Litigation Chamber

Decision on the merits 104/2022 of 16 June 2022

File number: DOS-2021-03472

Subject: Complaint for refusal to take positive action on the exercise of a right to erasure

data concerning press articles available in the online archives of

the editor

The Litigation Chamber of the Data Protection Authority, made up of Mr. Hielke Hijmans,

Chairman, and Messrs. Jelle Stassijns and Christophe Boeraeve, members;

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 relating to the prote

of natural persons with regard to the processing of personal data and to the free movement

of this data, and repealing Directive 95/46/EC (General Data Protection Regulation),

hereinafter “GDPR”;

Having regard to the law of 3 December 2017 establishing the Data Protection Authority, hereinafter "LCA";

Having regard to the internal regulations as approved by the House of Representatives on December 20, 2018

and published in the Belgian Official Gazette on January 15, 2019;

Considering the documents in the file;

made the following decision regarding:

The complainant :

Mr. X, hereinafter "the plaintiff";

The defendant :

Y, hereinafter "the defendant"

I. Facts and procedure

1. On March 23, 2021, the complainant submitted a request for mediation to the Autorité de

data protection vis-à-vis the defendant.

The object of the mediation concerns the refusal to reserve a positive follow-up to the exercise of a right to the erasure of data concerning press articles available in the online archives of the publisher. In 2016, the complainant created an electric scooter sharing system (Z). In 2018, this company was taken over by another company (W). The newspaper De Tijd had written on this subject an article considered very negative and very critical by the complainant. The complainant sent his remarks in this regard to the editorial staff of the newspaper, following which some erroneous data were removed. According to the complainant, however, the negative content of the article remained. The complainant has felt that the negative content of the article, combined with the project that was stopped, would have an impact detrimental to his career. Indeed, according to the complainant, the article appears in the results of search when someone is looking for information about them. Therefore, the plaintiff asked the defendant to remove his name from the article in question. The complainant claims that the defendant did not react to his repeated requests.

2. On September 1, 2021, the request for mediation was declared admissible by the First line. Then, the Front Line Service made contact on September 1, 2021 with the defendant in the mediation process. On September 17, 2021, the Service Front Line received the respondent's response. The respondent forwarded the communication with the complainant, mentioning that on the basis of the “Charter on the right to be forgotten” concluded between the Belgian media groups, he referred the complainant to Google to send him a request to de-index the article in the Google search engine. Finally, the defendant claims that since March 29, 2021, he has not received a message from the complainant. He therefore left the principle that the Complainant was not further insisting that the article be deleted by the Respondent and was content with de-indexing by Google.

3. On October 7, 2021, the Front Line Service confirms to the complainant that no amicable agreement could not be found and informs the complainant that the request for mediation may, with its consent, take the form of a complaint which will then be forwarded to the Chamber

Litigation to be dealt with on the merits. Also on October 7, 2021, the complainant gave his

consent to the Front Line Service for the file to be transmitted to the Chamber

Litigation as a complaint.

4. On October 11, 2021, the complaint was declared admissible by the Front Line Service on the basis

of Articles 58 and 60 of the LCA and the complaint is transmitted to the Litigation Chamber pursuant to

Article 62, § 1 of the LCA.

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5. On November 16, 2021, the Litigation Division decides, pursuant to Article 95, § 1, 1° and

article 98 of the LCA, that the case can be dealt with on the merits.

6. On November 16, 2021, the parties concerned are informed by e-mail of the provisions such as

included in article 95, § 2 as well as in article 98 of the LCA. The parties concerned are also

informed, pursuant to Article 99 of the LCA, of the deadlines for transmitting their conclusions.

7. The deadline for receipt of the Respondent's submissions in response has been set at

December 28, 2021, that for the complainant's reply submissions on January 18, 2022 and that

for the defendant's reply submissions on February 8, 2022.

8. On November 18, 2021, the complainant accepts all communications relating to the case by way of

electronic.

9. On November 19, 2021, the Respondent accepts all communications relating to the case by way of

electronic.

10. On November 19, 2021, the defendant also requested a copy of the file (art. 95, § 2, 3° of the

LCA), which was transmitted to him on November 26, 2021.

