



noyb – European Center for Digital Rights
Goldschlagstraße 172/4/3/2
1140 Vienna
Austria

Hellenic Data Protection Authority (HDPa)
Kifissias 1-3, P.C. 11523
Athens, Greece

Via the Online Services of the HDPa

Athens, 17.07.2025

noyb Case-No: **C100-03**

Complainant:

[REDACTED]
[REDACTED]
TikTok username: [REDACTED]
email address: [REDACTED]

represented under
Article 80(1) GDPR by:

***noyb* – European Center for Digital Rights**
Goldschlagstraße 172/4/3/2, 1140 Vienna

Respondent:

ByteDance Ltd.,
P.O. Box 31119 Grand Pavilion,
Hibiscus Way, 802 West Bay Road,
Grand Cayman, KY1 - 1205 Cayman Islands.

And alternatively:

TikTok Technology Limited,
The Sorting Office, Ropemaker Place,
Dublin 2, Dublin, D02 HD23, Ireland.

TikTok Inc.,
5800 Bristol Parkway, Suite 100,
Culver City, CA 90230, United States of America

TikTok Pte. Ltd.,

Raffles Quay, #26-10, South Tower,
Singapore 048583, Singapore¹

Regarding:

Right of access – Article 15 GDPR

Transparent information, communication and modalities for the exercise of the rights of the data subject -
Article 12(1), (3) and (4) GDPR

COMPLAINT

¹ After investigating the relationship among the companies that belong to the ByteDance group, it became clear that the respondent for this complaint cannot be TikTok Technology Limited company, established in Ireland, as the resources that are related to the processing of personal data are controlled by the ByteDance mother company and the data transfers take place among multiple entities within the group. In this case the controller is according to our findings ByteDance, Ltd. However, because of the complex structure of the group of companies, this Complaint is addressed to all entities that are thought to play at least a role in the processing under investigation.

1. REPRESENTATION

1. *noyb* – European Center for Digital Rights is a not-for-profit organisation active in the field of the protection of complainants' rights and freedoms with its registered office in Goldschlagstraße 172/4/3/2, 1140 Vienna, Austria, registry number ZVR: 1354838270 (hereinafter: "*noyb*") (**Annex 1**).
2. *noyb* is representing the complainant under Article 80(1) GDPR (**Annex 2**).

2. FACTS PERTAINING TO THE CASE

2.1. The Respondent ("*ByteDance*")

3. The Respondent is the mother company behind TikTok. More specifically, TikTok is a social media platform on which users can interact with each other through short-form videos (hereinafter: the "Platform").² According to Google's data on Google Play, the TikTok app for Android smartphones has been downloaded more than a billion times.³
4. The Respondent was founded in 2012 in China, with a registered seat in the Cayman Islands⁴. TikTok was launched in 2016⁵. Even though TikTok's headquarters are in Los Angeles and Singapore, it operates offices in multiple locations worldwide and, specifically, in New York, London, Dublin, Paris, Berlin, Dubai, Jakarta, Seoul, and Tokyo.⁶ TikTok's counterpart in China is Douyin⁷, whose logo even includes TikTok's logo (**Screenshot 1**).



Screenshot 1: Douyin's logo.

5. Douyin Group Ltd., the company behind the Douyin platform, one of multiple subsidiaries of ByteDance, is located in Hong Kong and all of its subsidiaries are based in China as seen in the Group's Corporate Structure (**Screenshot 2**).

² "Today, the TikTok platform, which is available outside of China, has become the leading destination for short-form mobile videos worldwide." See here: <https://www.bytedance.com/en/>

