

Decision of the National Commission sitting in restricted formation

on the outcome of investigation No. [...] conducted with Company A

Deliberation No. 9FR/2022 of April 20, 2022

The National Commission for Data Protection sitting in restricted formation

composed of Messrs Marc Lemmer and Alain Herrmann, auditors, and Mrs

Michèle Bram, substitute member;

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

on the protection of individuals with regard to the processing of personal data

personal character and on the free movement of such data, and repealing Directive

95/46/EC;

Considering the law of August 1, 2018 on the organization of the National Commission for the

data protection and the general data protection regime, in particular

its article 41;

Having regard to the internal regulations of the National Commission for the Protection of

data adopted by decision no. 3AD/2020 dated January 22, 2020, in particular its

sections 3, 10.2 and 12;

Having regard to the regulations of the National Commission for Data Protection relating to the

inquiry procedure adopted by decision No. 4AD/2020 dated January 22, 2020,

in particular its article 9;

Considering the following:

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I. Facts and procedure

1. As of October 20, 2018, the National Commission for the Protection of

data (hereafter: the "CNPD") received a complaint from Mr. [...] (hereafter after: "the complainant") brought against Company A. The latter informed the CNPD that the said company would not have responded to its request to access its data at personal nature, sent by registered letter with acknowledgment of receipt dated of May 25, 2018.

Following this complaint, the CNPD wrote three times to Company A: by post simple dated December 3, 2018, by email on January 14, 2019 and finally by letter registered with acknowledgment of receipt on March 25, 2019. Letters of December 3 2018 and January 14, 2019 remained unanswered.

On April 5, 2019, that is to say more than ten months after the complainant's request for access, the Company A responded to it and sent a copy of its response to the CNPD.

2. During its deliberation session on September 5, 2019, the National Commission for data protection sitting in plenary session (hereafter: "Formation Plenary") had therefore decided to open an investigation with Company A on the basis of article 37 of the law of 1 August 2018 on the organization of the National Commission for data protection and the general data protection regime (hereinafter: "law of August 1, 2018") and to appoint Mr. Thierry Lallemand as head of investigation.

3. According to the decision of the Plenary Formation, the investigation carried out by the CNPD was intended to verify compliance with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of persons with regard to the processing of personal data and to the free movement of this data, and repealing Directive 95/46/EC (hereinafter: "GDPR") and of the law of August 1, 2018, in particular by verifying the level of cooperation with the authority of control by Company A and its compliance with the data subject's right of access by Article 15 of the GDPR.

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4. Company A is a company [...] registered in the Trade and Companies Register
of Luxembourg under number [...] with registered office at [...], [...] (hereinafter: the “
control ”). The purpose of the inspection is as follows: “[Construction of buildings]. »1

5. The person inspected was informed of the opening of the investigation concerning him by letter from
July 17, 2020. The letter was accompanied by the initial findings made by the agents
of the CNPD. The decision of the National Commission for Data Protection
sitting in a restricted formation on the outcome of the investigation (hereinafter: “Formation
Restricted”) will therefore be limited to the processing operations called into question in the said findings and
the legal and regulatory provisions taken into account by the head of investigation in his
statement of objections.

6. The controller had the opportunity to share his remarks and comments
until August 7, 2020.

7. On August 28, 2020, the control transmitted its position to the head
of investigation through his lawyer, Maître [...].

8. At the end of his investigation, the head of investigation notified the person inspected on 2
July 2021 a statement of objections detailing the shortcomings he considered
constituted in this case, and more specifically a non-compliance with the requirements prescribed
by Articles 12.3 (modalities for exercising the rights of the data subject) and 15
of the GDPR (right of access of the data subject), as well as by Article 31 of the GDPR
(cooperation with the supervisory authority).

In said Statement of Objections, the Head of Investigation proposed to the Panel
Restricted to adopt a corrective measure and to impose a fine on the controlled person

administrative in the amount of 2,000 euros.

9. By letter dated August 6, 2021, the auditee produced written observations on the statement of objections.

1 Cf. Coordinated statutes of [...].

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10. The president of the Restricted Formation informed the controller by mail of 2 December 2021 that his case would be registered for the session of the Restricted Panel of January 17, 2022. The controller did not respond to this invitation.

Following the request of the controller, the president of the Restricted Training informed him by letter dated February 2, 2022 that his case has been rescheduled for the Training session Restricted on March 2, 2022. By email of February 15, 2022, the controller confirmed his attendance at said meeting.

