

Information and Data Protection Commissioner

CDP/COMP/631/2025

[REDACTED]

vs

[REDACTED]

COMPLAINT

1. On the 26th November 2025, [REDACTED] (the “**complainant**”) lodged a data protection complaint with the Information and Data Protection Commissioner (the “**Commissioner**”) pursuant to article 77(1) of the General Data Protection Regulation¹ (the “**Regulation**”), alleging that [REDACTED]² (the “**controller**”) (i) failed to respond to his erasure request pursuant to article 17 of the Regulation within the time limits set out in article 12 of the Regulation; and (ii) failed to comply with the transparency requirements under the Regulation by not providing the information required in response to his request for information pursuant to article 15 of the Regulation.

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

² The complainant lodged the complaint against [REDACTED]. During the investigation of the complaint, on the 19th December 2025, the Commissioner requested [REDACTED] to confirm the controller’s legal name for the purposes of issuing this decision. On the 8th January 2026, [REDACTED] replied that the data controller in this case is [REDACTED]

[REDACTED]

[REDACTED]

2. The complainant submitted that he “*REPEATEDLY requested them to identify the specific statutory provisions within Maltese AML or gaming law that require the retention of my personal data; distinguish which categories of personal data fall under those laws and which do not; explain the purpose and retention period for each category of data; confirm whether any minimisation, anonymisation, or erasure has taken place as required by Articles 5(1)(c) and 5(1)(e) GDPR. They repeatedly relied on Article 17(3)(b) under GDPR but their replies throughout are inconsistent with Articles, 5, 12, 13 and 17 of GDPR regulations.*” As supporting evidence, the complainant submitted a document containing a timeline overview of the events and a document containing correspondence with the controller, reproduced in a copy-and-paste format. Following a request from the Commissioner, on the 14th January 2026, the complainant submitted the complete set of relevant emails in their original format. Moreover, on the 15th January 2026, the complainant further submitted a document entitled “*Factual Matrix – [REDACTED] GDPR Complaint*” setting out, according to him, the timeline of events.

INVESTIGATION

Request for submissions

3. On the 19th December 2025, pursuant to the internal investigative procedure of this Office, the Commissioner provided the controller with a copy of the complaint, including the supporting documentation submitted by complainant, and enabled the controller to provide any information that it deemed relevant and necessary to defend itself against the allegations raised by the complainant. In addition, pursuant to article 58(1)(e) of the Regulation, the Commissioner requested the controller, *inter alia*, to specify the date when the complainant’s erasure request was received; and to provide the following regarding the complainant’s personal data: (i) the categories of personal data retained; (ii) the retention period applicable to each category; and (iii) the legal basis and purposes of the processing.

Submissions of the controller

4. On the 8th January 2026, the controller provided the following submissions for the Commissioner to consider during the legal analysis of the case:

- a. that the complainant contacted the controller on the 31st October 2025 to request confirmation that his account had been closed and to confirm that his personal data would be erased;
- b. that the controller informed the complainant that his account had been closed and that his personal data could not be deleted due to “*legal and regulatory requirements*” and that “*the retention of his Personal Data and its processing formed part of the agreement that he accepted when his account was opened, the details of which can be found in [the controller’s] Privacy Policy and terms of service*”;
- c. that the right to erasure is not an absolute right as it is constrained by article 17(3) of the Regulation;
- d. that the complainant contacted the controller again on the 5th November 2025 to exercise his right of access under article 15 of the Regulation and that this was fulfilled on the 28th November 2025;
- e. that the controller retains the following categories of the complainant’s personal data: identity and contact information, financial and transactional data, account and service usage data, communication and interaction data, verification and compliance data, location data, technical and performance data;
- f. that, as stated in the controller’s privacy policy and terms of service, the legal basis for processing the complainant’s personal data is article 6(1)(b) of the Regulation;
- g. that the controller is regulated by the Malta Gaming Authority (the “**MGA**”) in respect of its operations and relationship with the complainant as a customer, and that the MGA, in its publications, provides details of its record-keeping requirements and has issued guidance to operators, available on its website, which specifically refers to data retention for risk management purposes; and
- h. that the controller “*will retain [the complainant’s] data for the minimum period to comply with [the controller’s] legal and regulatory requirements*”.

