's (EDPB) guidelines on the right of access - Guidelines 01/2022 on data subject rights – Right of access, version 2.0 (adopted on 28 March 2023), paragraphs 114-120 and judgment of 12 January 2023 in EU-

court case C-154/21, Österreichische Post.

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the event affecting conservation is specified, such as the expiration of a warranty period. The storage periods shall refer to the personal data that is linked the data subject requesting access. If this personal data is subject to different storage periods, information about the storage periods must be specified in relation to each current personal data processing and category of personal data.¹⁰

Spotify provided information about storage periods under the heading "Criteria for retention of personal data". The information contained general information about for which purposes the personal data is saved and criteria used to determine the storage periods. Among other things, it was stated that personal data as standard is retained for 90 days, unless a longer period is chosen due to a legitimate business reason. Furthermore, it was stated, among other things, that personal data is stored for a suitable period in order to deliver a personalized service over time and that streaming history is usually preserved during lifetime of an account.

The information on how long data is kept was generally designed and, with exception, among other things, for the information about streaming history, not clearly linked to which categories of personal data were intended by the different storage times. The registrants could therefore find it difficult to decipher which of their personal data was preserved for what period of time. The criteria for determining the storage period

which were stated in the information were furthermore in some cases very imprecise. It is for example difficult for a data subject to understand what was included in "legitimate business reason" and thus in which situations personal data was kept longer than 90 days or whatever meant that streaming history was "usually" preserved for the lifetime of an account. In an overall assessment, IMY considers that the information provided regarding storage periods did not meet the requirements in Article 15.1 d of the data protection regulation partly then the information in this part was generally designed and lacked connection to current category of personal data, partly then some of the criteria used to determining the retention period was too imprecise for the data subject to understand how long his personal data was stored. The information was not concise, clear and clear and also not easily accessible. It therefore also did not meet the requirements of the article 12.1 of the data protection regulation.

Information on third country transfer

In order for the registered person to be able to assess a possible transfer of his personal data to third countries is legal, the data subject must get meaningful information that makes it possible to find out whether his personal data has been transferred and if so, what safeguards have been used. To enable it was registered checking whether his or her personal data has been processed legally, it should i normally also indicate to which third countries the transfer has taken place. 11

In the information that Spotify provided regarding transfers to third countries it was clear under the heading "International transfers" that Spotify can share personal data globally with other Spotify Group companies, service providers, partners, etc. Further stated that Spotify ensures that the transfer is carried out in accordance with the applicable data protection and privacy laws and that technical and organizational measures, and i in particular, appropriate protective measures are applied, e.g. the standard contract clauses which

10 European Data Protection Board (EDPB) guidelines on the right of access - Guidelines 01/2022 on data subject rights

– Right of access, version 2.0 (finally adopted on 28 March 2023), paragraph 118.

11 Cf the Article 29 Group's Guidelines on Transparency under Regulation (EU) 2016/679, WP260rev.01, adopted by European Data Protection Board, p.40.

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approved by the European Commission when personal data is transferred from European economic cooperation area (EEA).

IMY states that the information provided by Spotify regarding third country transfers was generally designed and not linked to the registered own situation. It was not clear whether the data subject's personal data had transferred to any third country, and if so, what appropriate safeguards were in place taken at the time of transfer. It was also not clear to which third countries the transfer had happened. IMY therefore assesses that the information provided regarding third country transfers did not meet the requirements of Article 15.2 of the Data Protection Regulation. The information was not concise, clear and clear, nor was it easily accessible. The thus also did not meet the requirements of Article 12.1 of the Data Protection Regulation. Summary assessment of the information according to Article 15.1 and 15.2 i data protection regulation

In summary, IMY finds that the information provided by Spotify according to article 15.1 and 15.2 of the data protection regulation during the period between 16 November 2021 up to and including 16 May 2022 has been deficient in the above-mentioned respects. Spotify has thus processed personal data in violation of articles 12.1, 15.1 a-d, 15.1 g and 15.2 of the data protection regulation.

3.2 The right to access personal data and a copy of

personal data under processing – article 15.1 and 15.3 i

data protection regulation

3.2.1 What has emerged in the case

Spotify has stated that their response to access requests, with a few exceptions, is

designed to disclose all personal data that they process regarding it

registered. The company has further explained its routines to ensure that all

personal data is disclosed, for example when new or updated

personal data processing.

The copy of personal data provided by Spotify in accordance with Article 15.3 i

the data protection regulation can be given through three different answers, Type 1, Type 2 and Type 3.

The personal data covered by Type 1 is profile information and the personal data

which Spotify has deemed to be of greatest interest to those registered. In Type 1 is included

therefore, it recorded playlists, streaming history and recent searches

the year, objects saved in the registrant's library, the number of followers of the registrant

has, the number of users the registrant follows, the names of artists the registrant

follows, user data and payment information. To give the registrant access to

Type 1 information, the company has introduced a function called "download your data" on a

privacy settings web page. The web page through which the data subject can

access to this information is available to all customers via their Spotify account

and provided in the same language as their Spotify service. Those registered may

access to the Type 1 information within about seven days. Those registered can also get

access to the Type 1 information by contacting Spotify's customer service.

Type 2 information consists of technical log files that are stored in Spotify's system

linked to the data subject's user ID. To access the Type 2 information

the data subject can send a request via Spotify's web form for privacy issues

or by contacting customer service or Spotify's data protection officer through someone

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other channel (email, Facebook, Twitter or letter). It takes about two to four weeks to compile and disclose this personal data.

Type 3 information consists of the information that a registered person specifically requests and can for example, refer to the data subject's listening history on a particular date, an extended listening history or a request for unstructured personal data, for example a request for certain email correspondence. Type 3 information can be requested on the same way as Type 2 and such a request normally takes less than 30 days to process.

In case it takes longer to process the request, due to the complexity of the request, the data subject is informed of the delay.

On 15 June 2021, Spotify implemented changes which mean that all Spotify users who request a copy of personal data beyond what is available in "Download your data" tool, or that directly requests a copy of all its personal data from Spotify's customer service, get access to extended streaming history as well as technical log information in one package.

Spotify has stated that the design of the process and its development up to today are one aggregate result of joint discussions, careful considerations and analyses as well as meetings with relevant customer service and development teams. Spotify's data protection team has provided advice regarding legal requirements and "best practices" in data protection and continues to continuously update these based on a number of identified parameters, including relevant and current legislation, guidance, the ability to quickly respond to a large number of requests, ease of use and categories of personal data that is processed.