Following the request of March 2, 2022 from the controller to postpone the session scheduled for same day, the Restricted Panel agreed to postpone its meeting to April 20, 2022.

email of March 4, 2022, the controller confirmed his presence at the said meeting.

During this session, the head of investigation and the controller presented their oral observations.

in support of their written observations and answered the questions posed by the

Restricted Training. The controller spoke last.

II. Place

II. 1. As to the reasons for the decision

A. On the breach related to the obligation to comply with the terms of the exercise of rights of the data subject and the right of access of the data subject

1. On the principles

11. With regard firstly to the procedures for exercising the rights of the

data subject, Article 12 of the GDPR provides that:

“[...] 3. The controller shall provide the data subject with information

on the measures taken following a request made pursuant to Articles 15 to

22, as soon as possible and in any case within one month from

of receipt of the request. If necessary, this period may be extended by two months,

given the complexity and number of requests. The controller

inform the person concerned of this extension and the reasons for the postponement within a period

one month from receipt of the request. When the person concerned

submits its request in electronic form, the information is provided electronically

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electronically where possible, unless the data subject requests

let it be otherwise.

4. If the controller does not comply with the request made by the

person concerned, he shall inform the latter without delay and at the latest within one month

from receipt of the request, the reasons for its inaction and the possibility

to lodge a complaint with a supervisory authority and to lodge an appeal

jurisdictional.

5. No payment is required for providing information under Articles 13 and 14

and to make any communication and take any action under Articles 15 to

22 and Article 34. Where a data subject's requests are manifestly

unfounded or excessive, in particular because of their repetitive nature, the person responsible

processing can:

(a) require the payment of reasonable fees which take into account administrative costs supported to provide information, make communications or take measures requested; Where

(b) refuse to comply with such requests.

It is the responsibility of the data controller to demonstrate the manifestly unfounded nature or excessive demand. [...]. »

12. With regard then to the data subject's right of access, Article 15 of the GDPR provides the following:

“1. The data subject has the right to obtain from the controller the confirmation that personal data relating to him or her is or is not processed and, when they are, access to said personal data as well as the following information:

- a) the purposes of the processing;
- b) the categories of personal data concerned;

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c) the recipients or categories of recipients to whom the personal data personnel have been or will be communicated, in particular recipients who are established in third countries or international organisations;

d) where possible, the retention period of the personal data envisaged or, where this is not possible, the criteria used to determine this duration ;

e) the existence of the right to request from the controller the rectification or the erasure of personal data, or a limitation of the processing of

personal data relating to the data subject, or the right to oppose

to this treatment;

f) the right to lodge a complaint with a supervisory authority;

g) when the personal data is not collected from the

data subject, any available information as to their source;

h) the existence of automated decision-making, including profiling, referred to in Article

22, paragraphs 1 and 4, and, at least in such cases, useful information concerning the

underlying logic, as well as the significance and intended consequences of such processing

for the person concerned. »

2. When the personal data is transferred to a third country or to

an international organisation, the data subject has the right to be informed of the

appropriate safeguards under Article 46 in respect of that transfer.

3. The controller provides a copy of the personal data

undergoing treatment. The controller may require payment of

reasonable charges based on administrative costs for any additional copies

requested by the data subject. When the person concerned presents his

request electronically, the information is provided in an electronic form

commonly used, unless the data subject requests otherwise.

4. The right to obtain a copy referred to in paragraph 3 does not affect the rights and

freedoms of others. »

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2. In this case

13. It appears from the initial findings of CNPD officials that on May 25, 2018,

the claimant sent to the controller by registered letter with acknowledgment of receipt a request access to their personal data.²

14. As the claimant had not yet received a response from the controller, following the introduction of its complaint dated October 20, 2018, the CNPD wrote to three audited on December 3, 2018, January 14, 2019 and March 25, 2019.³

The letters of December 3, 2018 and January 14, 2019 remained unanswered.

15. On April 5, 2019, the auditee responded to the complainant's request for access, by only confirming that personal data is being processed for the performance of a contract binding the person concerned to the controlled. The answer was formulated as follows: "Hiermit teilen wir Ihnen mit, dass gemäß dem Auftrag zwischen Ihnen und unserer Firma [...] nur die nötigen Daten für den Auftrag gespeichert sind".⁴ A copy of the said response has been forwarded to the CNPD.⁵

16. On August 28, 2020, the audited took a position with regard to the mail and initial findings from the CNPD sent to it on July 17, 2020.