11. On December 24, 2021, the Litigation Chamber received the defendant's submissions in response.

First of all, the respondent disputes the plaintiff's view that the article contains

a negative content with regard to the complainant. The defendant asserts that the article only refers

in a single passage to the plaintiff, a passage which also constitutes the verbatim rendition of a

Complainant's statement quoted below:

‘At launch, the designers [the complainant] and [the co-designer] dreamed of 700 scooters

shared in Brussels for the end of 2017. This objective proved to be unachievable. "After a pilot project,

we decided to develop at a slower pace,” say the designers.

“We could have added 500 scooters from the start, but logistically it is not possible.

Our goal is not to expand very quickly."

are free translations produced by the translation service of the General Secretariat of the Authority

data protection, in the absence of an official translation]

The defendant indicates that he does not detect any negative content in this passage.

12. Next, the Respondent asserts that the article does not contain any misinformation. If such was

however the case, what the defendant refutes, the latter, as a media company, would, according to

the Code of journalistic ethics, obliged to rectify this erroneous information in a way

loyal (art. 6 of the Code of journalistic ethics).

13. Third, the Respondent points out that when searching for the Complainant's name via Google,

the article in question does not appear on the first page.

14. The Respondent also points out that the request for anonymization, therefore an exercise of the right to

the erasure of data, should not automatically be accepted but that an assessment of

this request must always take into account the context of the request. The defendant always treats these

requests according to the principles established in the ‘Charter on the right to be forgotten’ to which

subscribes all media players in Belgium. The publisher, in this case the defendant, draws up a

balancing between the data subject's right to be forgotten and the right to freedom of expression and

of information and the integrity of press archives. The defendant argues that as publisher

of press, he carried out this weighting in his soul and conscience and that he concludes that he cannot

be the right to be forgotten. The plaintiff's argument, vague according to the defendant, concerning a

potentially negative impact on his future career due to the article in question not demonstrating

not why his right to be forgotten would take precedence over the role of the press as a watchdog

of Democracy, in which she writes articles on subjects presenting a

societal relevance. According to the defendant, its communication relating to the company taken over and the link

with

the complainant has a certain societal relevance for potential future

complainant's investors/associates.

15. Finally,

the defendant refers to a recent decision of the Raad voor de Journalistiek

(independent self-regulatory institution of the Flemish press in Belgium) which emphasizes

also that the rights and interests of the data subject must be considered in the light of

the societal interest of an archive that is as complete as possible and of the right to information.

16. On December 30, 2021, the Litigation Chamber receives the submissions in reply from the

complainant. The complainant wishes first of all to point out that the article does indeed contain a

negative content. The Complainant asserts that in its submissions, the Respondent deleted the sentences

following negatively charged. These are the following sentences: "[t]he launch of the new

concept of sharing was hesitant" and "[t]he takeover by W must give Z a second wind". He thinks

that these sentences can only be interpreted negatively.

17. Secondly, the Complainant points out that the article did indeed contain misinformation.

as indicated in the conclusions, namely:

has. “The launch of the new sharing concept was hesitant" - The launch was

perfectly well. Targets for number of customers and usage have been

easily complied with. Since the journalist himself claims that no figures have been

disclosed, I (the complainant) do not know how he can infer how the launch

took place ...

b. "This objective [to put 700 scooters into circulation] turned out to be unachievable" - This objective

was not desirable from a logistical point of view, it was quite feasible.

vs. “The recovery by W must give a second wind to Z" - The collaboration was to

lead to a recovery. There was absolutely no need to find "a second

breath".

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18. Next, the Complainant challenges the Respondent's assertion that the article in question

only appears on the second page of search results on Google. The complainant states that

the article is displayed at the top of the page, due to Google's algorithms.

19. Fourthly, the Complainant claims that an article presenting a negative and misleading

of a commercial project can have a negative impact on his career. The plaintiff refers to this effect

to the Respondent's submissions in which the Respondent asserts that it will continue to provide

information on the relationship between Z and the complainant and the societal relevance, in particular for

potential future investors and associates.

20. Finally, the Complainant considers that the decision of the Raad voor Journalistiek invoked by the Respondent is not

irrelevant in this case. The Raad voor Journalistiek is indeed, according to the complainant, a

self-regulatory body whose decisions express an opinion only. The complainant claims

also that many other articles, without negative content, have been written about his company.

Therefore, the article in question is not necessary to inform the public.