Spotify has stated that they have over 232 million monthly active users and that during the period from 25 May 2018 to 30 June 2019 they answered 753,575 requests about access. According to Spotify, the division of data into three different types has done so possible to provide a quick and easy way for the data subject to download their personal data that is likely to be most relevant to the data subject and to generate answer in large measure and with the speed required to satisfy the majority of those registered.

Spotify further refers to statements in the EDPB's guidelines on transparency¹² that in data protection regulation there is an inherent tension between the requirements to provide the recorded extensive information on the one hand and that the information should be given in one concise, clear and clear, comprehensible and easily accessible form on the other hand, that one must determine how to prioritize information that must be provided to data subjects and which levels of detail and methods are suitable for conveying the information and that the principle of openness is an overarching obligation. Spotify believes that these guidelines have relevance for the design of a concise, open, easy to understand and easily accessible process for data subjects to exercise their rights under Article 15 of data protection regulation. By providing three layers of response to requests for access to registered, Spotify intends to balance the data protection regulation's interests on one correct way in favor of Spotify's registrants. Spotify's goal is to provide correct information in accordance with Article 15 to all data subjects at the right time by provide information in different layers and in different ways.

Spotify has stated that the company informed registered users that it was possible to request access to more personal data than those covered by Type 1 and Type 2, as well as

¹² Article 29 Working Party Guidelines on Transparency under Regulation (EU) 2016/679, WP260rev.01, adopted by European Data Protection Board, paragraph 1 and paragraph 34.

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that this information was provided to data subjects before they requested access to their personal data. Furthermore, Spotify has stated that it appeared that those registered could request access to more personal data than those covered by Type 1 by request a Type 2 response. In addition, registered users could contact Spotify's customer service with special requests (so-called Type 3 request). The information about this is provided in different ways way, including on the website for "Personal data rights and privacy settings" and on the website where information according to Article 15 of the data protection regulation is published. When a user requests access to the personal data covered by Type 1 by going to "Download your data" is further according to Spotify clear from the context that users get access to a selection of their personal data and not all their personal data. On the "Download your data" page there is also a reference to the web page "Personal data rights and privacy settings". For requests according to both Type 1 and Type 2, information is given according to article 15 of the data protection regulation which contains a comprehensive description of available data. The information sources also explain that the user can request access to their personal data via customer service or by contacting Spotify via email. If a user contacts Spotify's customer service to exercise the right of access according to article 15 of the data protection regulation, customer service can explain all three types of personal data that is available and inform users about it further information that is available. The registrants were also informed that they could request access to more personal data than they have already downloaded on the website "Understand my data".

Furthermore, during the processing of the case, Spotify has updated the information that directs

itself to the data subjects in order to make it more transparent for data subjects that it exists

more to request than what is available in the "Download Your Data" tool.

With regard to the clarity of the information, Spotify has essentially stated the following. At

designing the access request response format the company focused on

provide all information in a way that makes it relevant, transparent and helpful

for those registered. The company developed a routine to ensure that the descriptions of

the personal data is correct and complete, which included extensive efforts for

to translate technical information into a simple language that can be understood by a

average customer, however, without removing such details as are necessary for transparency.

To facilitate understanding, Spotify does, among other things, the following.

- When downloading Type 1 information, the registered person also receives a so-called

—

"Read Me First" file. In the "Read Me First" file there is a link to the web page "Understand my

data", where the format and personal data included in Type 1 are described. This one

page has been updated during the processing of the case to now also include one

general description of the data in the technical log files and the extended

the streaming history. The linked pages are automatically displayed on the customer's preferred one

language based on the language setting in the customer's browser.

In the Type 2 information, which consists of technical log files¹³, there is some information

which is highly technical in nature. To help data subjects understand

the formatting of the personal data Spotify provides a detailed

description of the personal data in a special file in connection with the data

provided (in a "Read Me First" file for Type 2 requests). This description

provided by default in English. Spotify also answers customers' questions

about the significance of the personal data provided, as part of its process for

access request was registered. Spotify also continuously updates both

13 From 15 June 2019 extensive Type 2 information, in addition to the technical log files, also expanded listening history.

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the format of technical log files attributable to the customer's user ID (Type 2) and corresponding information in the Type 2 "Read Me First" file to increase transparency based on the questions asked.

– As regards special requests (Type 3), when the personal data which provided may require explanations, Spotify may, if necessary, leave the information in an e-mail to the data subject together with the copy of the personal data.

Spotify has stated the following as background to the description of the Type 2 data by default is left in English. To ensure that the information that the company providing the registrants are correctly translated into their local language they are sent files to be translated by manual translation to professional translators. Against background of technical log data changing more dynamically over time than others personal data that is collected, the company would have to send the extensive "Read me First" file on translation several times a month. This would be disproportionate and unreasonable to do for all local languages given the extra time, resources and administration it would entail. Furthermore, many of the words have appear in the technical log data typically no translation because they often reflect technical concepts communicated primarily in English and usually not translated into local languages. However, the company helps with translation the information into local language if a user requests it to the extent they

the technical terms are translatable. Spotify has further stated that they have responded to approximately 340,000 requests for access to technical log files. Of these requests, only two registrants have turned to the company and requested one translation of the description into their local language. Spotify further believes that translation of the technical log files without request would mean that all data subjects would have to wait longer to obtain their right of access by the technical the log files provided.

In terms of which format is used, Spotify has stated that the personal data provided in JSON format which, according to the company, is a structured and widely used format that can be understood by both computers and humans. Data provided to however, following a Type 3 request is provided in the format needed to respond request.

Spotify has further informed IMY on 17 October 2022 that the company has since the time allowed for data subjects to request access to account data, extended streaming history and technical log information directly through "Download your data"- the tool, i.e. without contacting customer service. These routines are not covered by IMY's review when the update has taken place after May 16, 2022.

3.2.2 The Privacy Protection Authority's assessment

According to Article 15.1 of the data protection regulation, the data subject has the right to receive confirmation on whether the personal data controller processes personal data concerning him or her and in that case gain access to the personal data. The personal data controller has, according to Article 15.3, an obligation to provide the data subject with a copy of the personal data that is being processed. The right of access is the same regardless by who the data controller is but the way to handle a request for access may vary, among other things depending on the extent of the personal data that processed and the number of registrants. According to Article 12.2 of the Data Protection Ordinance,

the personal data controller an obligation to facilitate the data subject to exercise their rights.