In said statement, the controller indicated that the personal data that he held of the claimant were limited to "the patronymic name, the address and the case applicable to a telephone number".

17. He further explained that "information is strictly private between the company and the client and are not disclosed to anyone, except where necessary, of course to legal counsel bound by professional secrecy, in the context of an action in recovery of unpaid debts" and that in this case an action is in progress "before the court borough of [...] for recovery of an unpaid debt by Mr. [...] at the as construction work carried out for its benefit by my party".

² See Exhibits 1 and 2 appended to the initial findings.

³ See Exhibits 3 to 5 appended to the initial findings.

⁴ See Exhibit 8 attached to the initial findings.

5 See Exhibit 7 attached to the initial findings.

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18. Finally, the controller specified in his letter of August 28, 2020 that "Mr.

[...] certainly has rights based on the GDPR regulations, but these do not

could be used without reason and in any case inappropriately in a

context of personal litigation against my party".

19. In the Statement of Objections of 2 July 2021, the Head of Investigation first

noted that to the complainant's request for access of May 25, 2018, the control responded

more than ten months later, more precisely on April 5, 2019, and only after the intervention

of the CNPD (point 26 of the statement of objections).

The investigation revealed that in the said letter of April 5, 2019, the "controlled person transmitted a

confirmation to the data subject that personal data is

processed by the company within the meaning of Article 15.1, first sentence of the GDPR. (Item 28 of statement of objections).

20. Next, the head of the investigation considered that, even if the control provided certain

explanations on the data processing carried out in his letter of August 28, 2020, he

"it does not appear from the elements of the investigation that these additional explanations were

communicated by the control to the person concerned. (Point 27 of the communication grievances).

21. Moreover, as the controlled person mentioned the contractual relationship binding him to the

claiming, as well as the legal dispute between them concerning unpaid bills, the chief

of investigation held that it "seems obvious that, in addition to these identification data

personal data, the controller holds personal data relating to

financial transactions, at least the amounts due and paid by the person concerned, and personal data relating to conventions and agreements, at least the contract which binds the person concerned to the controlled” However, as the controlled only confirmed to the control that personal data are processed, the head of investigation was of the opinion that he did not inform him "precisely about the categories of data to be personal nature processed within the meaning of Article 15.1.b) of the GDPR. (Item 30 of the statement of objections).

In addition, the head of the investigation was of the opinion that in his response of April 5, 2019, the auditee did not not informed the claimant of the recipients or categories of recipients to whom the personal data have been or will be communicated within the meaning of Article

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15.1.c) of the GDPR, while it appears from the letter of the audit of August 20, 2020 “that personal data relating to the data subject have been communicated to the staff of the control, to his counsel and to the judicial authorities. (Point 31 of the statement of objections). Furthermore, the head of the investigation considered that the person checked did not informed the claimant of the retention period of the personal data envisaged or, where this is not possible, the criteria used to determine this duration within the meaning of Article 15.1.d) of the GDPR, on the existence of the various rights of the data subject within the meaning of Article 15.1.e) and f) of the GDPR and that ultimately the controlled has not provided the complainant with a copy of the personal data subject processing within the meaning of Article 15.3 of the GDPR. (See points 32 to 35 of the statement of objections).

22. Finally, with regard to the affirmation of the person checked that “Mr [...] has certainly

rights based on the GDPR regulations but these cannot be used without reason and in any event improperly in the context of a personal dispute against my party", the head of the investigation considered that the GDPR does not provide for conditions or obligations to state reasons concerning the exercise of the right of access such as provided for in Article 15 of the GDPR and that the control has not informed the data subject of a possible reason for its inaction as required by Article 12.4 of the GDPR, nor has it invoked the provisions of Article 15.4 of the GDPR. Furthermore, according to the head of the investigation, the audited cannot demonstrate the manifestly unfounded or excessive nature of the request within the meaning of Article 12.5 of the GDPR by the mere existence of a personal dispute objecting to the claimant and by the affirmation that the exercise of the right of access was made "to badly", without other elements in support of these two reasons (see points 36 and 37 statement of objections).

23. The head of investigation was therefore of the opinion that the person checked had failed in his obligations arising from Articles 12.3 and 15 of the GDPR (point 38 of the Statement of Objections).

24. The Restricted Panel would first like to point out that the purpose of this decision is not to call into question the legality of the processing carried out by the controlled concerning the personal data it holds of the complainant, but to verify only if the control has respected the claimant's right of access in accordance with Article 15 of the GDPR, as well as the deadlines provided for in Article 12.3 of the GDPR.