5. Following a review of the controller's submissions, the Commissioner, in terms of article 58(1)(e) of the Regulation, requested the controller to provide the following information:
 - a. a copy of the correspondence with the complainant dated the 28th November 2025;
 - b. a copy of the controller's Privacy Policy and Terms of Service, indicating which sections thereof specify the retention periods and the legal and regulatory framework referenced;
 - c. a copy of MGA's guidance referenced in the controller's submissions, indicating the relevant sections; and
 - d. to specify the relevant Maltese legislation relied upon and the retention period for each of the category of personal data indicated in the controller's submissions.

6. On the 5th February 2026, the controller submitted the following information:
 - a. a redacted copy of the controller's correspondence with the complainant dated the 28th November 2025;
 - b. the controller's Privacy Policy and Terms and Conditions, indicating the following relevant sections "*Why we process your Personal Data*", "*Retention of your Personal Data*", "*IMPORTANT INFORMATION*", and sections "*1.1, 1.2, 2, 3 and 4*";
 - c. a document entitled "*FIAU-Implementing-Procedures-Part-II_RemoteGaming*", available at the following URL: https://fiaumalta.org/app/uploads/2020/11/FIAU-Implementing-Procedures-Part-II_RemoteGaming.pdf, and identified the following sections as relevant: Customer Risk Assessment (2.2.1 & 2.2.2), Customer Due Diligence (CDD) (Section 3), Identification and Verification (3.2.i), Purpose of Business Relationship (3.2.ii), On-Going Monitoring (3.2.iv), Politically Exposed Persons (PEPs) (3.4), Inability to Complete CDD (3.6), Outsourcing (4.3), Reporting Suspicious Activity (5.3);
 - d. a reference to the "*Responsible Gaming Policies*" section available on the following webpage: <https://www.mga.org.mt/licensee-hub/compliance/player-protection/>;
 - e. a copy of the controller's reply sent to the complainant on the 14th November 2025, in which the controller informed the complainant, among other things, that "*the retention period regarding your data and its processing are in accordance with the relevant articles of The Prevention of Money Laundering and Funding of Terrorism Regulations*";
 - f. that the relevant Maltese legislation relied upon is regulation 13 entitled "*Record keeping procedures*" of the Prevention of Money Laundering and Funding of Terrorism Regulations, Subsidiary Legislation 373.01; and

- g. that in compliance with these Regulations the controller will retain the complainant's personal data for "*a minimum period of 5 years from the date when the business relationships ends, or the occasional transaction is carried out*".
7. Following a review of the controller's submissions, the Commissioner, in terms of article 58(1)(e) of the Regulation, requested the controller to provide a copy of the full unredacted correspondence dated the 28th November 2025; and to clarify whether the controller intended to refer to the section entitled "*IMPORTANT INFORMATION*" in the submitted Terms and Conditions document, given that the Commissioner was unable to identify any such section.
8. On the 13th February 2026, the controller resubmitted its reply sent to the complainant on the 14th November 2025 and submitted the following further documentation:
- the correspondence dated the 28th November 2025, with only the personal data of the controller's employees redacted; and
 - the correct Terms and Conditions document, with the section "*IMPORTANT INFORMATION*" highlighted.