21. On February 7, 2022, the Litigation Chamber receives the submissions in reply from the

respondent. The defendant refers in its reply pleadings to Article 17 of the GDPR and asserts

that the present case falls within the exceptions of Article 17, paragraph 3 of the GDPR and therefore does not fall

not within the jurisdiction of the Litigation Chamber. Next, the defendant presents a history of

the complainant's company. The two sentences quoted by the plaintiff are not negative, according to the

defendant, but merely descriptive. Third, the respondent points out that the article does not

contains no errors. Next, the defendant refers to the editorial freedom allowing the

journalist to choose the terms used to formulate the report. The journalist is

supported by the editor, which allows him to formulate these elements in a certain way,

even when the person interviewed, in this case the complainant, does not agree.

The plaintiff's dissatisfaction with the article in the newspaper is, according to the defendant, not□

sufficient to invoke the right to be forgotten. The Respondent further points out that the Complainant waived□

part of his private life by seeking media attention as part of the publicity of his□

company. The aim cannot be for the media to adapt their archives and their communication□

each time a person who has himself waived his anonymity changes his mind because the initiative□

was not a success, according to the defendant. Finally, the defendant again refers to the Raad voor□

Journalistiek. The Journalistic Code of Ethics contains several provisions relating to the right□

to the protection of personal data. This Code was drafted by the Raad voor□

Journalistiek and has been recognized and accepted by all journalists. The decisions of the Raad voor□

Journalistiek are not only distributed via the website of the Raad voor Journalistiek but□

are also published by the media concerned by the judgement. This body is respected everywhere□

by the entire media industry and its journalists and is considered authoritative.□

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II. Motivation□

II.1. Jurisdiction of the Litigation Chamber□

22. The Litigation Chamber understands from the complaint that the complainant invokes Article 17.1.c) of the□

GDPR and more specifically its right to digital oblivion. Given the content of the complaint, it is up to the□

Litigation Chamber to assess whether the defendant rightly refused to grant the request□

anonymization of the complainant. For this refusal, the defendant invokes Article 17.3.a) of the GDPR.□

In accordance with its previous decision-making practice 1, the Litigation Chamber recalls that the□

jurisdiction of the Data Protection Authority in general and of the Litigation Chamber in□

individual is "limited to monitoring compliance with the regulations applicable to the processing of□

data, regardless of the sector of activity in which this data processing takes place"□

and that it is not its responsibility to intervene in place of other authorities in the context of the exercise of□

their skills.□

23. Consequently, it is incumbent on the Litigation Chamber to assess whether the defendant has breached the GDPR by□

refusing to grant the request for anonymization of the complainant in accordance with Article 17.1.c) of the

GDPR. This assessment also concerns the question of whether or not recourse to

Article 17.3.a) of the GDPR is possible, under which the controller must carry out a

weighing of interests to conclude whether the processing is necessary or not in the context of the

freedom of expression and information.

II.2. Merit of the anonymization request

24. The complaint concerns the function of the media archive in the electronic environment of

the Internet and the compatibility of these with the right to erasure of data in accordance with

Article 17.1.c) of the GDPR and the refusal to grant this right in accordance with Article 17.3.a) of the GDPR.

25. In this regard, the Litigation Chamber refers to Article 17.1 of the GDPR which stipulates that the person

concerned has the right to obtain from the controller the erasure, as soon as possible, of

personal data concerning him. On the basis of this same article, point c), the

responsible for the processing has the obligation to erase the personal data within the

as soon as possible, in particular when the data subject opposes the processing under

Article 22.1 of the GDPR and that there are no overriding legitimate grounds for the processing.

1 See for example Decisions 03/2020, 41/20200 and 139/2021 of the Litigation Chamber, available on the website of

Authority

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(https://www.autoriteprotectiondonnees.be/citoyen/chercher?q=&search_category%5B%5D=taxonomy%3Apublications&search_

type%5B%5D=decision&search_subtype%5B%5D=taxonomy%3Adispute_chamber_substance_decisions&s=recent&l=25).

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As set out above, the Complainant made a request to the Respondent pursuant to

Article 17.1.c) of the GDPR.

26. GDPR Article 17.3(a), however, states that GDPR Article 17.1 does not apply where such processing is necessary for the exercise of the right to freedom of expression and information. This article thus provides for an exceptional regime with a balancing of interests between two rights fundamental, namely the balance between the right to freedom of expression and information on the one hand and the right to the protection of personal data on the other hand. It is on this basis that the Respondent refused to execute Plaintiff's data erasure request.