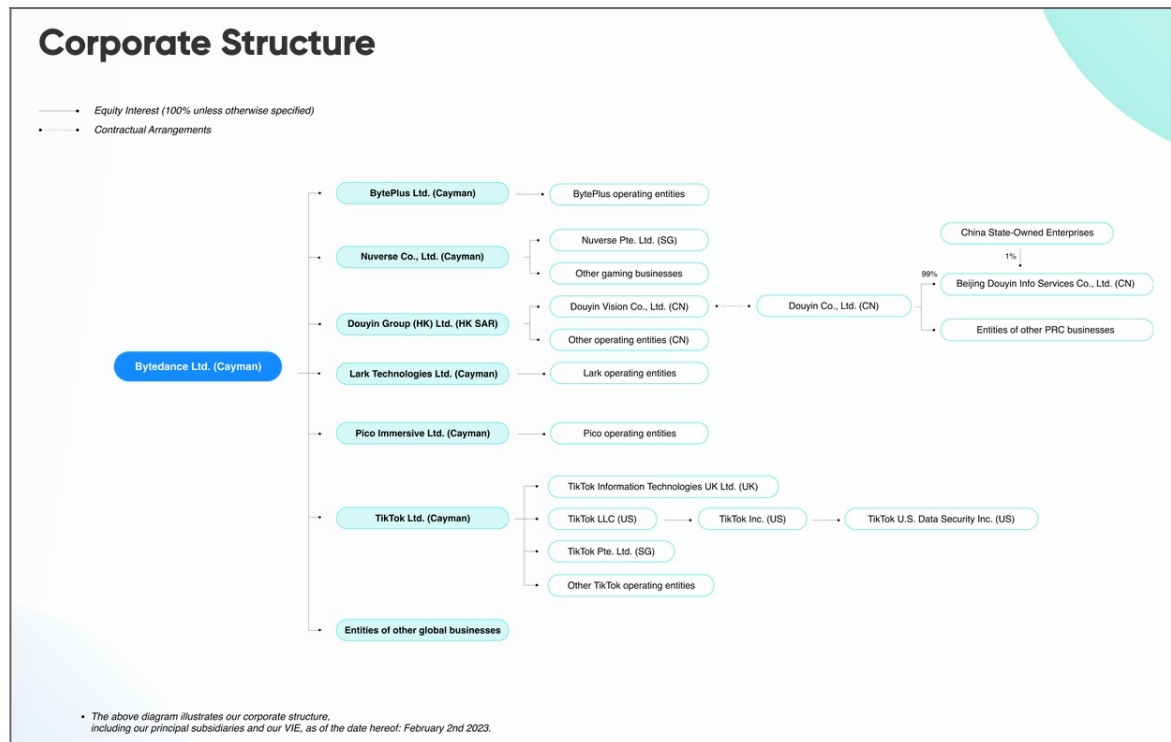
³ See here: <https://play.google.com/store/apps/details?id=com.zhiliaoapp.musically&hl=en&pli=1>

⁴ See here: <https://digiday.com/media/everything-you-need-to-know-about-bytedance-the-company-behind-tiktok/> and <https://www.bytedance.com/en/>

⁵ See here: <https://www.investopedia.com/what-is-tiktok-4588933>

⁶ See here: <https://www.tiktok.com/about?lang=en>

⁷ See here: <https://www.douyin.com/>



Screenshot 2. ByteDance's Corporate Structure.

6. The Platform serves customers worldwide, including customers in the EEA/EU. By offering its Platform to EU/EEA users, the Respondent is offering goods and services to data subjects in the Union, as described in Article 3(2)(a) GDPR. Therefore, the GDPR is applicable. That the Respondent is in fact explicitly offering its Platform service to data subjects in the Union, is (among other things) confirmed by the fact that its Privacy Policy is clearly directed to EU/EEA users (**Annex 3A**, as downloaded from the Internet Archive snapshot of the webpage⁸, under “EEA/UK/CH”).⁹
7. Despite its multiple locations and its efforts to alienate itself from ByteDance, TikTok remains heavily influenced by its China-based mother company, according to several news reports¹⁰. This influence is proven by the fact that employees were working with ByteDance managers, despite having been assigned new (American)

⁸For the original page, see here: <https://web.archive.org/web/20240813125023/https://www.tiktok.com/legal/page/eea/privacy-policy/en>

⁹ **Annex 3**, e.g. “EEA/UK/CH”: “If you live in the European Economic Area, United Kingdom, or Switzerland, this Privacy Policy will apply.”