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The purpose of the right of access is for the data subject to become aware of it processing that takes place and be able to check that it is legal. The

The data controller must therefore ensure that the copy of personal data

that is provided contains all the personal data processed about it

registered and is designed in a way that is comprehensible to the registered. Access

to the personal data must be given in a way that meets the requirements for transparency

in Article 12.1 of the Data Protection Regulation.

The requirements placed on the design and content of the copy mean that they

personal data controllers who process a large amount of data or data that is

particularly difficult to understand, may need to take special measures when the information presented to those registered.

Spotify, whose personal data processing is both extensive and complex, has taken

develop special procedures for handling requests for access. The question is about these

routines enable the company to provide access to the personal data they process in one

way that satisfies the data subject's right of access.

Division of the copy of personal data into different layers

Spotify divides the copy of personal data into different layers, Type 1, Type 2 and Type 3.

IMY believes that there is no obstacle to dividing the copy of personal information in this way

as long as the right of access is satisfied. In some situations, on the contrary, it can help

the registrant to absorb the information if it is presented separately, in any case when

it is a matter of an extensive amount of information. The provision of the copy on however, personal data in different layers must neither restrict the right of access nor make it difficult the exercise of it. The person in charge of personal data must therefore take this into account in particular the assessment of whether it is an appropriate measure to divide the copy of personal data.

A data subject who addresses a personal data controller to request access to their personal data normally lacks knowledge of which personal data are actually treated. Acquiring this knowledge is instead often the very purpose of request. If the personal data controller in this situation only provides it registrant with a selection of his personal data, the registrant risks that is led to believe that the copy provided is complete.

For this reason, IMY considers that the personal data controller, in the channel he has established so that the data subject can request access, must be clear that the copy of the personal data is divided into different layers. It must also be clear to it recorded what information is in the various layers and in what way registrants can access these.¹⁴

In the report Spotify has submitted, it appears that the registered, in several different channels, receives information that access to different personal data can be requested in different ways.

Through these channels it appears that access to "your most relevant personal data" can obtained through the "download your data" function as well as access to technical log information, extended streaming history or responses to other specific data protection requests may be obtained upon request via e-mail or customer service. IMY can, of those reported in the report the examples, state that the information provided to the registered also contains

14 Cf. The European Data Protection Board's (EDPB's) guidelines on the right of access - Guidelines 01/2022 on data subject rights – Right of access, version 2.0 (finally adopted on 28 March 2023), paragraph 146.

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an overall enumeration of which personal data the various types of requests include.

IMY assesses that the information provided by Spotify in this regard, during that period which the review of the general routines refers to, is sufficiently clear that it data subjects must understand how the copy is divided, including what information is contained in them the different layers, and how the different layers should be requested.

To set up special conditions for the exercise of the right of access without support i the data protection regulation risks causing the data subject to be unduly hindered in their exercise of the right. In other words, it can be perceived as unnecessarily complicated to exercise the right, which in turn may result in the data subject refraining from requesting out all information to which the registered person is entitled. There are reasons to underline that the personal data controller, according to article 12.2 of the data protection regulation, has a obligation to facilitate the exercise of the data subject's rights. In order to the provision of the copy of personal data in different layers shall not entail that the right is restricted or that the exercise of the right is made more difficult, IMY therefore considers that it cannot be required that the data subject returns to the personal data controller on several occasions to gain access to all personal data. Nor can it be complicated to request access to the various layers. IMY therefore considers that it registrants must be able to request access to all warehouses from the beginning and that it should be easy to get access to these. Another thing is that the registered, with the knowledge of how the data is divided, yet can choose to only request access to one or more layers.¹⁵

From Spotify's statement, it appears that the registered person can request access to the various the layers in different ways. It is not required that the registrant returns to Spotify to take

part of the different layers. However, the data subject may have to take several measures to get access to several layers, e.g. by both downloading Type 1 information through function "download your data" and by requesting access to Type 2 and Type 3 information through customer service. If the data subject contacts customer service directly with their request, the data subject can request access to all personal data at the same time.

IMY considers that the fact that the data subject must take various measures for requesting the various layers of data may cause some inconvenience. The registered however, has the opportunity to take all of these actions at one and the same time.

All measures can also be taken easily via Spotify's website. At an overall assessment, IMY believes that Spotify's routines enable the registered to request access to all their personal data in a sufficiently simple way.

The design of the copy and format of the copy

It follows from Article 12.1 of the data protection regulation that the information provided according to Article 15 of the Data Protection Regulation must be given in a concise, clear and understandable, understandable and easily accessible form using clear and unambiguous language. What requirements should be placed on clarity in the individual case must be assessed against the background of the purpose of the right of access, i.e. that the data subject must become aware of the treatment which takes place and be able to check that the processing is legal.

15 Cf. The European Data Protection Board's (EDPB's) guidelines on the right of access - Guidelines 01/2022 on data subject rights – Right of access, version 2.0 (finally adopted on 28 March 2023), paragraph 146.

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The majority of the data that Spotify processes, especially when it comes to data in

the technical log files are by their very nature very technical as they contain e.g. codes and numbers. Such information can be difficult for the average data subject to understand. To provide such information without further explanation would, according to IMY, not live up to the requirements for clarity, in terms of the purpose of the right. Because the data to be provided in accordance with Article 15.1 of the Data Protection Regulation and covered by a copy of the data protection regulation shall be the personal data which is processed, however, it is not permitted for the personal data controller to change difficult-to-understand personal data to facilitate understanding. Such information can instead need to be explained.

Spotify provides, together with the copy of personal data, additional descriptions for to make the data in the various layers comprehensible to the data subject. Spotify responds also on the data subject's questions about the meaning of the personal data provided and updates its general procedures and descriptions based on the questions that are asked.

IMY believes that data in the technical log files that Spotify provides can be complicated to understand, despite the descriptions provided by Spotify. IMY believes however, that by providing these descriptions, Spotify enables it registered, albeit with some effort, to assimilate the information. That it despite descriptions, some effort may be required by the data subject to understand some particularly complicated tasks are a natural consequence of the nature of these tasks.

By default, Spotify provides only the detailed description of the data in the technical log files in English. Neither Article 12.1 nor Article 15 of the data protection regulation contains an explicit requirement in which language personal data, or the description thereof, must be provided to the data subject.