Submissions of the complainant

9. On the 24th February 2026, pursuant to the internal investigative procedure of this Office, the complainant was provided with the opportunity to rebut the submissions of the controller. On the 1st March 2026, the complainant submitted the following arguments:
- that his erasure request was submitted on the 2nd January 2024, but no reply was provided within the time limits set out in article 12 of the Regulation, despite the importance of complying with such statutory deadlines for the effective exercise of data subject rights;
 - that despite his several requests for clarification regarding the precise statutory provisions relied upon for the continued retention of his personal data, the specific categories of personal data retained under those provisions, the applicable retention periods for each category, and what data had been erased, if any, the controller merely referred to "*legal and regulatory requirements*" and stated that data is retained for a "*minimum of five years*";

- c. that these generic references fail to clarify the maximum retention period and are inconsistent with the storage limitation principle under article 5(1)(e) of the Regulation;
- d. that whilst article 17(3)(b) of the Regulation “*may justify retention of specific AML-related records, [the controller] has not demonstrated that it undertook a granular assessment of data categories following his erasure request*”, nor distinguished between personal data required for anti-money laundering compliance and other categories of personal data; and
- e. that the correspondence with the controller show procedural and transparency deficiencies rather than a minor communication lapse, and that the controller’s generic replies actively frustrated his attempts to exercise his data protection rights.

Final submissions of the controller

10. Pursuant to the internal investigative procedure of this Office, the Commissioner provided the controller with a copy of the complainant’s rebuttal and enabled the controller to submit its final submissions. On the 24th March 2026, the controller replied to the Commissioner reiterating that the complainant’s request was sent on the 31st October 2025 and that the complainant was informed in November 2025 of the legal and regulatory requirements that mandate the retention of his personal data. The controller further submitted that the categories of personal data, the purposes of processing, and the retention of that data are always available in its privacy policy available on the controller’s website, noting that a copy of this privacy policy was provided to the complainant in November as part of his subject access request. The controller added that this information was provided within one month as prescribed by the Regulation.
11. During the review of the submitted documentation, the Commissioner noted that the privacy policy provided by the controller on the 5th February 2026 related to another controller and was therefore not relevant to this case. Accordingly, the Commissioner requested the correct privacy policy from the controller and requested the complainant to provide the privacy policy he had received from the controller on the 28th November 2025. Both requests were complied with, and the Commissioner confirmed that the privacy policies received from the controller and the complainant were identical.

LEGAL ANALYSIS AND DECISION

12. After assessing the complaint lodged, the Commissioner sought to determine whether the controller: (i) failed to respond to the complainant’s erasure request pursuant to article 17 of the Regulation within the time limits set out in article 12 of the Regulation; and (ii) failed to comply with the transparency requirements under the Regulation by not providing the requested information in response to the complainant’s request pursuant to article 15 of the Regulation.
13. During the investigation, the Commissioner reviewed the correspondence between the controller and the complainant to establish a clear timeline of the relevant communications. The substantive parts of the correspondence exchanged are summarised below:

Date	Correspondences
2 January 2024	The complainant requested the closure of his account by the controller.
2 January 2024	The controller replied that account closure is contingent upon the completion of a review, which is expected to be finalised within twenty-four (24) hours.
31 October 2025	The complainant reiterated his request for account closure and, in this email, also referred to an erasure request. Moreover, the complainant further sought the following information from the controller: (i) the lawful basis and justification for the retention of his personal data; (ii) confirmation as to whether any personal data had been erased or anonymised following his account closure request; and (iii) the applicable retention period for his remaining personal data held by the controller.
1 November 2025	The controller confirmed that the complainant’s account had been reviewed and closed. The controller further informed the complainant that it is unable to delete his personal data and will retain such data for the period required by law.
4 November 2025	The complainant reiterated his previous request for information submitted in his email of 31 October 2025.
5 November 2025	The controller informed the complainant that his account was closed on 2 December 2024 and apologised for not having informed him of this earlier. The controller further informed the complainant that it is unable to delete his personal data and that such data will be retained, as required by law, for a minimum of five years. The controller also referred the complainant to its privacy policy and