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It then notes that it has no evidence that the explanations contained in the letter of the audit of August 28, 2020, as well as August 6, 2021 were communicated to the claimant, so that it will only take into account the mail

sent by the control to the claimant dated April 5, 2019 in order to analyze whether the right access of the person concerned has been respected. In the training session Restricted on April 20, 2022, the controller even confirmed that the personal data Claimant's staff attached to his letter of August 6, 2021 were only forwarded to the CNPD, but not directly to the claimant.

25. Then, as the aforementioned letter from the audit of August 6, 2021 does not contain additional elements to those contained in its letter of August 28, 2020, the Restricted Formation can only agree with the conclusions of the head of investigation repeated in points 19 to 23 of this decision. It therefore considers that, as the auditee has reacted to the Complainant's request for access after more than ten months, on the one hand, and as he did not inform the claimant of a possible reason for his inaction as required by article 12.4 of the GDPR, nor demonstrated the manifestly unfounded or excessive nature of the request to the meaning of Article 12.5 of the GDPR, the controller did not respond to the access request of the complaining within the period provided for in Article 12.3 of the GDPR.

In addition, the Restricted Panel notes that the control's response of April 5, 2019 does not contain all the information provided for in Article 15 of the GDPR, i.e. there is are missing all the categories of personal data processed, the recipients of the data, their retention period, as well as the existence of the various rights of the data subject. Moreover, the controller did not provide the claimant with a copy of the personal data subject to processing as provided for by Article 15.3 of the GDPR and he did not invoke Article 15.4 of the GDPR, providing that the right to obtain a copy must not infringe the rights and freedoms of others.

26. In view of the foregoing, the Restricted Panel concludes that at the time of the opening of the investigation in question, articles 12.3 and 15 of the GDPR were not respected by the controlled.

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B. On the breach related to the obligation to cooperate with the supervisory authority

1. On the principles

27. Article 31 of the GDPR provides that the “controller and processor

as well as, where appropriate, their representatives cooperate with the supervisory authority, at the request of the latter, in the execution of its missions. »

2. In this case

28. According to the head of the investigation, it appears from the initial findings that the CNPD had to take three times contact with the controlled person before the latter communicates with her and the

“April 5, 2019 audited position statement does not contain any substantial element as to

to requests for position statements sent in writing by the CNPD. It is a simple

communication aimed at transmitting a copy of correspondence addressed to Mr.

[...], the claimant. Also, as part of the management of Mr. [...]'s complaint,

the CNPD has not received any written contextual explanation relating to the position taken by the control. (See points 40 and 41 of the statement of objections).

Furthermore, the statement of objections (point 42) specifies that the audited transmitted its

statement to the head of investigation twenty-one days after the period initially granted,

without a request for extension of the said period having been made by the controller.

For these reasons, the head of investigation was of the opinion that the control failed in its obligation cooperation with the supervisory authority, namely the CNPD, arising from article 31 of the GDPR (point 43 of the Statement of Objections).

29. As the letter from the control of August 6, 2021 does not contain elements

additional information on the grievance upheld by the head of investigation concerning the failure to

cooperation with the CNPD, the Restricted Training can only agree with the findings and

conclusions of the head of investigation set out in point 28 of this decision. In said letter of August 6, 2021, the controlled even complains in inappropriate language that the head of investigation took care of the complainant's request for access and that he took the liberty of send him a seventeen-page letter.⁶

⁶ Original text: [...]

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30. The Restricted Panel therefore concludes that Article 31 of the GDPR was not respected by the controlled, because he failed in his obligation to cooperate with the authority of control, namely, the CNPD.

II. 2. On corrective measures and fines

1. On the principles

31. In accordance with article 12 of the law of 1 August 2018, the CNPD has the power to adopt all the corrective measures provided for in Article 58.2 of the GDPR:

- "(a) notify a controller or processor of the fact that the operations of the envisaged processing are likely to violate the provisions of this Regulation;
- (b) call a controller or processor to order when the processing operations have resulted in a breach of the provisions of this Regulation;
- (c) order the controller or processor to comply with requests submitted by the data subject with a view to exercising their rights under this these regulations;
- d) order the controller or the processor to put the operations of processing in accordance with the provisions of this Regulation, where applicable, of specific manner and within a specified time;