However, IMY believes that it follows from the purpose of the right of access and the requirements for clarity in article 12.1 that the registered should be able to receive the information in a language they know, i.e. at least when the personal data controller directs its activities to countries where this

constitutes an official language.¹⁶ This means that the personal data controller must take sufficient measures to ensure that the data subject understands the information.

Spotify provides the majority of information provided to registered according to Article 15 of the Data Protection Regulation, including a general description of what the technical log files may include, based on the language settings in the individual's web settings, i.e. the local language. Further Spotify leaves clear information, in the local language, about the possibility to request translation of the description of the technical log files in the "Read Me First" file which provided with each request for access. This information is also provided at the local the language on the "Understand my data" webpage. Spotify has thus taken extensive measures to provide information in a language that the data subject must know comprehend. However, Spotify has reported significant difficulties in translating the description of the data in the technical log files to all local languages in them countries to which they direct their operations. The difficulties have their basis in the constant the changes to the data in the technical log files and the fact that many technical concepts can hardly be translated from English.

¹⁶ Cf the Article 29 Group's Guidelines on Transparency under Regulation (EU) 2016/679, WP260rev.01, adopted by European Data Protection Board, point 13 and the European Data Protection Board's (EDPB) guidelines on the right to access – Guidelines 01/2022 on data subject rights – Right of access, version 2.0 (finally adopted on 28 March 2023) point 142.

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However, IMY notes that Spotify has stated that, at the request of a data subject, they have possibility to translate the description of the data in the technical log files into one

local language to the extent that the technical terms are translatable. Since a translation is therefore possible in practice, IMY believes that such a translation should can be provided even before a request for translation has been made from one registered. Spotify's stated difficulty in translating the description, including that translation may need to be done on several occasions each month and the additional ones resources this requires, cannot justify leaving the description as default either in English. Considering the purpose of the right of access, it is crucial that it data subjects understand which of their personal data has been processed in the technical the log files, which requires an understandable description of its content. IMY therefore considers that Spotify should have provided the description in local language already in connection with that the technical log files were provided to the data subject, at least to that extent it was necessary to understand the data in the technical log files.

Against this background, IMY believes that Spotify has not taken sufficient measures to ensure that the data subject understands the description of the data in the technical the log files when this information is only provided in English by default. The information that Spotify provides in this part therefore did not meet the requirements that all communications provided to the data subject pursuant to Article 15 i the data protection regulation must be clear and understandable in the manner specified in Article 12.1 i data protection regulation. The fact that a data subject has the opportunity to return to Spotify to request a translation does not cure this deficiency.

It follows from Article 15.3 of the data protection regulation that a data subject who makes a request if access in electronic form must receive the information in an electronic format that is generally used, unless the data subject requests otherwise. Spotify is leaving the data in JSON format. In the guidelines on the right to data portability, JSON format is given as an example of a commonly used open format.¹⁷

IMY states that the requirements set for formats are different for the right to data portability

and the right of access when data portability according to article 20.1 of the data protection regulation also requires that the data be provided in a structured and machine-readable format format. In terms of the purpose of the right of access, IMY requires that the format in which the data is provided in accordance with Article 15 of the Data Protection Regulation must be possible to read for a natural person. However, there is nothing to prevent the format from also being machine readable. Such a format can, in many cases, make it easier for the registered to himself make various summaries or searches to facilitate understanding. IMY believes that JSON format, which can be read by both computers and natural persons, i the current situation is such an electronic generally used format as referred to in Article 15.3 i data protection regulation.

Summary assessment regarding the right of access to personal data and copy on personal data during processing – article 15.1 and 15.3 of the data protection regulation In summary, IMY finds that Spotify's way of dividing the copy of personal data in different layers does not hinder the exercise of the data subjects' rights and thus is in accordance with article 12.2 of the data protection regulation and that the design and format on the copy of personal data largely meets the requirements for transparency in Article 12.1 i data protection regulation.

17 Article 29 Group Guidelines on the right to data portability, WP242 rev.01, adopted by the European Swedish Data Protection Agency, p. 19.

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However, IMY finds that the description of the data in the technical log files which Spotify left during the period from and including 11 June 2019 to and including 16 May 2022 has not met the requirements of Article 12.1 of the Data Protection Regulation when this

information by default has only been provided in English. Spotify has thus i
in this respect processed personal data in violation of Article 12.1 i
data protection regulation during the relevant time period.

4 Examination of individual complaints - Justification

of decisions

4.1 Complaint 1 (from the Netherlands with national
reference number z2018-28415)

4.1.1 Background

The appellant has argued in summary that Spotify due to his
the access request made on 27 May 2018 has not provided access to all of his
personal data within the time prescribed in Article 12.3 of the data protection regulation
and that, once he has gained access to all personal data, these have not
provided in an understandable form in the manner prescribed in Article 12.1 i
data protection regulation.

4.1.2 What has emerged in the matter

Spotify provides three types of responses to ensure an appropriate and complete response
response to its users' requests in accordance with Article 15 of the Data Protection Regulation.
Spotify has stated that information about all three types of responses (Type 1, Type 2 and Type 3)
as well as information on how to request access to them was available at
the time of the appellant's request. In connection with a user choosing to load
down its data (Type 1), was evident from the description and instructions in direct connection with
the download tool that this was just a convenient way to get a copy of "the
most" personal data from his account and which categories of personal data that
were available through the tool. From the context it was therefore clear enough that
other personal data was also available. The appellant also had the opportunity to
contact customer service via several channels and request additional personal data.

The complainant had also had the opportunity to turn to customer service and directly request access to all their personal data.

Spotify believes that the process at the time was transparent enough to users would be able to understand as well as request additional available data in addition to those which was included in the "Download your data" tool. Many other users also requested both Type 2 and Type 3 tasks at that time. The appellant also succeeded in requesting and access both Type 1 and Type 2 information. Spotify has subsequently done the majority improvements in their processes to ensure that users cannot miss all three types of information available and how to easily request access to it the information.

Spotify has stated that with regard to the provision of the complainant's personal data, so provided all requested personal data within the time frame specified in article 12.3 of the data protection regulation. "Download your data" (Type 1) was requested by complainant on 27 May 2018. The data was made available and downloaded by complainant on May 28, 2018. A response time of one day is consistent with Spotify's goal of quickly providing the most relevant information to users through their automated tools.

