

Final Decision

Case Register	347222
National file number	11.17.001.009.245
Controller	F1Markets Ltd
Date	2.9.2022

2 September 2022

F1Markets Limited
gdpr@f1markets.com
gdpr@investous.com

Dear Sirs,

Further to the exchange of communications between Cyprus SA (the Commissioner for Personal Data Protection) and F1Markets Ltd (the Controller) concerning a complaint involving the controller's failure to fulfil the complainant's erasure request, please note the below:

Description of the Case

The complainant lodged a complaint with the North Rhine-Westphalia SA in Germany, and was thereafter received by the Office of the Commissioner for Personal Data Protection (Cyprus SA) on 3 May 2021. The complaint involves the controller's failure to comply with the DS erasure request (SAR) (article 17 of the GDPR) submitted to F1Markets Ltd (the controller), which operates the website www.investous.com.

The complainant states that, he requested from the company through email, to permanently delete his personal data and although he was informed by them (through email) that his account was closed and that his request for deleting his personal data (including his contact details) was dealt with, he continues to receive unwanted advertising/promotional calls, several times a day.

The complainant also claims that the calls he receives are from different call centers and when he inquired some of the callers, they mentioned his trading account with investous.com. Furthermore, he believes that his personal data (such as telephone numbers, email and postal address) have been shared by Investous/F1Markets to third parties without his consent. When he confronted the controller with this, he was informed by email dated 08.01.2021 that his account had been closed and his request regarding the deletion of personal data had been dealt with, so they no longer had any contact details. However, the complainant did not find this credible because he receives "up to 8 calls a day from different call centers, all referring to his account with Investous when asked".

Investigation by Cyprus SA

The Cyprus SA engaged with the controller and following the responses of the DPO in relation to the subject matter of the complaint, the following information was gathered.

When the DPO of the controller received the complainant's request for data erasure, he was informed on 22 June 2020 (see relevant documents), that as it was stated in the website's privacy policy, they are unable to delete his data before the expiration of the timeframe provided by the relevant laws, as they are required to retain such information for compliance with legal obligations under applicable EU laws and regulatory requirements in line with Article 17 (3) (b) and (e) GDPR.

He was also assured that his personal data would not be used for any other purpose (including product-related purposes, marketing or promotional purposes) nor shared with any other company and they would no longer contact him, unless he requests it or they are legally obliged to do so.

In order to demonstrate their compliance with the above, the controller shared with the Cyprus SA screenshots (see relevant documents) that validated the following:

- i. The client was moved to a 'GDPR pool' in the Customer Relationship Management software (CRM) in order to be visible only to those employees who need to have access to the client's account for compliance reasons
- ii. The Client's telephone number was archived and replaced with '999999'
- iii. All marketing means were blocked
- iv. A '*must read note*' was added in the related account in German (account's language), that informs all employees about client's request not to be contacted again '*BITTE NICHT WIEDER DEN KUNDE KONTAKTIEREN- GDPR ANGEFORDER*'

The controller also mentioned that it is a mandatory step to read and acknowledge the Company's privacy policy prior to opening an account with F1Markets Ltd, which was verified by the Cyprus SA.

Additionally, the controller stated that it is against their best interests to share clients' data with third parties or other competitors that intend to trick their clients into engaging them to file complaints against the Company.

Cyprus SA assessment

Considering that,

- i. The controller was able to demonstrate credibly that they fulfilled their obligation to respond to the DS erasure request.
- ii. The controller took all necessary steps to ensure that the complainant would not be contacted again in any way for marketing purposes.
- iii. There is no indication, besides the complainant's claims, that the controller shared/leaked the complainant's personal data to third parties.
- iv. There is also a possibility that the complainant may have had his data harvested by malicious third parties with the intention of defrauding him.

Cyprus SA has decided to dismiss the complaint and has concluded the investigation involving F1Markets Ltd.

Commissioner
for Personal Data Protection
Cyprus