

REPUBLIC OF ESTONIA
DATA PROTECTION INSPECTORATE

Ours: 17.11.2023 nr 2.1.-1/23/150-462-8

Final Decision**1. Complaint of [REDACTED]**

SA Finland forwarded a complaint to SA Estonia in which the complainant [REDACTED] (hereinafter the *data subject* or *complainant*) stated that [REDACTED] (hereinafter *the controller* or [REDACTED] has not responded to his request to delete his personal data and Club One account from the controller's systems. According to the complaint, on 19.10.2022, he submitted a request to delete his data from the [REDACTED] system but has not received a response even after sending repeated requests. [REDACTED] is established in Estonia, so the leading supervisory authority is SA Estonia according to GDPR Art 56 (1).

Based on the information, Estonian SA started official proceedings regarding the case. We forwarded to the data controller our questions regarding the situation and explained data subject's right to be forgotten, referring to GDPR Art 17, as well as the data controller's obligation to provide information to data subject according to GDPR Art 12 (3).

2. The response of the data controller [REDACTED] in regards to [REDACTED]'s complaint

The data controller provided explanations according to which [REDACTED]'s IT operator added 27.10.2022 a system confirmation that the complainant's Club One account has been closed and his personal data has been made anonymous. Unfortunately, the system does not show that the complainant had been notified about this. Therefore, the complainant's data was deleted within the mandatory 30 days from the receipt of the request but, unfortunately no notification was sent to the data subject due to human error. The complainant contacted [REDACTED] again on 08.02.2023. On the same day, a letter of apology was sent to the complainant and with the explanation that his data has already been deleted on 27.10.2022. [REDACTED] also performed an additional check on the deletion of the complainant's data and confirmed that the Club One account has been closed and the personal data has been made anonymous. [REDACTED] also checked for the complainant's email address from [REDACTED]'s various systems and did not find a single match.

3. Position of the Estonian Data Protection Inspectorate

Since the complainant's personal data has been made anonymous by the controller

according to the request in a timely manner and the controller has given information regarding the anonymization of complainant's personal data, the data processor has fulfilled the obligations arising from GDPR Art 17 and Art 12 (3). Although the information was not given to the complainant in a timely manner, the SA Estonia finds that it is not a major violation and since the delay was caused by a human error, SA Estonia does not impose a penalty on the data processor.

Based on the above, SA Estonia finds that the violation of data subject's rights has ended and therefore will terminate the proceedings concerning the protection of personal data regarding [REDACTED].

Respectfully,

[REDACTED]

lawyer

authorized by Director General