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Technical log files (Type 2) were requested by the complainant via email on 11 June 2018. In Spotify's response on July 6, 2018, Spotify informed the complainant that the provision of the personal data would take a little longer than expected due to the high number requests and the complexity of compiling such technical information.

The information was made available for download on July 17, 2018. Even after having

informed the appellant of the reason why the response would be delayed, only 36 elapsed calendar days (26 working days) between the complainant's request and the receipt of a response.

Regarding the complainant's complaint regarding the format of the personal data, Spotify has stated that Type 2 data contains a large number of files with technical log data.

What data is processed may differ significantly for different users based on what kind of Spotify service plan they have (eg Free, Premium, Family), features and the specific user's activity, as well as variations in the usual internal the processing and error logging of the Spotify software itself. Its a challenge to find a way to explain this kind of technical information in a way like that the average Spotify user can understand.

At the time of the complainant's request, Spotify provided the information in a JSON format. However, Spotify did not provide any additional documentation to further clarify what types of data were included and how these should be interpreted (in addition to the information that appears in the JSON data fields themselves). Since 2019 however, Spotify provides a supplementary "Read Me First" file upon delivery of all Type 2 data, which further describes the information contained in each file and data field. Given the complexity and volume of the technical log files required the creation of the "Read Me First" file a lot of work, and Spotify had not yet completed this process at the time of the appellant's original request for access.

It was a mistake to provide the appellant with some of the technical log files in encrypted format. Spotify stores data in its systems in encrypted format to reinforce the integrity and security in connection with the company's own internal processing of personal data. It was not Spotify's intention to withhold from the complainant personal data from him. Although most of the encrypted data was decrypted before being included in the appellant's technical log files, some of the fields were not decrypted. That kind of problem was fixed upon discovery of this, and now

requested personal data is always provided unencrypted.

Spotify wants to draw IMY's attention to the fact that the complainant requested their personal data again in July 2020. This request came after his complaint to IMY and the improvements as described above. The complainant received his personal data significantly faster than within 30 days. The complainant requested "Download your data" (Type 1) on 28 July 2020.

Spotify provided the personal data three calendar days later, on July 31, 2020.

The complainant also requested its technical log files (Type 2) on August 3, 2020 and downloaded the personal data when it was available 15 days later, on August 18

2020. Both of these requests were answered within a total of 18 days by Spotify and

the complainant was able to receive all his personal data within a total of 21 calendar days. This one timeframe is representative of Spotify's handling of these types of requests from

user. All technical information received by the complainant on August 18, 2020 was

unencrypted. The complainant should also have received a "Read Me First" file as field by field

explained the information provided. With the fulfillment of the appellant's latest

request, Spotify hopes that all the complainant's questions regarding articles 12.1 and

12.3 of the data protection regulation that he raised in his complaint have been answered.

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4.1.3 The Privacy Protection Authority's assessment

As IMY states in the assessment of the company's general routines, section 3.2.2 i

this decision, it is possible to divide the copy of personal data into different layers provided

that the data subject has received sufficient information, among other things, about how the copy personal data is divided and how access to the various layers can be requested.

The fact that the complainant claims that his personal data was not provided in time shows that

the appellant must have considered that his initial request which was sent on 27 May 2018 referred to all personal data that Spotify processed about him. Of data such as the complainant left further states that he contacted Spotify because he himself noticed that the copy of personal data he received on 28 May 2018 was not full. The fact that he contacted Spotify was thus a consequence of those conclusions the appellant himself drew from the copy of personal data he received and not from on the grounds that the complainant understood Spotify's division of the copy into personal data and how access to additional data could be requested. These circumstances speak according to IMY for the information provided by Spotify at the time of the complainant the request regarding the division of the copy on personal data has not been sufficient clear.

IMY also believes in an assessment of the information provided by Spotify description and instructions in connection with the appellant making his Type 1 request on May 27, 2018 that that information alone was not clear enough to the appellant should have understood that it was only a subset of the personal data which was covered by the request. At the time of the appellant's request, it was also missing information that is currently available on Spotify's website, including on the website for "Personal data rights and privacy settings", where it is clear which personal data given in the various responses, and how access to these can be requested. IMY further considers that what Spotify stated that the complainant could turn to customer service and requesting additional information is irrelevant as such action presupposes that the complainant would have understood that there were additional personal data that could be released.

In view of the above, IMY considers that Spotify, at the time of the complainant request for access, did not provide sufficiently clear information for the appellant to understand that the copy of personal data was divided. That there is sufficient information for

that a registered person must understand that his request only refers to a selection of their personal data that is processed is a prerequisite for the personal data controller must be able to limit the disclosure of this personal data. In case it is unclear about the request only concerns a selection of the personal data, so it should personal data controller assume that the registered person wants access to all of their personal data. Spotify should therefore, as the information in this regard was deficient at the time of the complainant's request, have disclosed all personal data that they dealt with the appellant in connection with his request for access made on May 27, 2018. The time within which Spotify had to leave the copy on all personal data must therefore be calculated from this time. Spotify would, according to the article 12.3 of the data protection regulation, have provided a full copy of the complainant personal data or notified the complainant of an extension of the time period at the latest on 27 June 2018. Spotify first notified the complainant of an extension on 6 July 2018 of the time period. The copy of the additional personal data was provided on 17 July 2018. IMY states that Spotify did not announce the extension within the time that prescribed in article 12.3 of the data protection regulation. Spotify has therefore left the copy on complainant's personal data too late.

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From the complainant's information, as confirmed by Spotify, it appears that they further personal data he gained access to on 17 July 2018 has been difficult to understand as well as, in some case, encrypted.

As IMY states under section 3.2.2, it is required that the personal data controller explains particularly difficult to understand personal data so that the purpose of the right of access shall

considered fulfilled. IMY notes that Spotify has not lived up to its obligations in the appellant's case as they have not provided an explanation for the particularly difficult to understand information they provided in the copy as well as when they have provided certain information encrypted. IMY states with regard to the above that Spotify in its management of the complainant's request for access made on 27 May 2018 has processed personal data in violation of article 12.3 of the data protection regulation, by making the copy on personal data has been provided too late, as well as in violation of articles 12.1, 15.1 and 15.3 of the data protection regulation, by not having provided all the complainants personal data in an understandable form.