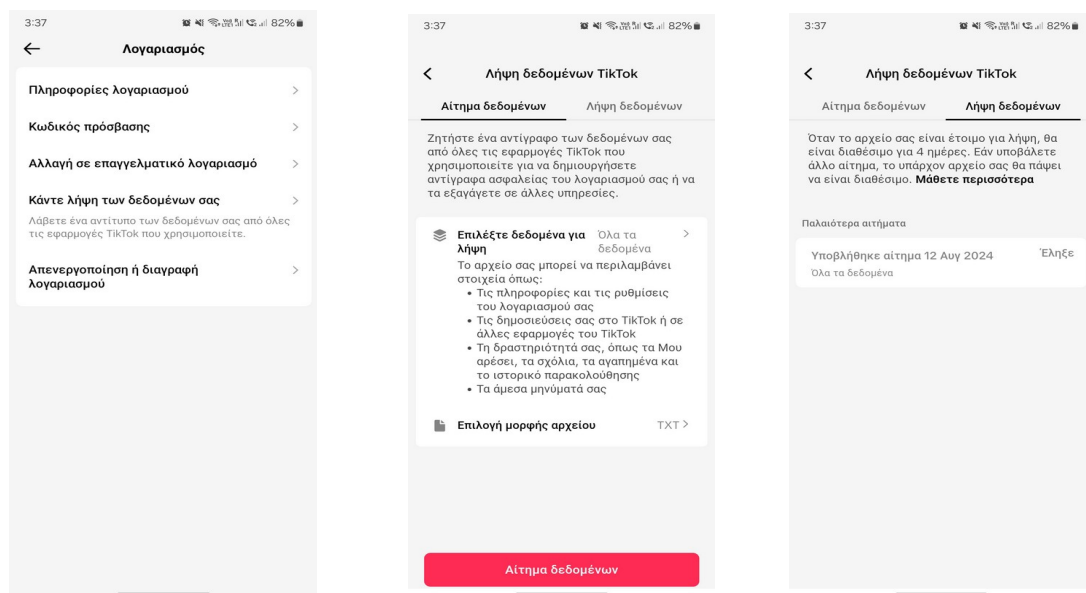
¹⁰See here: <https://archive.ph/20240415152320/https://fortune.com/2024/04/15/tiktok-china-data-sharing-bytedance-project-texas/#selection-1084.0-1084.1>, <https://restofworld.org/2024/tiktok-chinese-us-ban/>, <https://www.forbes.com/sites/emilybaker-white/2022/09/21/tiktok-bleeding-us-execs-china-control-bytedance/?sh=65bea6f19707>, <https://gizmodo.com/tiktok-master-messaging-pr-playbook-china-music-1849334736>

ones.¹¹ In addition, according to these reports, American employees would still send copies of spreadsheets filled with user data to ByteDance employees in Beijing well after the two companies had supposedly separated their ways.¹²

8. ByteDance claims that for all data processing of EEA/EU customers, TikTok Technology Limited in Ireland and TikTok Information Technologies UK Limited in the UK are the joint controllers of the users' personal data (**Annex 3, "Introduction"**) (see also paragraph 3 of this Complaint).

2.2. The Respondent did not fulfil the complainant's access request

9. On [REDACTED] the Complainant tried to obtain access to her personal data that is processed by the Respondent's platform. For this reason, the complainant used the Platform's personal account settings, where she could download a copy of her personal data (**Screenshot 3**).
10. However, upon downloading the data, the complainant found out that the Respondent only provided a copy of the raw data in an unstructured form in several different folders. (**Annex 4**). Thus, it was not feasible for the complainant to understand the information provided by the Respondent.



Screenshot 3. The Complainant received a limited list of personal data after clicking on the “Download your Data” feature on the complainant’s TikTok for Android app

¹¹See here: <https://archive.ph/20240415152320/https://fortune.com/2024/04/15/tiktok-china-data-sharing-bytedance-project-texas/#selection-1105.248-1105.454>

¹²See here: <https://archive.ph/20240415152320/https://fortune.com/2024/04/15/tiktok-china-data-sharing-bytedance-project-texas/#selection-1105.248-1105.454>

11. The complainant, dissatisfied with the “copy of the data” provided to her, sent a request for access to her personal data according to Article 15 GDPR. This request was submitted via the Platform’s privacy request form.