27. In the context of this case, the Litigation Chamber will therefore check whether the request erasure pursuant to Article 17.1.c) of the GDPR was rightly refused by the defendant under Article 17.3.a) of the GDPR, namely the balancing between the right to freedom of expression and of information and the right to the protection of personal data.

28. The Litigation Division points out that in the present case, the complaint was lodged at against the defendant as a press publisher. The European Court of Human Rights (hereafter: "ECHR") pointed out in the case of M.L/ and W.W. v. Germany 2 that a publisher had for main objective the publication of original information. This purpose is not the same as that search engines. Indeed, the purpose of search engines is to allow Internet users to find this information and even have a reinforcing effect on the search information relating to a data subject. With regard to the consequences of processing of data for privacy, the CJEU ruled that the recovery of a web page in the name-based search results" is likely to constitute interference more important in the fundamental right to respect for the private life of the data subject that the publication by the publisher of this web page", given that the inclusion of information in the search results "significantly facilitates the accessibility of this information to any Internet user researching the person concerned and can play a decisive role in the dissemination of said information"3.

29. In its Guidelines 5/2019 on the criteria for the right to be forgotten under the GDPR in the framework search engines 4, the European Data Protection Board (European Data

Protection Board - EDPB) specifies the following along the same lines:

"7. Various considerations come into play when applying Article 17 to

data processing carried out by a search engine provider. In this regard, it is appropriate

2 ECHR, 28 June 2018, 60798/10 and 65599/10, M.L. and W.W. v. Germany.

3 CJEU, 13 May 2014, C-131/12, Google Spain, § 87.

4 European Data Protection Board (EDPB), Guidelines 5/2019 on the criteria for the right to be forgotten under the GDPR

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https://edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines_201905_rtbfsearchengines_afterpublicconsultation_en.pdf.

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to indicate that the processing of personal data carried out in the context of the activities

of a search engine provider differs from the processing by publishers of websites

third parties such as media offering online journalistic content. [...]

9.Requests for removal from search result lists do not result in deletion

full of personal data. In fact, this data is not erased either from the website

concerned, or the index and cache memory of the search engine provider. For instance,

the data subject may request the removal of personal data from a

media from a search engine's index, such as a news article. In this case, the link to the
personal data may be removed from
the search engine index.
However, the article in question remains under the control of the media and may remain available and
accessible to the public, even if it no longer appears in the list of results displayed following a
search including in principle the name of the person concerned." (own underlining)
30. This distinction between search engines and publishers can therefore have important
implications for the balancing of interests between the right to freedom of expression and
of information and the right to the protection of personal data. Bedroom
Litigation finds that the defendant proposed to the complainant to send a request for
search engine de-indexation. Since no de-indexation was requested by
the plaintiff, the Litigation Chamber therefore only rules in this case on the
whether the respondent lawfully refused the request for erasure pursuant to
Article 17.3.a) of the GDPR.
31. The Litigation Chamber recalls first of all that the right to freedom of expression and information
is protected by Article 10, paragraph 1 of the European Convention on Human Rights.
"This right includes freedom of opinion and freedom to receive or impart information
or ideas without there being any interference by public authorities [...]." The ECHR considers the
freedom of expression as an essential foundation of a democratic society in which the
press fulfills the essential role of public watchdog5. The way the press does this
respect is in principle free, what is called journalistic freedom6. The ECHR assumes that the
journalistic freedom, as protected in Article 10, paragraph 1 of the European Convention on
human rights, extends beyond an objective and calm way of reporting facts7.
32. In this context, the Litigation Chamber also refers to the importance of data processing
of a personal nature for archival purposes in the public interest, for research purposes
scientific or historical or for statistical purposes, as recognized in recital 153 and to