4.2 Complaint 2 (from Austria with national reference no D130.198)

4.2.1 Background

The complainant has alleged that Spotify due to his request for access which was made on October 10, 2018 has not provided all the personal data that Spotify treats the complainant that Spotify has not provided any of it information on the processing of the complainant's personal data as required by Article 15.1 a–h and 15.2 of the data protection regulation and that Spotify has not provided the personal data in an understandable form in the manner prescribed in Article 12.1 i data protection regulation. The appellant has stated, among other things, that the information has been provided in a format that is only machine-readable and not comprehensible to physical users people.

4.2.2 What has emerged in the matter

Spotify has stated that the complainant requested access to "Download your data" (Type 1) on 10 October 2018. The data was made available and downloaded by the complainant on 18 October 2018. The complainant then never contacted Spotify again to bring them forward views raised in his complaint to the IMY. Nor did he request access to

additional information beyond that made available through "Download Your Data"-

the tool.

Spotify provides three types of responses to ensure an appropriate and complete response to its users' requests in accordance with Article 15 of the Data Protection Regulation.

Spotify has stated that information about all three types of responses (Type 1, Type 2 and Type 3), as well as information on how to request access to them was available at

the time of the appellant's request. In connection with a user choosing to load

down its data (Type 1), was evident from the description and instructions in direct connection with tool that this was just a convenient way to get a copy of "most"

personal data from his account and which categories of personal data were

available through the tool. From the context it was therefore clear enough that

other personal data was also available. The appellant also had the opportunity to

contact customer service via several channels and request additional personal data.

Spotify believes that the process at the time was transparent enough to

users would be able to understand as well as request additional available data in addition to those

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which was included in the "Download your data" tool. Many other users also requested

both Type 2 and Type 3 tasks at that time. Spotify has subsequently done the majority

improvements in their processes to ensure that users cannot miss all three

types of information available and how to easily request access to it

the information.

At the time of the appellant's request, the specific web page had information

according to article 15.1 a-h and 15.2 of the data protection regulation not yet created and such

information was also not automatically included in the access request response.

Spotify confirms that the complainant did not receive this information along with his Type 1-response in October 2018. Spotify notes that although the complainant did not receive the specific the information under Article 15 in connection with its request, the information was available for the complainant in Spotify's privacy policy.

Spotify has further stated that the company had processes in place to provide additional information and take action in the event that their response would not be considered sufficient to fully respond to a data subject's access request. About the appellant had contacted privacy@spotify.com or Spotify's customer service team regarding their questions, they would have been happy to provide additional personal data and other information according to Article 15 of the Data Protection Regulation which he requested.

It is true that the complainant's "Download your data" data was provided in JSON format. JSON is a recommended standard format that can be understood by both people and computers. The information in "Download your data" (Type 1) is largely self-explanatory based on the file and field names. Nowadays, Spotify provides however, also a detailed description of the data on the information webpage, "Understand my data".

4.2.3 The Privacy Protection Authority's assessment

As IMY states in the assessment of the company's general routines, section 3.2.2 i this decision, it is possible to divide the copy of personal data into different layers provided that the data subject has received sufficient information, among other things, about how the copy personal data is divided and how access to the various layers can be requested.

The complainant has, as IMY understands it, wanted access to all the information that Spotify treats about him. However, the appellant has only requested access to Type 1-the data and has also not returned to Spotify for further information.

According to IMY, the complainant's actions indicate that the information provided by Spotify

at the time of the appellant's request regarding the division of the copy at personal data and how access to the various layers could be requested was not sufficient clear so that the complainant would understand how he would get access to all the information. IMY also believes in an assessment of the information provided by Spotify description and instructions in connection with the appellant making his Type 1 request on October 10, 2018 that that information alone was not clear enough to the appellant should have understood that it was only a subset of the personal data which was covered by the request. At the time of the appellant's request, it was also missing information that is currently available on Spotify's website, including on the website for "Personal data rights and privacy settings", where it is clear which personal data given in the various responses, and how access to these can be requested. IMY further considers that what Spotify stated that the complainant could turn to customer service and requesting additional information is irrelevant as such action presupposes that

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the complainant would have understood that there were additional personal data that could be released.

In view of the above, IMY considers that Spotify, at the time of the complainant request for access, did not provide sufficiently clear information for the appellant to understand that the copy of personal data was divided. That there is sufficient information for that a registered person must understand that his request only refers to a selection of them personal data that is processed is a prerequisite for the personal data controller must be able to limit the disclosure of this personal data. In case it is unclear about the request only concerns a selection of the personal data, so it should

personal data controller assume that the registered person wants access to all of their personal data. Spotify should therefore, as the information in this regard was deficient at the time of the complainant's request, have disclosed all personal data that they processed about the appellant. IMY states that Spotify has not disclosed all of them personal data they processed about the complainant. Spotify has therefore not complied the requirements in articles 15.1 and 15.3 of the data protection regulation to give the data subject access to their personal data as the company has not provided the registered with one full copy of the personal data that was being processed.

The complainant has further stated that the personal data he has been given access to was difficult to understand. Spotify's response shows that at the time of the complainant's request a description of the information provided to the appellant (Type 1) was missing. IMY however, deems that the information provided pursuant to a Type 1 request is sufficient clear for the average user to be able to understand the data and that these therefore do not require any further explanation. IMY therefore believes that they personal data provided has been sufficiently clear to meet the requirements according to article 12.1 of the data protection regulation, i.e. that the information provided according to Article 15 of the Data Protection Regulation must be given in a concise, clear and understandable, understandable and easily accessible form using clear and unambiguous language. Some lack therefore has was not available regarding how clear the personal data provided to the appellant was where. However, IMY looks positively on the improvements that Spotify has implemented after this time, which can further increase the understanding of the personal data provided in Type 1 response.

The complainant has further stated that his personal data was provided in a format which was only machine readable and not comprehensible to natural persons. Spotify has stated that the data was provided in JSON format. IMY believes, which also appears above below 3.2.2, that JSON format, which can be read by both computers and natural persons, i

the current situation is such an electronic generally used format as referred to in Article 15.3 i data protection regulation. IMY therefore considers that there was no deficiency in respect of the format in which the information was provided to the complainant.

The appellant has finally claimed that he did not receive information according to Article 15.1 a-h and 15.2 of the data protection regulation. Spotify has confirmed that the complainant did not receive this information together with the response to the request submitted in October 2018. Spotify has thus not fulfilled its obligation to, in connection with the appellant's request for access, provide information according to article 15.1 a-h and 15.2. The fact that information at the time of the complainant's request was available in the company's privacy policy healer not this deficiency.