	informed him of his right to access his personal data, providing the online form that may be used to submit such a request.
5 November 2025	The complainant acknowledged confirmation of his account closure but noted that the controller’s reply did not address his concerns and infringed article 12(3) of the Regulation. According to the complainant, the original erasure and closure request was made on 2 January 2024 and thus, the controller took an excessive amount of time to reply to this request. The complainant again requested the controller to provide the following information: (i) the specific legal or regulatory provisions justifying the retention of his personal data for five years; (ii) confirmation as to whether any personal data had been erased, minimised or anonymised following his account closure request; (iii) the exact categories of personal data being retained, and the purposes for retention; and (iv) the retention period applicable to each category of personal data.
10 November 2025	The complainant referred to his previous correspondence and once again requested the controller to provide the requested information within four (4) days, noting that this constituted his final notice before escalating the matter.
14 November 2025	The controller explained that the right to erasure is not an absolute right and that, in this case, it is constrained by Article 17(3)(b) of the Regulation (“ <i>compliance with a legal obligation</i> ”). The controller explained that it is regulated by the Malta Gaming Authority (MGA) in respect of its operations and relationship with the complainant as a customer and added that: “... <i>the retention period regarding your data and its processing are in accordance with the relevant articles of The Prevention of Money Laundering and Funding of Terrorism Regulations</i> ” [emphasis has been added]. Lastly, the controller informed the complainant that, should he remain dissatisfied with its response, he could lodge a complaint with the Information and Data Protection Commissioner.
14 November 2025	The complainant replied that the controller’s email of 14 November 2025 does not address his concerns and instead highlights significant compliance failures. The complainant pointed out that the controller’s reply fails to provide the requested information, and that it is “ <i>inconsistent with Article 5, 12, 13, and 17 GDPR Regulations, all of which impose clear transparency obligations</i> ”.
18 November 2025	The controller reiterated that the right of erasure is not an absolute right and that, in this case, it is constrained by Article 17(3)(b) of the Regulation. The controller further stated that it would retain the complainant’s personal data for the



	minimum period required to comply with the applicable legal and regulatory requirements. Lastly, the controller noted that it considered the issue closed and would not enter into further communication regarding the matter.
21 November 2025	The complainant replied clarifying that his complaint is not that Article 17(3)(b) of the Regulation cannot apply, but rather that the controller failed to provide the minimum information required under Articles 12 and 13 of the Regulation, namely: “1. the specific legal or statutory provisions you are relying upon, 2. the specific categories of personal data that must be retained under those provisions, 3. the retention periods applicable to each category, and 4. an explanation of why any non-AML or non-required data cannot be erased or minimised, as required by Articles 5(1)(c) and 5(1)(e).”
28 November 2025	The controller replied to the complainant’s subject access request providing him with the following four (4) documents: (i) “ <i>Sports Statement</i> ”; (ii) “ <i>Account Details</i> ”; (iii) “ <i>Privacy Policy</i> ”; and (iv) “ <i>Casino Statement</i> ”.

The right to erasure and compliance with the time limits set out in article 12 of the Regulation

14. Under article 17 of the Regulation, the data subject has a right, in certain circumstances, to obtain from the controller the erasure of his personal data without undue delay. Under article 12(3) of the Regulation, the controller is required to respond within one month of receipt of the erasure request. The Commissioner noted that it is undisputed that, in November 2025, the controller relied on article 17(3)(b) of the Regulation and informed the complainant that it is unable to delete his personal data, which would be retained for a minimum of five years as required by law. The issue in dispute concerning this allegation, however, is the date on which the controller received the erasure request. According to the complainant this was submitted on the 2nd January 2024, whereas the controller indicated that it was made on the 31st October 2025.