- (e) order the controller to communicate to the data subject a personal data breach;
 - f) impose a temporary or permanent restriction, including prohibition, of processing;
 - g) order the rectification or erasure of personal data or the limitation of processing pursuant to Articles 16, 17 and 18 and the notification of these measures to the recipients to whom the personal data have been disclosed pursuant to Article 17, paragraph 2, and Article 19;
 - (h) withdraw a certification or order the certification body to withdraw a certification issued pursuant to Articles 42 and 43, or order the body to
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certification not to issue certification if the requirements applicable to the certification are not or no longer satisfied;

- (i) impose an administrative penalty under section 83, in addition to or in addition to instead of the measures referred to in this paragraph, depending on the characteristics specific to each case;

- j) order the suspension of data flows addressed to a recipient located in a third country or an international organisation. »

32. In accordance with article 48 of the law of 1 August 2018, the CNPD may impose administrative fines as provided for in Article 83 of the GDPR, except against the state or municipalities.

33. Article 83 of the GDPR provides that each supervisory authority shall ensure that the administrative fines imposed are, in each case, effective, proportionate and deterrents, before specifying the elements that must be taken into account to decide

whether an administrative fine should be imposed and to decide on the amount of this

fine :

“(a) the nature, gravity and duration of the breach, taking into account the nature, scope

or the purpose of the processing concerned, as well as the number of data subjects

affected and the level of damage they suffered;

b) whether the breach was committed willfully or negligently;

c) any action taken by the controller or processor to mitigate the

damage suffered by the persons concerned;

d) the degree of responsibility of the controller or processor, account

given the technical and organizational measures they have implemented under the

sections 25 and 32;

e) any relevant breach previously committed by the controller or

the subcontractor ;

f) the degree of cooperation established with the supervisory authority with a view to remedying the breach

and to mitigate any negative effects;

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g) the categories of personal data affected by the breach;

h) the manner in which the supervisory authority became aware of the breach, in particular whether,

and to what extent the controller or processor notified the breach;

(i) where measures referred to in Article 58(2) have previously been

ordered against the controller or processor concerned for the

same purpose, compliance with these measures;

(j) the application of codes of conduct approved pursuant to Article 40 or

certification mechanisms approved under Article 42; and

k) any other aggravating or mitigating circumstance applicable to the circumstances of the species, such as the financial advantages obtained or the losses avoided, directly or indirectly, as a result of the violation. »

34. The Restricted Committee would like to point out that the facts taken into account in the context of this Decision are those found at the start of the investigation. The possible changes relating to the data processing under investigation subsequently, even if they make it possible to establish in whole or in part the conformity, do not make it possible to retroactively cancel a breach noted.

35. Nevertheless, the steps taken by the control to bring itself into compliance with the GDPR during the investigation process or to remedy breaches noted by the head of investigation in the statement of objections, are taken into account by the Restricted Training within the framework of any corrective measures and/or setting the amount of any administrative fine to be imposed.

2. In this case

2.1 Regarding the imposition of an administrative fine

36. Taking into account the elements provided for in Article 83.2 of the GDPR, the head of inquiry proposed to the Restricted Panel to impose an administrative fine on the control of an amount of two thousand euros (see points 45 to 47 of the communication of grievances).

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37. In order to decide whether to impose an administrative fine and to decide, where applicable, the amount of this fine, the Restricted Panel also analyzes the

elements provided for by said article 83.2 of the GDPR:

- As to the nature and seriousness of the breach (Article 83.2.a) of the GDPR), the Panel

Restreinte notes that compliance with the right of access provided for in Article 15 of the GDPR is

one of the major requirements of the right to data protection, because it constitutes the

"gateway" allowing the exercise of the other rights that the GDPR confers on the

data subject, such as the rights to rectification and erasure provided for by

GDPR Articles 16 and 17.

In the present case, the breaches found in the obligation to respect the right of access of

the data subject do not only relate to the insufficient content of the

response provided to the complainant on the basis of article 15 of the GDPR, but also on

the deadlines provided for in Article 12.3 of the GDPR which have not been respected by the controller.

- As for the duration criterion (article 83.2.a) of the GDPR), the Restricted Panel finds

that the aforementioned breach has lasted over time, at least since May 25

2018, date of the complainant's request for access, and until the day of the opening of

investigation. Moreover, it does not have any documentation that the audit has

in the meantime responded to the complainant's request for access by sending him all

personal data processed by him as required by Article 15 of the

GDPR.