IMY concludes in summary that Spotify in its handling of the complainant's request if access made on 10 October 2018 has processed personal data in violation with article 15.1 and 15.3 of the data protection regulation, by not having given access to

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all personal data that Spotify processed about the complainant and in conflict with article 15.1 a-h and 15.2 of the data protection regulation, by not having provided any of the information set out in these regulations.

4.3 Complaint 3 (from Denmark with national reference number 2018-31-1198)

The complainant has claimed that Spotify has not responded to the complainant's request access according to Article 15 of the data protection regulation made on November 12, 2018.

The investigation into the matter has not shown that Spotify failed in its handling of the complainant request for access, which means that the current complaint must be rejected. The

receiving supervisory authority, i.e. the Danish data protection authority, shall therefore adopt the decision regarding this complaint in accordance with Article 60.8 of the Data Protection Regulation. The justification for the decision in this part is thus reported in a separate decision from it Danish Data Protection Authority.

5 Choice of intervention

5.1 Applicable regulations

In the event of violations of the data protection regulation, IMY has a number of corrective measures powers, including reprimands, injunctions and penalty charges. It follows from article 58.2 a–j of the data protection regulation.

IMY shall impose penalty fees in addition to or in lieu of other corrective measures as referred to in Article 58(2) of the Data Protection Regulation, depending on the circumstances in each individual case.

If a personal data controller or a personal data assistant, with respect to a and the same or connected data processing, intentionally or by negligence violates several of the provisions of this regulation, it may the total amount of the administrative penalty fee does not exceed the amount determined for the most serious violation. It appears from Article 83.3 of the data protection regulation.

Each supervisory authority must ensure that the imposition of administrative penalty charges in each individual case are effective, proportionate and dissuasive. The stated in Article 83.1 of the Data Protection Regulation.

In article 83.2 of the data protection regulation, the factors that must be considered in order to decide whether an administrative penalty fee should be imposed, but also what should affect the size of the penalty fee.

The EDPB has adopted guidelines on the calculation of administrative penalty fees according to the data protection regulation which aims to create a harmonized method and principles

for calculation of penalty charges.¹⁸

¹⁸ EDPB's guidelines 8/2020 Guidelines 04/2022 on the calculation of administrative fines under the GDPR, final adopted on 24 May 2023.

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5.2 Same or connected data processing

As noted above, IMY, in the review carried out by the authority, has

Spotify's general processes and routines for providing access according to Article 15 i

data protection regulation, found deficiencies in the information provided in accordance with Article 15.1

a–h and 15.2 of the data protection regulation as well as in the description of the data in them

the technical log files provided by Spotify. Spotify has also failed in its handling of

request for access in relation to two of the complaints IMY has reviewed, complaint 1 and

complaint 2.

The violations regarding the general routines relate to the information

according to article 15.1 a-h and 15.2 of the data protection regulation, to the period from

on November 16, 2021 through May 16, 2022 as well as, regarding the description

of the data in the technical log files, to the period from June 11, 2019 to

and with May 16, 2022. Request for access covered by the individuals

the complaints were made on 27 May 2018 and 10 October 2018 respectively. IMY assesses

among other things against this background that the violations refer to the general ones

the procedures and violations relating to the two complaints do not constitute the same or

connected treatments in the manner referred to in Article 83.3 i

data protection regulation.

However, IMY considers that Spotify's provision of information covered by article

15.1 and 15.2 of the data protection regulation and the provision of the description of

the data in the technical log files are interconnected. The

the assessment is made, among other things, against the background of the identified deficiencies in these

parts relate to the requirements for transparency in the information that Spotify has provided to them

registered according to Article 15 of the Data Protection Regulation under a partial

coinciding time period. Furthermore, the complaints are deemed to be connected with

each other.

IMY must therefore decide on the choice of intervention partly for the identified deficiencies i

Spotify's information according to article 15.1 and 15.2 of the data protection regulation and i

the description of the data in the technical log files partly for the findings

the deficiencies regarding the two complaints.

5.3 Deficiencies in information according to article 15.1 and 15.2 i

the data protection regulation and in the description of the data i

the technical log files

IMY has assessed that Spotify has violated articles 12.1, 15.1 a-d, 15.1 g and 15.2 i

data protection regulation. Against the background, among other things, that the violations have been able to

affect a large number of registrants, that the violations have been going on for a long time and

as the deficiencies in the information made it difficult for registered users to take care of their others

rights according to the data protection act, it is not a question of minor violations.

Spotify must therefore be charged a penalty fee for the violations in this part.

IMY states that Spotify has violated articles covered by Article 83.5 i

data protection regulation which means that a penalty fee of up to twenty million

EUR or four percent of the global annual turnover in the previous financial year,

depending on which value is higher, may be applied.

When determining the maximum amount of a penalty charge to be imposed on a company

shall the definition of the concept of company be used as used by the EU Court of Justice

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application of Articles 101 and 102 of the TFEU (see recital 150 i

data protection regulation). It appears from the court's practice that this includes every entity

that carries out economic activities, regardless of the legal form of the entity and the way of doing so

financing as well as even if the unit in the legal sense consists of several physical or

legal entities.

IMY assesses that the company's turnover is to be used as a basis for calculating the

administrative penalty fees that Spotify may impose are Spotify's parent company

Spotify Technology S.A. From Spotify Technology S.A.'s annual report for the year 2022

it appears that the annual turnover in 2022 was approximately SEK 132,000,000,000. The highest

sanction amount that can be determined in the case is four percent of this amount, approx

SEK 5,280,000,000.

When assessing the seriousness of the violations, IMY takes in addition to what is stated above, i.e.

that the violations have been able to affect a large number of registered persons, that the violations

has been going on for a long time and that the deficiencies in the information made it difficult for data subjects to

take advantage of your other rights according to the data protection regulation, also taking into account the following.

The violations have entailed a risk that the purpose of the right of access is then thwarted

the deficiencies in the information provided made it difficult for data subjects to understand which of

their personal data that has been processed and how. The registrant thus does not have

nor had the opportunity to check whether the processing was legal. Spotify's

processing of personal data further includes a large amount of personal data about each

registered and affects many registered users in several different countries.