The screenshot shows the 'Submit a privacy request' form on the TikTok website. The form is titled 'Submit a privacy request' and includes the following sections:

- Introduction:** TikTok values your privacy and safety, and we believe in data transparency. This form is intended only for the following purposes: Exercise your rights under data protection laws, Report a potential Privacy Violation.
- Before you continue, review the following options:**
 - If you have a request regarding your TikTok account, your content, or our Community Guidelines, please visit our [Help Center](#).
 - If you are seeking customer support, please contact our [Safety Support](#) team.
 - If you are a prospective employee or a former employee, please submit your privacy concerns using the [TikTok HR Data Subject Request Form](#).
- Your country or region of residence:** If your account was registered in the United States, please submit your request using the [US privacy request form](#). A dropdown menu shows 'Greece'.
- Email address:** We'll use this email to contact you about the request. If possible, use the email associated with your TikTok account. A text input field shows 'email@domain'.
- Do you have a TikTok account?:** A dropdown menu shows 'Yes'.
- Your TikTok username:** Enter your username without the '@' symbol. A text input field shows 'username'.
- Submit a request:** A dropdown menu shows 'Exercise your rights under data protection laws'.
- Select a subcategory:** A dropdown menu shows 'I want to download my TikTok data'.
- To download your TikTok data:** Visit the Help Center article: [Requesting your data](#).
- If you had issues when downloading your data through our in-app tool, provide details:** A text input field shows 'Input text'.
- Declarations:** Confirm these statements are true before you submit.
 - ☐ I ensure, to the best of my ability and knowledge, that all the information disclosed above is accurate and true.
 - ☐ I understand that abuse of the Global Privacy Form may result in account suspension.
- Attachments:** Up to 5 files can be uploaded. Accepted formats: PDF, PNG, JPEG, MP4, and MOV. **Do not upload any personal information.** If we need more information, we will contact you. A text input field shows 'Add files'.
- Submit:** A red button labeled 'Submit'.
- Footer:** Visit our [Privacy Policy](#) to learn more about how we collect, use, and share personal information. Our [Community Guidelines](#) also define what types of content are considered privacy violations.

Screenshot 4. The Complainant submitted her access request through the TikTok Global Privacy Requests form.

12. On [REDACTED] TikTok replied to the Complainant’s access request via email. In its reply, the Respondent referred the Complainant to the information in its Privacy Policy and to the possibility of downloading a copy of her personal data, which the Complainant had already done. TikTok therefore did not provide the Complainant with the information under Article 15(1), (2) and (3) (**Annex 5**).
13. However, none of these responses provided the Complainant with specific tailored information to her request regarding of the processing of her own personal data.

3. COMPETENT AUTHORITY/ LEAD AUTHORITY

14. This complaint is filed before the Hellenic Data Protection Authority since the habitual residence of the Complainant is in [REDACTED] and the place of the alleged infringements is also in [REDACTED] (Article 77(1) GDPR).
15. This complaint is lodged against ByteDance Ltd.
16. The Respondent, on its Platform, claims that for all data processing of EU customers, TikTok Technology Limited in Ireland and TikTok Information Technologies UK Limited are the joint controllers of the “*information processed in connection with this Privacy Policy*” (**Annex 3A**, “Introduction”).
17. However, on the address where TikTok was located at the time of the access request (**Annex 3A**, under “*Contact Us*”) one would not find the Platform’s offices or any of ByteDance’s establishments but Arthur Cox LLP, a “*full spectrum corporate and business law service*”¹³. It is extremely unlikely that this address was anything more than just a “letterbox” address.
18. Ever since, ByteDance has moved to a new office space in Dublin which serves as its “*Transparency and Accountability Centre*”¹⁴.
19. Meanwhile, as presented in Section 2.1, ByteDance still has strong ties with the Irish and American entities and considers itself a company with “*global operations*”¹⁵.
20. This Complaint is directed against ByteDance, based on the fact that TikTok is a self-proclaimed global company, whose mother company still decides on the purposes and means of the data processing activities and has the power to implement decisions.
21. In case the Hellenic Data Protection Authority or another competent supervisory authority concludes that a entity other than the Respondent is the controller, the complaint should be continued against this entity.

¹³See here: <https://www.arthurcox.com/contact/dublin/>

¹⁴See here: <https://newsroom.tiktok.com/en-eu/dubtac>

¹⁵See here: <https://www.tiktok.com/legal/page/eea/transferee-countries/en>

4. GROUNDS FOR THE COMPLAINT

4.1. Violations

22. The Respondent violated more than one GDPR provisions. The Platform did not answer the complainant's access request and thus violated Article 15(1), (2) and (3) and Article 12(1), (2), (3), (4) GDPR.

