

**BfDI****Federal Commissioner
for Data Protection and
Freedom of Information**

POSTAL ADDRESS The Federal Commissioner for Data Protection and Freedom of Information PO box 1468, 53004 Bonn, Germany

Herrn
Edward Hasbrouck

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CHARGE

INTERNET www.bfdi.bund.de

DATE Bonn, 18.11.2022

FILE NUMBER 24-191 II#5154

**Please always indicate the above file-number
in all
replies.**

SUBJECT **Your request concerning T-Mobile USA**
Letter informing you about the closure of the case

Dear Mr Hasbrouck,

I have checked your request again. As a result, it remains the case that your request will not be addressed here.

The Federal Commissioner for Data Protection and Freedom of Information (BfDI) is only competent if the controller is located in Germany. According to Art. 4 No. 7 of the GDPR, the controller is the person who determines the purposes and means of the processing of personal data. In your case, this is T-Mobile USA Inc. Deutsche Telekom AG is not active in the operational customer business —not even in Germany. Consequently, there are no indications that decisions on the data processing in question are taken there.

It is irrelevant whether an owner or other parts of T-Mobile USA are based in Germany. The controller is decisive. In the present case, the controller is not established in the European Union, see Article 3(1) GDPR. The scope is also not opened up by the fact that you may have stayed in the EU for a short time.

102896/2022

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Please note that according to Section 23 of the Administrative Procedure Act, the official language is German. Therefore, only the German version of this letter is authoritative.

The case is closed here.

Best regards,
By order

Referat 24