

Ref: 11.17.001.008.104

28 April 2023

Decision

Complaint against *The Drivers Rent a Car LTD*

Mr. xxx (the complainant) has lodged a complaint with the Poland SA against *the Drivers Rent a Car LTD* (the Controller) that was received on 10/7/2020 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 GDPR.

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 has rented a car from the Controller. During the rental registration process, he was asked to provide his full name, residence address, phone number, hotel name address and room number, data from his national ID card, PESEL number, driver’s license with the issue date, and passport number and series.

4. The complainant claims that he was not informed about the processing of his personal data pursuant to Article 13 of the GDPR. He also mentions Article 15(3) but he does not specify whether he has submitted a request in this regard.

5. Furthermore, he claims that once he was in the car, he discovered that the car was equipped with a monitoring camera and possibly a GPS tracking system.

Legal Framework

6.1. 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.

6.2. 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.

Investigation by Cyprus SA

7. After investigating the complaint it was found that the company does not have cameras or GPS devices installed in their cars. In the event that in the future certain cars have a GPS facility, they will be informing the customer in writing. The specific car that the complainant has rented was imported from Japan and the device that is installed in the specific car, is a device used in Japan for automatic toll payment ("ETC" box wired into cars in Japan). The device is inactive / not functioning.

8. As regards the information provided to the data subjects, the controller has informed the Commissioner the following, for fulfilment of the complainant's request for information based on Article 13:

- The identity of the controller is listed on the form that the complainant has signed (and has attached with his complaint)
- The purposes of the processing are:
 - contract purposes.
 - accounting and tax purposes,
 - insurance purposes, (stated on the contract signed)
 - Police purposes (e.g. in cases where offences are performed with the use of the rented car)on the basis of processing for the compliance with legal obligations, the performance of a contract, and the legitimate interests pursued by the controller (e.g. safety of his property)
- The recipients of the data are the following:
 - External Accountant for accounting purposes
 - Legal Advisor(s) only in cases of legal actions
 - Insurance company
- The retention period of the rental contract is 7 years as mandated by the tax legislation (for purposes of inspection from the tax authority)
- The data are not transferred to third countries
- There is no automated decision making or profiling,

- The data are not further processed for other purposes.

The Controller does not have a certificate in accordance with Article 43 of the GDPR.

Assessment

9. Based on the above, the controller has infringed Article 13 for not providing the necessary information to the complainant at the time of the collection of his data.

10. Based on Article 58(2)(b) the Commissioner issues a **reprimand** to the Controller for the above infringement.

Right of an effective remedy

11. Based on the Cyprus Constitution and on *The Establishment and Operation of the Administrative Court Law of 2015* (Law 131(I)/2015) the affected parties have the right to file an appeal against this Decision at the Cyprus Administrative Court, within 75 days from the day that the Decision was communicated to the affected party.

Irene Loizidou Nicolaidou
Commissioner for Personal
Data Protection
Cyprus