



Ref: 11.17.001.007.032 (1)

October 21, 2022

Varvelia Technologies Ltd
hello@netorsltd.com

Decision

Complaint against the website pickaflick.co by Varvelia Technologies Ltd (previously Netors Investments Ltd)

The complainant has lodged a complaint with the Spanish Data Protection Agency (Spain SA) on 21/12/2018 against Netors Investments Ltd, which administers the website <https://pickaflick.co/> (the “Controller”) and was received by the Office of the Commissioner for Personal Data Protection (“Cyprus SA” or “Commissioner”) according to the provisions of the cooperation and consistency procedures of the General Data Protection Regulation (EU) 2016/679 (the “Regulation”).

2. In line with Article 56 of the Regulation, the Commissioner is acting as the lead supervisory authority, as the Controller has its establishment in Cyprus.

Summary of the complaint:

3. The complainant stated, among others, that the Privacy Policy of the website <https://pickaflick.co/> states that the user has to consult periodically the website in order to learn about any changes and updates regarding the user’s data processing. The policy specifically stated the following:

“We may periodically make changes to this Privacy Policy and will notify you of these changes by posting the modified terms on the Website. We recommend that you revisit this

Privacy Policy regularly. If we are going to use Personal Information in a manner materially different from that stated at the time of collection, we will notify you by posting a notice on our Services. You may determine when this Privacy Policy was last updated by referring to the date found at the top of the first page of this Privacy Policy "This Privacy Policy was last modified and is effective as of".

4. The other parts of the complaint that concerns the use of cookies by the website, were handled outside the One Stop Shop mechanism, based on the national law that transposes the e-Privacy Directive and a separate Decision is issued.

Legal Framework

5.1. Based on Article 12 of the Regulation, the controller shall take appropriate measures to provide any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

5.2. According to Article 13, where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject the information specified in Article 13.

5.3. Based on Article 13(3), when the controller intends to further process the personal data for a purpose other than that for which the personal data were collected, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 2.

Examination of the complaint

6. The Commissioner has informed the Controller regarding the alleged infringement of the provisions of the legislation and asked for his views/positions on the subject.

7. The Controller has made changes to the Privacy Policy, which now states that in case of changes to the policy, the users will be informed by email. Specifically the policy now states the following:


“For important reasons, we may periodically be required to make changes to our Privacy Policy (for example if we substantially change the way our services or the Website functions, or following legislative changes). We will notify you of these changes by e-mail and by posting the modified Privacy Policy on the Website”.

8. It is noted that the Controller (Netors Investments Ltd) has changed its name to Varvelia Technologies Ltd. The Commissioner has verified through the companies' Registrar that there has been a name change and the company registration number remains the same (HE 346627).

Assessment

9. The Commissioner considers that the controller has complied with its obligations and brought the processing operations into compliance with the provisions of the Regulation. Considering the above, the Commissioner will not undertake any further action towards the Controller at this time and will close the investigation.

10. Based on Article 60(7) the Spain SA will inform the complainant about this Decision.


Commissioner for Personal
Data Protection