

# Summary Final Decision Art 60

Complaint

No violation

EDPBI:ES:OSS:D:2020:168

## Background information

Date of final decision:	2 December 2020
Date of broadcast:	21 December 2020
LSA:	ES
CSAs:	DE NI, DK, FR, IT, NO, SE
Controller:	N/A
Legal Reference:	Right to erasure (Article 17)
Decision:	No violation
Key words:	Right to erasure

## Summary of the Decision

### Origin of the case

The complainant in the case at stake submitted a request to erase his personal data in accordance with Art. 17 GDPR to the controller. After failing to receive a response by the controller, the complainant sent a reminder to the controller. Nonetheless, the personal data of the complainant were not deleted.

### Findings

The LSA investigated the case and found that the controller did not receive the requests of the complainant due to a technical error. The LSA found that a request for erasure of personal data based on Art. 17 is only valid if the controller actually receives the request.

### Decision

The LSA found that the controller did not violate any provisions of the GDPR and closed the case. In accordance with Art. 60 (8) GDPR, the DE NI SA as the concerned supervisory authority with which the complaint was lodged adopted the decision and notified it to the complainant and the controller.