



Paris, on **09 AOUT 2019**

Examination of the case:



No./Ref: MLD/JLI/KKR/XD/EMT/CM192211

Request n°19004571

(to be recalled in any future correspondence)

Dear Mr. President,

This is further to the exchanges that took place between the CNIL's services and the data protection officer of your company in the framework of the examination of the complaint transmitted to us by the Spanish data protection authority according to the provisions of Article 56.1 of the General Data Protection Regulation (GDPR).

This complaint was lodged by [REDACTED] who faced difficulties in exercising his right to object to receive marketing emails from [REDACTED].

Those exchanges are leading me, in agreement with the others European data protection authorities concerned by the processing carried out for the purpose of direct marketing, to proceed to the closure of this complaint.

Indeed, you mentioned that [REDACTED] initially agreed to receive the "[REDACTED]" newsletters when he asked for [REDACTED] on October 4 and 7, 2016, and I have noted that you have taken into account his request of objection by removing his data from your database.

Furthermore, your data protection officer mentioned that this complaint had highlighted an internal dysfunction due to a programming anomaly affecting your [REDACTED] Cloud Marketing tool, implemented since October 2018.

This dysfunction prevented from « taking into account the unsubscribing request made by an internet user within seven days after his initial subscription date to [your] newsletter ».

I have noted that this dysfunction has been corrected since March 29, 2019 and that any unsubscribing request is now taken into account regardless of the initial subscription date.

Finally, I have noticed that you are currently reviewing all the unsubscribing requests that you have received within seven days or less after the initial subscription date, since the implementation of your [REDACTED] Cloud Marketing tool in October 2018 until March 29, 2019, to make sure that all the deletion requests from your database have been taken into account.

The CNIL reserves the right, in case of new complaints, to use all of the powers assigned to it under the GDPR and the law of January 6th, 1978 as amended.

Yours Sincerely,

