

Payone GmbH

BY EMAIL

Case Reference Number IC-96331-F3B2

Dear Sir/Madam

Thank you for your email of 2 July 2021 regarding Mr Logo's complaint about Payone GmbH.

The ICO's role

Our role is to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

One way that we do that is to consider complaints from individuals who believe there has been an infringement of the data protection law. Section 165 of the Data Protection Act 2018 requires us to take steps to respond to the complaint including investigating it to the extent that we feel is appropriate and informing the complainant of the outcome.

The complaint

Mr Logo has lodged a complaint with the ICO in regards to a subject access request made to your organisation. This is because he suspects there is information missing from the information provided by your organisation.

In addition to this, Mr Logo has also raised security concerns, as his personal data was sent to an incorrect address.

Our view

Subject access request:

I have considered the information available in relation to this complaint and I am of the view further searches could be conducted to locate Mr Logo's personal data. This is because Mr Logo has a right to access his personal data and from

the information provided, it does not appear reasonable searches have been conducted.

I note you have referred to German case law and The Bavarian Data Protection Commissioner's guidance of Recital 63 section 7 of the GDPR.

However as stipulated on our website, it is our view data controllers should make reasonable efforts to find and retrieve the requested information, even where there is a large volume. Although on the other hand, you are not required to conduct searches that would be unreasonable or disproportionate to the importance of providing access to the information.

Furthermore, I note you have *'only refused to provide information that would adversely affect the rights and freedoms of other employees of Payone GmbH'*.

Personal data including third party information should not be provided, unless you have consent from the third party or it is reasonable to provide the information without consent. It is our view that where possible organisations should take steps to extract and provide the requester's personal data, or redact the third party information. We have further guidance for data controllers here: [what should we do if the request involves information about other individuals? | ICO](#)

Security concerns:

I have considered the information available in relation to the security of Mr Logo's personal data and I am of the view that you have not complied with your data protection obligations. This is because your organisation did not keep Mr Logo's personal details secure, which has resulted in personal information being sent to an incorrect address.

Further action required

For all subject access requests, reasonable and proportionate searches should be conducted to locate a requester's personal data. In addition to this, third party information should be redacted to uphold the requester's right of access, without adversely affecting the other employees' rights and freedoms.

In addition to this, you should also take steps to ensure that all personal data records are accurate and up to date. Holding inaccurate information, such as addresses, does increase the risk of personal data breaches and poses risks to the security of information.

We will keep a record of all the complaints raised with us about the way you process personal information. The information we gather from complaints may form the basis for action we may take in the future to ensure you meet your information rights obligations.

Thank you for your co-operation.

ICO Statement

You should be aware that the Information Commissioner often receives request for copies of the letters we send and receive when dealing with casework. Not only are we obliged to deal with these in accordance with the access provisions of the data protection framework and the Freedom of Information Act 2000, it is in the public interest that we are open and transparent and accountable for the work that we do.

Yours sincerely

Bethany Wilde
Lead Case Officer
Information Commissioner's Office
Direct dial: 0330 313 1941

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice