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Rebtel Networks AB

Jakobsbergsgatan 16

111 44 Stockholm

Record number:

DI-2020-10561

Date:

2021-03-23

Decision after supervision according to

Data Protection Regulation - Rebtel

Networks AB

The decision of the Integrity Protection Authority

The Privacy Protection Authority states that Rebtel Networks AB has processed

personal data in violation of

□

Article 17 of the Data Protection Regulation¹ by not without undue delay first

on 9 November 2020, delete the personal data requested by the complainant

deletion of 18 September 2019.

□

Article 12 (3) of the Data Protection Regulation by providing incorrect information

on 22 September 2019 that the complainant's information had been deleted

due to the complainant's request of 18 September 2019.

The Privacy Protection Authority gives Rebtel Networks AB a reprimand according to

Article 58 (2) (b) of the Data Protection Regulation.

Report on the supervisory matter

The Privacy Protection Authority (IMY) has initiated supervision regarding Rebtel Networks AB

(the company) in connection with a complaint. The complaint has been submitted to IMY, i
as the supervisory authority responsible in accordance with Article 56 of the Data Protection Regulation.
The transfer has taken place from the supervisory authority in the country where the complainant has left
lodged its complaint (Spain) in accordance with the provisions of the Regulation on cooperation
in cross-border treatment.

Postal address:

Box 8114

104 20 Stockholm

The complaint alleges that the complainant has unsuccessfully tried to persuade the company
to stop sending unsolicited emails after deleting her account. She
has on four occasions requested removal and the company has each time confirmed that her
data has been deleted and that she would not receive any more messages, but she has
then each time receive a new email asking her to provide feedback
about the service. She has also tried to use the "unregister" link provided in each e-mail

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REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the
natural persons with regard to the processing of personal data and on the free movement of such data and on
repeal of Directive 95/46 / EC (General Data Protection Regulation).

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mail, but it has not worked either. Against this background, she believes that the company has breached its obligations under Article 17 of the Data Protection Regulation.

Rebtel Networks AB has mainly stated the following.

The company received a request for deletion from the complainant on September 18, 2019. I subsequently, however, it can be stated that it was not handled as a request for deletion under the Data Protection Regulation, even if certain data were deleted. This is the reason for further e-mail in the form of a reminder of a survey for customer survey has been sent to the complainant. This has happened during the period up to and with October 1, 2019, that is, not after the deadline of one month as applies in accordance with the Data Protection Regulation to comply with a request for deletion.

Remaining data was deleted on November 9, 2020, except for those that are necessary to be able to handle the current supervisory matter. The company informed complainant about this on 20 November 2020.

Due to this supervisory matter, the company has taken special measures to strengthen their established processes and procedures for identifying a request under the Data Protection Regulation. This includes above all that further training of its customer service agents. The company has further improved its so-called data triggers in its customer service tools. The company's investigation of the complainant's case showed that it did not had been flagged as a matter under the Data Protection Regulation as the data application did not perceived any reference to the Data Protection Regulation in Spanish.

The processing has taken place through correspondence. Given that it applies cross-border treatment, IMY has used the mechanisms of cooperation and uniformity contained in Chapter VII of the Data Protection Regulation. Affected regulators have been the data protection authorities in Spain, Germany, Norway,

Italy and France.

Justification of decision

Applicable regulations

According to Article 12 (3) of the Data Protection Regulation, the controller shall:

request without undue delay and in any case no later than one month after

to have received the request to provide the data subject with information on the actions taken

taken in accordance with Article 17. This period may, if necessary, be extended by a further two

months, taking into account the complexity of the request and the number received

requests. The person responsible for personal data must notify the data subject of a

such extension within one month of receipt of the request and state the reasons

to the delay.

According to Article 17 (1) (a), the data subject shall have the right of the personal data controller

without undue delay have their personal data deleted and it

the person responsible for personal data shall be obliged to delete without undue delay

personal data if the personal data are no longer necessary for the purposes for which

which they have collected or otherwise treated. According to Article 17 (3) (b), this shall not be the case

apply to the extent that the processing is necessary to comply with a legal

obligation requiring treatment under Union law.

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The Integrity Protection Authority's assessment

Has there been a breach of the Data Protection Regulation?

The company has stated that the reason for the complainant's request for deletion of the 18th

September 2019 was not handled until November 9, 2020 due to the company not

perceived it as a request for deletion.

In the IMY's view, however, it has been made clear in the request that it

registered wanted to exercise their right to deletion. Because some data was deleted

only on 9 November 2020 did Rebtel Networks AB process personal data in violation

with Article 17 of the Data Protection Regulation by not without undue delay first it

9 November 2020 delete the personal data requested by the complainant on 18 November

September 2019. However, the company has been justified in retaining the information needed for

to be able to show that the request has been handled in accordance with the Data Protection Regulation.

The company has stated that no further e-mails have been sent since October 2, 2019

and that this is within the time limit of one month provided for in Article 12 (3) and (17)

the Data Protection Regulation. However, the company was incorrect in its reply to the complainant on 22

September 2019 stated that the information had been deleted and that the complainant would not receive

a few more mailings. Rebtel Networks AB thereby violates Article 12 (3)

the Data Protection Regulation provided incorrect information on what measures - that the data

had been deleted - which has been taken as a result of the complainant's request.

Despite the fact that the company, on 22 September 2019, informed the complainant that no more emails would be sent about

customer satisfaction, the complainant has received four more

such mailings. The four mailings were made on 22 and 25 September and on 1 and 2

October 2019. However, the IMY notes that this is a relatively short time after that

request for deletion was made and considers that it is within the time limit

the company had undertaken to take action if the request had been handled correctly.

Choice of intervention

Article 58 (2) (i) and Article 83 (2) state that the IMY has the power to impose

administrative penalty fees in accordance with Article 83. Subject to

the circumstances of the individual case, administrative penalty fees shall be imposed

in addition to or in place of the other measures referred to in Article 58 (2), such as:

injunctions and prohibitions. Furthermore, Article 83 (2) sets out the factors to be taken into account taken into account when deciding whether to impose administrative penalty fees and at determining the amount of the fee. In the case of a minor infringement, IMY as set out in recital 148 instead of imposing a penalty fee issue one reprimand pursuant to Article 58 (2) (b). Account shall be taken of aggravating and mitigating circumstances circumstances of the case, such as the nature, severity and duration of the infringement as well as previous violations of relevance.

The company has stated that the reason for the complainant's request for deletion is not was handled correctly mainly due to a mistake in the company's customer service and customer service tools. Due to what happened, the company has stated that it has taken action specific organizational and technical measures to strengthen their established processes and procedures for identifying a request under the Data Protection Regulation.

In an overall assessment of the circumstances, the IMY finds that it is a question of less infringements within the meaning of recital 148 and that Rebtel Networks AB therefore Integrity Protection Authority

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shall be reprimanded in accordance with Article 58 (2) (b) of the Data Protection Regulation for those found the infringements.

This decision has been made by Catharina Fernquist, Head of Unit, after a presentation by lawyer Olle Pettersson.

Catharina Fernquist, 2021-03-23 (This is an electronic signature)

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How to appeal

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

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

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