The Restricted Training recalls here that two years separated the entry into force of the

GDPR of its entry into force to allow data controllers to

comply with their obligations. Moreover, an obligation

comparable to respect the right of access of data subjects already existed in

application of article 28 of the repealed law of 2 August 2002 relating to the protection of

individuals with regard to the processing of personal data. Guidance

relating to the principles and obligations provided for in the said repealed law was available

with the CNPD, in particular through guidance on its website.

- As for the number of data subjects (article 83.2.a) of the GDPR), the Training

Restricted finds that the shortcomings noted concern only one person,

i.e. the claimant.

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- As to whether the breaches were committed deliberately or

not (by negligence) (article 83.2.b) of the GDPR), the Restricted Panel recalls that

"not deliberately" means that there was no intention to commit the violation,

although the controller has not complied with the duty of care which

incumbent upon him by law.

In this case, it is of the opinion that the facts and the breaches found do not reflect

not a deliberate intention to violate the GDPR on the part of the controller. However,

given that the CNPD had to make three times contact with the controlled party before this

last does not communicate with her and that in the mail of April 5, 2019 the controlled did not

not even respond to requests for a position from the CNPD, negligence

is to be retained.

- As to the degree of cooperation established with the supervisory authority (Article 83.2.f) of the

GDPR), the Restricted Panel holds that the controller has breached its obligation to

cooperation with the supervisory authority, namely the CNPD, as provided for in Article

31 GDPR.

38. The Restricted Committee notes that the other criteria of Article 83.2 of the GDPR

are neither relevant nor likely to influence its decision on the imposition of a

administrative fine and its amount.

39. Consequently, the Restricted Committee considers that the imposition of a fine

administrative is justified with regard to the criteria laid down by article 83.2 of the GDPR for breach of articles 12.3, 15 and 31 of the GDPR.

40. With regard to the amount of the administrative fine, she recalled that paragraph 3 of Article 83 of the GDPR provides that in the event of multiple violations, as is the case in case, the total amount of the fine may not exceed the amount fixed for the violation the worse. To the extent that a breach of Articles 12.3 and 15 of the GDPR is accused of the controlled, the maximum amount of the fine that can be withheld is 20 million euros or 4% of worldwide annual revenue, whichever is greater retained.

41. In view of the relevant criteria of Article 83.2 of the GDPR mentioned above, the Restricted Formation considers that the pronouncement of a fine of one thousand five hundred (1,500)

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euros appears to be both effective, proportionate and dissuasive, in accordance with the requirements of GDPR Article 83.1.

2.2 Regarding the taking of corrective measures

42. In the statement of objections of 2 July 2021, the head of investigation proposed to the Restricted Panel to adopt the following corrective measure: "Order the controlled to grant Mr. [...]s request for access and to transmit to the latter all personal data processed by the controller, as required by GDPR Article 15. »

43. Taking into account the letters of the control of April 5, 2019, August 28, 2020, as well as August 6, 2021, the Restricted Panel notes that it has no documentation that the audited has in the meantime responded to the complainant's request for access

by transmitting to him all the personal data processed by him as required by Article 15 of the GDPR. In the Restricted Training session of April 20 2022, the controller even confirmed that the complainant's personal data attached to his letter of August 6, 2021 were only sent to the CNPD, but not directly to the claimant.

In view of the insufficient compliance measures taken by the control in this case and point 35 of this decision, the Restricted Panel considers from when it is appropriate to pronounce the corrective measure proposed by the head of investigation in this regard regard as set out in point 43 of this Decision.

In view of the foregoing developments, the National Commission sitting in restricted formation and deliberating unanimously decides:

- to retain breaches of Articles 12.3, 15 and 31 of the GDPR;
- impose an administrative fine on Company A in the amount of one thousand five hundred (1,500) euros, with regard to the breaches constituted in articles 12.3, 15 and 31 GDPR;

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- issue an injunction against Company A to bring the processing with the obligations resulting from Article 15 of the GDPR, within one month following the notification of the decision of the Restricted Committee, and in particular: grant Mr. [...]s request for access by sending him all personal data processed by Company A in accordance with GDPR Article 15.

Thus decided in Belvaux on April 20, 2022.

For the National Data Protection Commission sitting in formation

restraint

Marc Lemmer Alain Herrmann Michele Bram

Commissioner

Commissioner

Substitute member

Indication of remedies

This administrative decision may be the subject of an appeal for review in the

three months following its notification. This appeal is to be brought before the administrative court.

and must be introduced through a lawyer at the Court of one of the Orders of

lawyers.

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