15. Therefore, the Commissioner examined the relevant correspondence and found that on the 2nd January 2024, the complainant requested account closure. The subject line of that email reads “*Account Closure*”, and the substantive part states: “*I wish to close my account please. No issue with gambling, just want to close the account thank you. There was no option for me to do this via the app*” [emphasis has been added]. On the same day, the controller replied that account closure is contingent upon the completion of a review which should be finalised within

twenty-four (24) hours. A subsequent email dated the 31st October 2025 reiterates the complainant's request for account closure and expressly refers to erasure, stating "*I am writing further to my previous data erasure and account closure request submitted in [...] 2024*". The subject line of that email reads "*Final Notice – Non-compliance with Erasure Request (Article 17 GDPR)*".

16. The Commissioner remarks that a request to close an account is not equivalent to an erasure request in terms of the Regulation. An account closure request is a contractual action signifying the end of a contractual relationship or service, whereas an erasure request constitutes a right under the Regulation seeking the deletion of personal data, subject to the conditions and limitations laid down therein. The distinction between the right to erasure and the deletion of a user account is mentioned, in passing, in the 2025 Coordinated Enforcement Action report of the European Data Protection Board ("**EDPB**") on the right to erasure.³ While the Regulation does not prescribe any specific form for the submission of such requests, it must nevertheless be clear to the controller that the data subject is exercising his right under the Regulation, and thus, in this case, that the data subject is asking for the deletion of his personal data. In the present case, the Commissioner notes that the email sent in January 2024 does not indicate any request for the deletion of personal data; on the contrary, the complainant merely stated that he "*just want[s] to close the account*". On the other hand, the complainant's email dated the 31st October 2025 expressly refers to data erasure. Accordingly, the Commissioner finds that the erasure request was made on the 31st October 2025 and therefore, that the controller responded to the complainant's erasure request within the one-month period prescribed under article 12(3) of the Regulation.

The right of access and the controller's transparency obligation

17. The Commissioner proceeded to examine the complainant's allegation that the controller failed to comply with the transparency requirements under the Regulation by not providing the requested information. Having reviewed the correspondence exchanged between the parties, the Commissioner noted that the complainant repeatedly requested specific information regarding the processing of his personal data in the emails dated 31 October 2025, 4 November 2025, 5 November 2025, 10 November 2025, 14 November 2025, and 21 November 2025,

³ European Data Protection Board, *2025 Coordinated Enforcement Action: Implementation of the right to erasure by controller* (February 2026) 13-14.

namely concerning: (i) the purposes and legal provisions requiring retention of his personal data following account closure; (ii) the categories of personal data retained under those provisions; (iii) the applicable retention periods for each category; and (iv) whether any personal data had been erased, minimised or anonymised following account closure, or if not, the reasons why such measures could not be applied to non-required personal data.

18. Article 15 of the Regulation grants data subjects the right to access their personal data. As recognised in the case law of the Court of Justice of the European Union (“CJEU”),⁴ the right of access serves to safeguard the data subjects’ right to privacy in relation to the processing of personal data relating to them and may facilitate the exercise of their rights under articles 16-22 of the Regulation, including the right to erasure. Three different components build the right of access: first, confirmation as to whether personal data of the requesting person are being processed; if so, second, access to those personal data; and third, information on the processing.⁵

19. During the investigation, the Commissioner noted that the controller satisfied the first component of the right of access by informing the complainant on the 1st November 2025 that it was processing his personal data, as it informed him that it was unable to delete his personal data and that these would be retained “*for a period as required by the relevant legal and regulatory requirements at the time*”. On the 5th November 2025, the controller further informed the complainant of his right of access and provided an online form for this purpose. The Commissioner further noted that the controller satisfied the second component of the right of access on the 28th November 2025 by providing the complainant access to his personal data, namely by providing the following documents: (i) “*Sports Statement*”; (ii) “*Account Details*”; and (iii) “*Casino Statement*”. Lastly, the Commissioner observed that the complainant’s allegation concerns the third component of the right of access, namely the obligation to provide information on the processing under article 15(1)(a) to (h) of the Regulation.

