

Notice: This document is an unofficial translation of the Swedish Authority for Privacy Protection's decision.

COMPLAINANT

See appendix

DATA CONTROLLER

Klarna Bank AB

Swedish ref no:

IMY-2023-16584

German ref no:

LDA-1085.2-3115/19-A

IMI case register:

164549

Date of the decision:

2024-04-23

Decision under the General Data Protection Regulation – Klarna Bank AB

Decision of the Swedish Authority for Privacy Protection

The Swedish Authority for Privacy Protection (IMY) finds that Klarna Bank AB (Klarna) (organizational no 556737-0431) has failed to fulfil its obligations under articles 12(3) and 17 of the General Data Protection Regulation (GDPR)¹ by not handling the complainant's request for erasure according to article 17, dated the 19 October 2020, until the 21 August 2021.

IMY closes the case.

Presentation of the supervisory case

IMY has initiated supervision against Klarna in order to investigate whether Klarna has dealt with the current complainant's erasure request pursuant to Article 17 of the GDPR within the time limit laid down in Article 12(3) of the GDPR. The complaint was transferred from the supervisory authority of the Member State where the complainant lodged his complaint (Germany) in accordance with the provisions of the GDPR on cooperation in cross-border processing. IMY has handled the case as responsible supervisory authority for the company's operations pursuant to Article 56 of the GDPR.

The case has been handled through written procedure. Klarna has been given the opportunity to give its opinion on IMY's proposed draft decision. Since the complaint relates to cross-border processing, IMY has used the mechanisms for cooperation and consistency regulated in Chapter VII of the GDPR. The supervisory authorities concerned have been the data protection authorities in Germany, Hungary, Denmark, Austria, Italy, Finland and Poland.

The complainant has stated, in essence, the following. On 19 October 2020, he/she asked Klarna to send him/her an extract from the register of the personal data processed about him/her (request for access) and a request for the company to erase

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¹ Regulation (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

their personal data. The request for access was processed in a timely manner, but the erasure request was not answered until 21 November 2020.

Klarna has stated the following. Klarna received the complainant's request for erasure on 20 October 2020 and carried out the erasure process on 13 August 2021. The delay has been due to a misunderstanding by an individual case worker in a context where the complainant had several requests pending. The case is several years old, and Klarna has invested considerable resources since then in improving its work, which is also reflected in the fact that the number of complaints has decreased considerably. Klarna has already complied with the data subject's request. Against this background, a sanction for a possible deficiency under the Regulation is not appropriate, necessary nor proportionate.

Applicable provisions, etc.

It follows from Article 57(1)(f) of the GDPR that IMY shall handle complaints lodged by a data subject who consider that their personal data is being processed in a manner contrary to the Regulation and investigate, to the extent appropriate, the subject matter of the complaint.

According to article 17 of the GDPR, the controller is obliged to erase personal data without undue delay if one of the conditions set out in the article is met.

Article 12(3) states the following. The controller shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

Assessment of IMY

It is apparent from the investigation that the parties agree that the complainant's request for erasure was complied with more than one month after the request was received. It does not appear that the request was of a particularly complex nature. Nor does it appear that Klarna informed the complainant of the delay in accordance with Article 12(3) of the GDPR. IMY therefore considers that Klarna failed to fulfil its obligation under Article 12(3) by complying with the applicant's request dated 19 October 2020 only on 21 August 2021.

Choice of corrective measure

Within the scope of the corrective powers, IMY shall take such measures as are appropriate, necessary and proportionate to ensure compliance with the GDPR.²

It follows from Article 58(2) and Article 83(2) of the GDPR that the IMY has the power to impose administrative fines pursuant to Article 83 of the GDPR. In the case of a minor infringement, the IMY may, as stated in recital 148 of the GDPR, instead of imposing a pecuniary penalty, issue a reprimand pursuant to Article 58(2)(b). Account must be taken of aggravating and mitigating circumstances of the case, such as the nature, severity and duration of the infringement as well as previous relevant infringements.

IMY notes the following relevant circumstances. The supervision in question covers Klarna's handling of an individual complainant's request for erasure in light of the requirements set out in Article 12(3) of the GDPR. In that regard, IMY has found that Klarna has failed in its obligations to comply with the right in due time. The prescribed time limit of a maximum of one month has been exceeded by more than 8 months. However, the complainant's right to erasure has been fulfilled. The deficiency is therefore of a less serious nature than if the request had been left unanswered. In addition, the request had already been met long before IMY contacted Klarna with questions about the complaint in question. Furthermore, the breach was not intentional, but was mainly due to an individual mistake by an employee in the internal case management. IMY considers that the deficiency in question has not had serious consequences for the complainant.

In an overall assessment of the circumstances surrounding the infringement found, IMY finds that there is no reason to use the corrective powers in the present case.

The case shall therefore be closed.

This decision has been taken by decision making officer [REDACTED] after presentation by legal advisor [REDACTED].

Appendix

The complainant's personal data

² Recital 129 in the GDPR.