

Summary Final Decision Art 60

Complaint

Reprimand

EDPBI:IE:OSS:D:2020:166

Background information

Date of final decision:	16 December 2020
Date of broadcast:	16 December 2020
LSA:	IE
CSAs:	All SAs
Legal Reference:	Right to erasure (Article 17), Exercise of the right of the data subject (Article 12), Principles relating to processing of personal data (Article 5), Lawfulness of processing (Article 6)
Decision:	Reprimand
Key words:	Right to erasure, lawfulness of processing, identity verification, data minimisation, data subjects rights

Summary of the Decision

Origin of the case

The complainant made an erasure request to the controller. The controller directed the complainant to its standard procedure, according to which a data subject was required to submit a copy of a national ID card in order to verify his identity. The complainant refused to submit a copy of a national ID card, as he believed this requirement was not in compliance with the GDPR.

Findings

The LSA investigated the case and established a number of infringements of the GDPR. Firstly, the LSA found that the requirement set by the controller that the complainant has to verify his identity by way of submission of a copy of a national ID card constituted an infringement of Article 5(1)(c) GDPR in relation to the principle of data minimisation. The LSA concluded that a less data-driven solution to the issue of identity verification was available to the controller. Secondly, the LSA found that the standard procedure to submit a copy of a national ID card constituted an infringement of Article 12(2)

GDPR in circumstances where the controller did not demonstrate that reasonable doubts existed concerning the complainant's identity and thus the controller could not rely on Article 12(6) GDPR.

The LSA concluded that the controller had also infringed Article 17(1)(a) GDPR in circumstances where its requirement that the complainant submit a copy of a national ID card was adjudged to be not in compliance with the GDPR. Lastly, the LSA found that the controller had also infringed Article 6(1) GDPR by continuing to process the complainant's personal data without a lawful basis, following a valid request for erasure of his personal data.

Decision

The LSA took note of the remedial measure taken by the controller to discontinue its practice of requiring data subjects to submit a copy national ID card for identity verification when making a request to exercise their data subjects rights. In addition, the LSA took note that the controller had eventually erased the personal data of the complainant. The LSA issued a reprimand to the controller.