5 ECHR, 10 May 2011, 48009/08, Mosley v. UK, § 112.

6 ECHR, 10 May 2011, 48009/08, Mosley v. UK, § 113.

7 ECHR, 19 June 2003, 49017/99, Pedersen and Baadsgaard v. Denmark, § 71.

Article 89 of the GDPR8. The ECHR has already confirmed that the organization and preservation of archives in line formed part of the right to freedom of expression and information within the meaning of Article 10 of the European convention of human rights. The ECHR stresses the importance of archives digital given that the public's right to information is not limited to news and that in Furthermore, the information contained in these digital archives is quickly accessible and often free 9 . Given the importance of digital archives, the ECHR has noted that "there it is not up to the judicial authorities to rewrite history by ordering the removal of the public domain of all traces of publications of which it has been noted in the past, through final judicial decisions, that they constitute an unwarranted attack on the reputation individual"10 [Editor's note: free translation produced by the translation service of the General Secretariat of the Data Protection Authority, in the absence of an official translation]. It follows a fortiori that only very compelling reasons can justify direct interference with the content of archived media. The retroactive adaptation of these digital press archives interferes both with the right to freedom of expression and information and with journalistic freedom aforementioned. The ECHR therefore affirms that the balancing of all the interests at stake entails the risk that the press refrains from keeping reports in its online archives or that it omits individualized elements in reports likely to be the subject of a such request. Therefore, great care should be taken when examining, under the angle of Article 10 of the European Convention on Human Rights, measures or sanctions imposed on the press which are likely to dissuade it from participating in the discussion of matters of legitimate public interest12.

33. As previously specified in Decision 139/202113, the Litigation Division takes into account

the specific nature of the archives, as well as safeguards for the data subject when

weighing of interests pursuant to Article 17.3.a) of the GDPR.

34. As explained above, archives can only be adapted (retroactively) to

very compelling reasons. The Litigation Chamber considers that in this case, it is not

question of such a very compelling reason and relies in this context on criteria that the ECHR has

detailed in Axel Springer AG v. Germany 14 and later used as a base in its

8 See also Decision 139/2021 (https://www.autoriteprotectiondonnees.be/publications/decision-quant-au-fond-n-139-

2021.pdf)

9 See also in this regard the aforementioned judgment of the CJEU, 13 May 2014, C-131/12, Google Spain. See in particular the

November 27, 2007, 42864/05, Timpul Info-Magazine and Anghel v. Moldova and ECHR, 10 March 2009, 18897/91, Times New

Limited v. UK ; ECHR, 28 June 2018, 60798/10 and 65599/10, M.L. and W.W. v. Germany, § 90.

10 ECHR, 16 July 2013, 33846/07, Węgrzynowski and Smolczewski v. Poland, § 65.

11 ECHR, 28 June 2018, 60798/10 and 65599/10, M.L. and W.W. c. Germany, § 104.

12 ECHR, 28 June 2018, 60798/10 and 65599/10, M.L. and W.W. c. Germany, § 104.

13 Decision 139/2021, § 59 (https://www.autoriteprotectiondonnees.be/publications/decision-quant-au-fond-n-139-2021.pdf)

14 ECHR, 7 February 2012, 39954/08, Axel Springer AG c. Germany, §§ 89-95.

subsequent case law in the context of the balancing of interests between the right to liberty

of expression and information and the right to the protection of personal data.

The Litigation Chamber considers that there is no doubt as to the relevance of the article in the

societal debate, both for investors in similar projects and for possible future

associates of the plaintiff. The Litigation Chamber considers that

the complainant could

reasonably expect that the progress of his project will be monitored after having

resorted to the press to announce the launch of it, as well as later during the resumption of the

project. According to the Litigation Chamber, there is also no doubt as to the veracity of the article

litigious. As explained above, the defendant has already corrected factual inaccuracies after the
publication of the article. The complainant argues that the article is still inaccurate because the terms used
have a negative content. As already stated, the journalist's choice of terms is part of the
journalistic freedom. The aim cannot be that each article considered critical should
can be removed or adapted. In addition, the article is only accessible to subscribers of the publisher of
hurry. Therefore, not everyone is free to consult it. The Litigation Chamber argues
that the introduction of such measures regarding the accessibility of archives (and recent
publications) is part of the appropriate guarantees that the defendant must provide within the meaning of
GDPR Article 89. The Litigation Chamber also points out that when indicating the
name of the complainant in a search engine, this contentious article does not by definition appear in
first or second page. If this were however the case for the complainant, given the algorithms of the
search engines, there are, according to the Litigation Chamber, other measures which may
take into account the wishes of the complainant, without having to compromise the integrity of the online archives.
35. In short, the wish of the data subject to erase his past through the deletion or
adapting an archived article because she thinks it would contain negative content is not enough
to undermine the integrity of online records.
36. Finally, the Litigation Division points out that it has taken note of the Hurbain judgment16 of the
ECHR in which the ECHR ruled that an anonymization obligation imposed on a press publisher
had indeed been found to comply with Article 10 of the European Convention on Human Rights.
the man. The Litigation Chamber considers, however, that in the present case, there is no
enough arguments to reach the same decision, given that there are
material factual differences between the two cases. Thus, the Hurbain case dealt with a
fatal car accident which occurred in 1994 in which the plaintiff was involved, whose
publication had resulted in a virtual criminal record, which could have consequences
15 Namely: contribution to a debate of general interest; notoriety of the applicant; past behavior of the applicant with regard to th
media; method of obtaining the information and its veracity; content, form and impact of publication and seriousness of

the sanction imposed on the publisher. The ECHR affirms in this respect that the aforementioned criteria apply both at the time o

publication only when appraised in archival settings, and acknowledges however that the relevance of these criteria may change

specific circumstances or after a certain time.