20. The Commissioner noted that the complainant’s request for information on the purposes of retaining personal data following account closure, the categories of personal data retained, and the applicable retention periods, fall within the scope of article 15(1)(a), (b) and (d) of the

⁴ Case C-434/16 *Peter Nowak v Data Protection Commissioner* [2017] ECLI:EU:C:2017:994, paragraph 56; Joined Cases C-141/12 and C-372/12 *YS v Minister voor Immigratie, Integratie en Asiel* and *Minister voor Immigratie, Integratie en Asiel v M and S* [2014] ECLI:EU:C:2014:2081, paragraph 44.

⁵ EDPB Guidelines 01/2022 on data subject rights – Right of access, Version 2.1, adopted 28 March 2023, paragraph 17.

Regulation. As regards the request for information on the legal provisions requiring the retention of personal data, whilst this is not expressly listed as an element under article 15, such information may be relevant in explaining the purposes of the processing. However, the aspects concerning whether personal data were erased, minimised or anonymised, and the reasons for not applying such measures, go beyond the express requirements of article 15 of the Regulation, and are not mandatory elements of the right of access, even if such information may in practice be provided in the context of broader transparency obligations. Accordingly, the Commissioner proceeded to assess compliance with article 15(1)(a), (b) and (d) of the Regulation.

21. In this regard, the Commissioner highlights that the right of access under article 15 is closely linked to other provisions of the Regulation, particularly the controller's transparency obligation.⁶ Transparency is an overarching obligation under the Regulation and forms a fundamental aspect of the data protection principle enshrined in article 5(1)(a).⁷ It empowers data subjects to hold data controllers accountable and to exercise control over their personal data by actioning their data subject rights.⁸ For this purpose, article 12(1) of the Regulation provides that controllers are obliged to provide any communication relating to data subject rights, including the right of access and the right to erasure, "*in a concise, transparent, intelligible and easily accessible form, using clear and plain language*". Recitals 39 and 58 of the Regulation further provide that the principle of transparency requires any information addressed to data subjects to be "*easy to understand*". Accordingly, the information provided should meaningfully position the data subjects in such a manner to enable them to assess the lawfulness of the processing and, if necessary, challenge such processing.⁹
22. In Guidelines 01/2022, the EDPB states that most of the information required under article 15(1) of the Regulation is already compiled, at least in general form, in the controller's privacy notice prepared in accordance with articles 12-14 of the Regulation. However, the requirements under article 15(1) are distinct from those under articles 13 and 14 of the Regulation. This is because articles 13 and 14 are intended to provide *ex-ante* information to data subjects, whereas article 15(1) of the Regulation is intended to provide *ex-post* information about the specific

⁶ Ibid., paragraph 7.

⁷ Article 29 Working Party, Guidelines on Transparency under Regulation 2016/679 (WP260 rev.01) (11 April 2018, as last revised) endorsed by the European Data Protection Board, paragraphs 1-2.

⁸ Case C-201/14 *Smaranda Bara and Others v Casa Națională de Asigurări de Sănătate and Others* [2015] ECLI:EU:C:2015:638, paragraph 33; and Case C-154/21 *RW v Österreichische Post AG* [2023] ECLI:EU:C:2023:3, paragraph 42.

⁹ Recital 63 of the Regulation; and Guidelines on Transparency (n 7) paragraph 55.

processing conducted by the controller in relation to the person exercising the right of access. In this regard, the EDPB has stated that, when responding to requests under article 15(1) of the Regulation, controllers may “*use text modules of their privacy notice*”, provided that these are “*up-to-date and precise with regards to the request of the data subject*” [emphasis has been added].¹⁰

23. In its final submissions, the controller argued that the complainant was informed of the legal and regulatory requirements mandating the retention of his personal data and that information regarding the purposes of processing, the categories of personal data processed, and the retention of that data is always available in its privacy policy published on its website, a copy of which had been provided to the complainant in response to his subject access request on the 28th November 2025. On the other hand, the complainant argued that the controller’s responses were generic and did not satisfy the transparency requirements of the Regulation. In view of the foregoing, the Commissioner proceeded to assess the correspondence exchanged between the parties and the controller’s privacy policy.