However, as far as has come to light, the data processed are not such special ones

categories of personal data specified in Article 9 of the Data Protection Regulation.

Processing of personal data that takes place within the framework of a customer relationship at the provision of a music streaming service does not normally get large either consequences for the data subjects. IMY has further, despite the scope of Spotify's personal data processing, only received a few complaints regarding the company's handling access requests.

It is also important that Spotify has a challenge in providing comprehensive information about complex personal data processing in a way that is comprehensible to the data subjects which entails difficult trade-offs to assess how the information should best be used is presented. Spotify has provided certain information in accordance with all points in Article 15.1 and 15.2 of the data protection regulation. Furthermore, Spotify has provided information about its processing of personal data on several pages on the company's website. Some information about how the personal data was processed can also be read from that copy personal data according to article 15.3 of the data protection regulation that Spotify has provided to the data subjects who requested access and which IMY has generally assessed meet the requirements for clarity in Article 12.1 of the Data Protection Regulation.

The investigation into the matter further shows that Spotify, on its own initiative and before the relevant date supervisory case was initiated, has taken several measures and put in extensive work to produce, develop and improve processes regarding requests for access that shall be transparent for those registered. These processes and routines have since been developed and continuously improved. According to IMY, this suggests that Spotify intends to fulfill the right of access in a way that is transparent to the data subjects. It also has forward until last year, when the EDPB adopted guidelines on the right of access¹⁹, was lacking in detail guidance on how the information should be provided and at what level of detail, among other things

19 European Data Protection Board (EDPB) guidelines on the right of access - Guidelines 01/2022 on data subject rights

– Right of access, (adopted on 18 January 2022 for public consultation and finally adopted on 28 March 2023).

regarding the degree of individualization of the information to be provided according to article 15.1 and 15.2 of the data protection regulation and which language should be used in communication according to Article 15 of the Data Protection Regulation.

Overall, IMY assesses, against the background of the reported circumstances, that they the violations in question are of low seriousness. The starting point for the calculation of the penalty fee should therefore be set relatively low in relation to the current situation the maximum amount. To ensure a proportional penalty fee in the individual case there are also reasons to further adjust the starting point for it already at this stage continue the calculation downwards, taking into account the high turnover involved basis for the calculation of the penalty fee.

In addition to assessing the seriousness of the violation, IMY must assess whether it exists any aggravating or mitigating circumstances that become relevant the amount of the penalty fee. The circumstances which have already been considered at the assessment of the seriousness of the infringement cannot be reconsidered at this stage of the assessment.

IMY assesses that there are no further aggravating circumstances that affect the amount of the penalty fee. As a mitigating circumstance, IMY attaches particular importance the possibility for those registered to contact Spotify's customer service through several different channels to receive further individualized information. Furthermore, Spotify has in June 2022 informed that the company has made updates to the information in accordance with Article 15 among other for the data subject to understand the specific personal data processing which is applicable to their unique use of the Spotify service. As for the shortcomings

regarding Spotify's choice of language for the description of the data in the technical the log files, it is also important that data subjects have had the opportunity to turn to Spotify to have the description translated or explained in its local language and to Spotify provided clear information about this possibility in the "Read Me First" file which submitted in connection with the data being provided to the data subject.

Against the background of the seriousness of the violations, aggravating and mitigating circumstances and the high turnover in relation to those established the violations, the IMY determines the administrative penalty fee for Spotify at 58 000 000 kroner. In doing so, IMY has assessed that this amount, which corresponds to approximately 1 percent of the highest possible sanction amount that can be determined in the case, is effective, proportionate and dissuasive in the present case.

5.4 Violations regarding complaints 1 and 2

IMY has established that Spotify breached its obligations in relation to the complainants in complaints 1 and 2. However, IMY can state that the complainants in both cases have received access to some of their personal data in a timely manner. Spotify has further, when the appellant in complaint 1 contacted them, were helpful in providing further information and answered questions. Regarding complaint 2, Spotify has not been made aware that the complainant considered that his request for access was not fully met. The appellant has did not turn to Spotify and stated that he was dissatisfied with the company's handling of his request for access why Spotify has had difficulty remedying the shortfall.

IMY states that the violations currently in question did not include sensitive ones personal data. Spotify has further taken measures, albeit insufficient, in order to accommodate the appellants' requests. Although the appellants' right of access does not

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met fully, the deficiencies that have been present are therefore of a less serious nature character than if the requests had been left unanswered.

In an overall assessment, IMY finds that, regarding the violations in complaint 1 and 2, are minor violations and that there is therefore reason to waive from imposing a penalty fee on Spotify for the established violations herein part. Spotify must instead be given a reprimand in accordance with Article 58.2 b i data protection regulation.

Spotify has stated that the company is happy to cooperate with the complainants directly in order to ensure that it has provided all the data and the information that the complainants searching as well as that it has answered their questions.

From information that emerged in the case, the complainant in complaint 1 has turned to Spotify again in July 2020 and subsequently granted access in accordance with Article 15 of the Data Protection Regulation.

The complainant received all his personal data, including an explanatory document about the personal data that was processed, within 21 days. The personal data that then were left unencrypted. When the appellant has had his request for access granted if there is no reason to order Spotify to grant access again in accordance with Article 15.

Regarding complaint 2, no information has emerged that the complainant has received access to more personal data or more information after the response to the access request in October 2018. Spotify must therefore, with the support of Article 58.2 c of the data protection regulation, ordered to comply with the appellant's request for access pursuant to Article 15 i the data protection regulation by giving the complainant access to all personal data that Spotify processes about him by providing him with a copy of the personal data according to article 15.3 of the data protection regulation as well as information according to article 15.1 a-h and 15.2 of the data protection regulation. Spotify has thereby to take into account the exceptions to the right of access in Article 15.4 of the Data Protection Regulation

and ch. 5 the data protection act that can be updated. IMY assesses that access should
submitted within one month of this decision becoming legally binding.

This decision has been taken by the general manager Lena Lindgren Schelin after a presentation
by lawyers Karin Ekström and Evelin Palmér. At the final processing has
also the head of justice David Törngren and the head of unit Catharina Fernquist participated.

Lena Lindgren Schelin, 2023-06-12 (This is an electronic signature)

Appendix

Appendix 1 - complainant's identification details (complaint 2)

Appendix 2 - Spotify's information according to article 15 of the data protection regulation, on 16
November through May 16, 2022

Appendix 3 – Information on payment of penalty fee