16 ECHR, 22 June 2021, 57292/16, Hurban c. Belgium. The Litigation Chamber also points out that this case has been referred

on 22 June 2021 for processing by the Grand Chamber.

negative for the complainant's professional activities as a doctor. In this

case, the article deals with the recovery of a commercial project, which does not contain any data of

criminal nature. In addition, the article in the Hurbain case was published in 1994 and has again been brought

to public attention after 20 years as part of traffic safety statistics, so that

the article had no news value, according to the ECHR. In the present case, it is an article

which was published four years ago and which may well have news value for future

potential investors who collaborate with

the complainant or in similar projects.

In the Hurban case, the article in question was also available online for everyone,

therefore not only for subscribers, as is however the case in the present case.

In the Hurban case, the person concerned had made the necessary efforts to remain

out of the media spotlight both at the time of publication and afterwards. As already

indicated above, this is not the case in the present case. The complainant used the media

for advertising during the launch and also during the recovery.

37. In summary, given the analysis of the aforementioned criteria, the Litigation Chamber considers that the

defendant rightly refused the request for erasure of the data, in accordance with

Article 17.3.a) of the GDPR.

38. In the light of the foregoing and on the basis of all the elements appearing in the file of which it has

knowledge, as well as of the powers conferred on it by the legislator under article 100,

§ 1 of the LCA, the Litigation Division decides, for the reasons set out above, to classify the

complaint without follow-up, in accordance with Article 100, § 1, 1° of the LCA.

39. In the event of dismissal, the Litigation Division must justify its decision in stages and:

- to pronounce a classification without technical follow-up if the file does not contain or not enough

elements likely to lead to a conviction or if there is not sufficient prospect

for a conviction due to a technical obstacle preventing him from rendering a decision;

- or pronounce a classification without continuation of opportunity, if in spite of the presence of elements

likely to lead to a sanction, the continuation of the examination of the file does not seem

timely given the priorities of the Data Protection Authority, such as

specified and illustrated in the Dispute Resolution Policy of the Litigation Chamber18.

If the dismissal takes place on the basis of several reasons (respectively technical or

opportunity), the reasons for dismissal must be dealt with in order of importance.

17 ECHR, 22 June 2021, 57292/16, Hurban v. Belgium.

18 In this regard, the Litigation Division refers to its Discontinuance Policy, as set out in detail

on the website of the Data Protection Authority: https://www.autoriteprotectiondonnees.be/publications/politique-de-

classification-without-continuation-of-the-litigation-chamber.pdf.

40. In the present case, the Litigation Chamber decides to close the case without further action, being

given that the Respondent rightly refused the request for erasure pursuant to

Article 17.3.a) of the GDPR and therefore that no violation of the GDPR can be established19.

III. Publication of the decision

41. Seen

the importance of

transparency regarding

the decision-making process of

bedroom

Litigation, this decision is published on the website of the Authority for the protection of

data. However, it is not necessary for this purpose that the identification data of the parties

are communicated directly.

FOR THESE REASONS,

the Litigation Chamber of the Data Protection Authority decides, after deliberation, pursuant to

Article 100, § 1, 1° of the LCA, to classify this complaint without any technical follow-up.

Under article 108, § 1 of the LCA, this decision may be appealed within thirty

days, from the notification, to the Court of Markets, with the Data Protection Authority as

defendant.

(Sr.) Hielke Hijmans

President of the Litigation Chamber

19 In this regard, see criterion A.2 of classification without technical follow-up mentioned in the note "Policy of classification with

Litigation Chamber" published on June 18, 2021 on the website of the Data Protection Authority (available via the following link:

https://autoriteprotectiondonnees.be/publications/politique-de-classement-sans-suite-de-la-chambre-contentieuse.pdf).