Purposes of processing

24. As regards the purposes of processing and the legal provisions relied upon for the retention of the complainant’s personal data, the Commissioner noted that, in the emails dated 1, 5, and 14 November 2025, the controller referred to the purposes of risk management and compliance with legal and regulatory requirements. In the email of the 14th November 2025, the controller further informed the complainant that it is regulated by the Malta Gaming Authority (“MGA”) and that the MGA’s website provides details of its record-keeping requirements. However, the general link to the MGA’s website provided to the complainant does not contain information on the relevant record-keeping requirements. In fact, during the investigation, the Commissioner requested the controller to provide a copy of the relevant MGA guidance and to indicate the relevant sections. In the same email of the 14th November 2025, the controller added that the retention of the complainant’s personal data is “*in accordance with the relevant articles of **The Prevention of Money Laundering and Funding of Terrorism Regulation***” [emphasis has been added]. In its submissions to the Commissioner, the controller subsequently specified the relevant legal provision relied upon for retention, namely regulation 13 of the Prevention of Money Laundering and Funding of Terrorism Regulations (Subsidiary

¹⁰ Guidelines 01/2022 (n 5) paragraphs 112-113.

Legislation 373.01). The latter provision regulates the information that must be retained for the purposes of the prevention, detection, analysis and investigation of money laundering or funding of terrorism activities by the Financial Intelligence Analysis Unit, relevant supervisory authorities or law enforcement agencies. This information is not reflected in the controller's privacy policy.

25. The Commissioner notes that, while information on the legal basis is not expressly required under article 15(1)(a) of the Regulation, the EDPB has recommended that, in order to facilitate the exercise of data subjects' rights in line with article 12(2) of the Regulation, controllers should provide such information or indicate where it can be found, so that the data subject can verify the lawfulness of the data processing.¹¹ Moreover, information on the purposes under article 15(1)(a) of the Regulation "*needs to be specific as to the **precise purpose(s)** in the actual case of the requesting data subject. **It would not be enough to list the general purposes** [...] without clarifying which purpose(s) the controller pursues in the current case of the requesting data subject*"¹² [emphasis has been added]. In any event, the principle of transparency requires that such information be communicated in a clear and intelligible manner, enabling the data subject to understand the processing of their personal data and to verify its lawfulness.

26. In the present case, the controller's communication that the retention of the complainant's personal data is necessary for compliance with legal requirements "*in accordance with the relevant articles of **The Prevention of Money Laundering and Funding of Terrorism Regulation***" does not specify with sufficient clarity the concrete purposes of processing arising from the underlying legal obligation. Accordingly, the Commissioner finds that the controller breached article 12(1) of the Regulation by failing to present information on the purposes of processing under article 15(1)(a) of the Regulation in a sufficiently clear and concrete manner so as to enable the complainant to understand the legal obligations underpinning the retention of his personal data following account closure.

Categories of personal data

27. As regards information on the **categories of personal data** retained, the Commissioner observed that, in its emails to the complainant, the controller did not identify the categories of personal data concerned. However, in its submissions to the Commissioner, the controller

¹¹ Ibid., paragraph 114.

¹² Ibid.

subsequently stated that it retains the following categories of the complainant’s personal data: identity and contact information, financial and transactional data, account and service usage data, communication and interaction data, verification and compliance data, location data, technical and performance data. The controller’s privacy policy does not set out these categories verbatim, but contains a section entitled “*Information Collected*” which describes the data collected and processed, including information provided when filling in forms on the controller’s website, responses to surveys or customer research, details of transactions, and details relating to visits to the controller’s website, “*including, but not limited to, traffic data, location data, weblogs and other communication data*” [emphasis has been added].

