

Summary Final Decision Art 60

Complaint

Reprimand to controller

EDPBI:DEBE:OSS:D:2020:104

Background information

Date of final decision:	28 April 2020
Date of broadcast:	7 May 2020
LSA:	DEBE
CSAs:	AT, BE, all DE SAs, DK, ES, FR, IT, LU, NO, SI
Controller:	N26 Bank GmbH
Legal Reference:	Right of access (Art 15), Lawfulness of the processing (Art 6)
Decision:	Reprimand to controller
Key words:	Consumers, Right of access, reprimand

Summary of the Decision

Origin of the case

The controller failed to respond to the complainant's request for information within the one month period allotted under Article 12(3)(1) GDPR.

Findings

The request for information was only fulfilled once the controller was contacted by the LSA. The reason for delay was due to the mistake of an individual employee.

The controller also transferred the complainant's data without consent and justifiable legal provision, through the Facebook Custom Audiences program.

Decision

Taking the specific circumstances of the case, the LSA considered a reprimand to be the appropriate conclusion to the investigation. With regard to the transferring of data to Facebook, the LSA refrained from initiating administrative offence proceedings as the controller's procedure has been improved following the position of the LSA.