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Retailer

The subject of the inspection was the verification of the procedures for processing personal data and the obligations arising from the general regulation when using the loyalty program and loyalty cards, namely the verification of the principles of processing according to Article 5 (lawfulness, minimization, storage restrictions, integrity and confidentiality), the legality of processing according to Article 6 (including possible profiling), conditions for granting consent according to Article 7, enforcement of the rights of data subjects set out in Articles 12–22 (focus on providing information to data subjects and the right to erasure), use of processors according to Article 28, processing security according to Article 32 (security of the client database) of the general regulation. The performed inspection found that the inspected person as administrator processes the personal data of members of the loyalty program to an adequate, relevant and necessary extent. It is clear from the control findings that the processing of personal data takes place either on the basis of consent or on the basis of the fulfillment of a contract or legal obligation and legitimate interest. The controlled person has established procedures for exercising the rights of members of the loyalty program according to Articles 15-22 of the general regulation, has properly concluded processing contracts with processors according to Article 28, keeps records of processing activities in accordance with Article 30 of the general regulation. In addition, it has taken technical and organizational measures to ensure a level of security corresponding to the given risk. e) of the general regulation, as the data retention period in connection with purchases made by members of the loyalty program (shopping behavior and online purchases) was disproportionate, especially considering that in a large number of cases it was data related to the purchase of food products. Furthermore, the inspectors noted a violation of the provisions of Article 6, paragraph 1 letter a) of the general regulation, as the controlled person processed the personal data of members of the loyalty program (website users) through cookie files without the proper consent of the data subject. The authority also found a violation of Article 13 of the general regulation, due to the incompletely provided information on the scope of personal data processed members of the loyalty program regarding the concept of purchasing behavior, and information on the possible consequences of automated processing with possible legal effects. The inspected person corrected the defective condition during the inspection and immediately after it.

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