28. In this regard, the Commissioner notes that, when a request for access is made pursuant to article 15 of the Regulation, the data subject must, in addition to access to the personal data undergoing processing, be provided with information on the specific categories of personal data concerned in line with article 15(1)(b) of the Regulation.¹³ As already noted, a controller may use text modules from its privacy policy when responding to such requests, provided that such information is updated and tailored to the particular request of the data subject. However, in this case, the controller merely provided the privacy policy to the complainant without adapting the information to identify the categories of personal data relevant to the complainant’s case.
29. In view of the foregoing, the Commissioner finds that the controller failed to comply with articles 12(1) and 15(1)(b) of the Regulation by failing to clearly communicate to the complainant the categories of personal data retained following account closure.

Retention period

30. As regards the **applicable retention periods**, article 15(1)(d) of the Regulation requires information on the envisaged retention period to be provided only “*where possible*”. Where this is not possible, the criteria used to determine that period must instead be provided.¹⁴ In the present case, the Commissioner notes that the controller informed the complainant that his personal data would be retained for a minimum period of five years pursuant to legal obligations. The controller further clarified, in its email dated the 14th November 2025, the criteria used to determine that period, namely that the complainant’s personal data would be

¹³ Ibid., paragraph 115.

¹⁴ Ibid., paragraph 118.

retained for the period mandated by the Prevention of Money Laundering and Funding of Terrorism Regulations (Subsidiary Legislation 373.01).

31. The Commissioner considers that the controller thereby provided information concerning the envisaged retention period and the criterion used to determine such retention, as required under article 15(1)(d) of the Regulation. However, the information provided lacked sufficient precision as it did not clearly explain the legal provisions relied upon, the point from which the retention period would commence, or the circumstances under which the data may be retained beyond the mentioned minimum five year period, as provided in the second proviso of regulation 13(2) of Subsidiary Legislation 373.01. Accordingly, while the Commissioner does not establish a separate breach of Article 15(1)(d), the manner in which the information was communicated raises concerns regarding compliance with the transparency requirements under Article 12 of the Regulation.

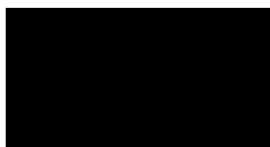
On the basis of the foregoing considerations, the Commissioner is hereby deciding that:

- **the controller responded to the complainant's erasure request within the one-month period prescribed under article 12(3) of the Regulation, and therefore the complainant's allegation in this regard is being dismissed in its entirety; and**
- **the controller infringed article 12(1) of the Regulation by failing to present the information on the purposes of processing in a sufficiently clear and concrete manner to enable the complainant to understand the legal obligations underpinning the retention of his personal data following account closure, and infringed article 15(1)(b) of the Regulation by failing to clearly communicate to the complainant the categories of personal data retained following account closure.**

By virtue of article 58(2)(b) of the Regulation, the Commissioner is hereby issuing a reprimand to the controller for failing to comply with the provisions of the Regulation and warned that in the event of another infringement of a similar nature, the appropriate corrective action will be taken accordingly.

The Commissioner further emphasises that, in future cases, the controller is expected to ensure that the information required under article 15(1)(a) to (h) of the Regulation is communicated to

data subjects in a clear and transparent manner. The mere provision of a privacy policy is not sufficient where the information provided is not tailored to the particular request and circumstances of the data subject.



Dr Reno Borg

Information and Data Protection Commissioner

Decided today, the 10 June, 2026.

Right of Appeal

The parties are hereby being informed that in terms of article 26(1) of the Data Protection Act (Cap. 586 of the Laws of Malta), any person to whom a legally binding decision of the Commissioner is addressed, shall have the right to appeal to the Information and Data Protection Appeals Tribunal within twenty (20) days from the service of the said decision as provided in article 23 thereof.

An appeal to the Information and Data Protection Appeals Tribunal shall be addressed to:

The Secretary
Information and Data Protection Appeals Tribunal
158, Merchants Street, Valletta.