4.2. Violation of Article 15(1), (2), (3) GDPR

4.2.1. *TikTok did not provide access to the complainant's personal data according to Article 15(1), (2) GDPR*

23. Contrarily to the obligations laid out in Article 15(1) GDPR, the txt format files provided and the respondent's subsequent email communications lacked any specific information on the purposes of processing, the categories of personal data, the recipients to whom the personal data have been or will be disclosed, the envisaged period of personal data storage, any reference to the right to rectification or erasure of personal data or restriction of processing of personal data, the right to lodge a complaint with a supervisory authority, information about the source of the personal data, as well as information on the existence of automated decision-making.

24. It is, therefore, impossible for the complainant to verify the lawfulness of the processing of her personal data, which is the ultimate objective of the right of access to her personal data, according to Recital 63 GDPR, as well as the CJEU case-law on the right of access. The CJEU explicitly referred to the purpose of the right of access in para. 44 in case C-141/12, *YS and Others* (*"it is in order to carry out the necessary checks that the data subject has [...] a right of access to the data relating to him which are being processed"*)¹⁶. Fulfilling the complainant's right of access would mean that Xiaomi has to provide information *"updated and tailored for the processing operations actually carried out with regard to the data subject"*¹⁷, which the company did not do.

25. The CJEU reaffirmed this obligation of the controller in para 51 in case C-154/21 *"RW v Österreichische Post AG"*, as follows:

¹⁶See here:

<https://curia.europa.eu/juris/document/document.jsf?jsessionid=8B5237DDAD14AB16A555ABCCB2F7F3B2?text=&docid=155114&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=58965>

¹⁷Para 113, EDPB, Guidelines 01/2022 on data subject rights – Right of access, 2023, https://www.edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-012022-data-subject-rights-right-access_en

“[...] Article 15(1)(c) of Regulation (EU) 2016/679 [...] must be interpreted as meaning that the data subject’s right of access to the personal data concerning him or her, provided for by that provision, entails, where those data have been or will be disclosed to recipients, an obligation on the part of the controller to provide the data subject with the actual identity of those recipients [...]”¹⁸.

26. Therefore, the controller violated Article 15(1)(c) GDPR. The mere violation of this provision is of particularly gravity as it hinders the exercise of the complainant’s remaining rights as per Articles 16 - 22 GDPR. Referring the data subject back to the Privacy Policy and mentioning only the categories of the recipients does not constitute a proper answer to an access request.

27. Additionally, the Respondent disregarded the complainant’s request to know the countries or international organisations where her personal data was transferred violating Article 15(2) GDPR.

4.2.2. The Respondent did not provide access to a copy of the complainant’s personal data under Article 15(3) GDPR

28. Contrarily to the obligation of Article 15(3) GDPR to provide “a copy of the personal data undergoing processing”, the Respondent provided the complainant with an option to download txt format files containing only specific categories of personal data (**Annex 4**). These txt files were poorly structured and incomplete. Additionally, some txt files were blank and, thus, the complainant cannot clearly understand whether or not they were meant to contain personal data that the Respondent processed. As the Respondent did not provide a copy of the processed data, the Respondent violated Article 15(3) GDPR.

4.3. The Respondent’s lack of response to the complainant’s request violated Article 12(1) and (2) GDPR

29. The Respondent violated Article 12(1) and (2) GDPR.

30. First, the Respondent violated Article 12(1) GDPR by not taking appropriate measures to provide the requested communication under Article 15 GDPR, as they failed three times to provide the complainant with the information they requested. Additionally, the information provided was fragmented and not easily comprehensible, to the complainant (**Annex 4**).

31. Second, the Respondent’s general responses made the complainant unable to exercise her rights any further, thus violating Article 12(2) GDPR.

¹⁸See here: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=269146&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=60526>

5. REQUESTS AND SUGGESTIONS

5.1. Request to investigate

32. The complainant invites the competent authority to investigate according to Article 58(1) GDPR the processing that the Respondent conducts.

5.2. Request to issue a declaratory decision

33. The complainant requests that the complaint be upheld and that the Respondent be found to have infringed Articles 15(1), (2) and (3), 12(1) and (2) GDPR.

5.3. Request to order the Controller to comply with the complainant's request

34. The complainant requests that the competent authority orders the Respondent to comply with the complainant's request and to provide all information relevant to her request.

5.4. Suggestion to impose a fine

35. The complainant suggests that the competent authority imposes a fine against Xiaomi, as controller, pursuant to Articles 58(2)(i) and 83(5)(a) and (b) GDPR for the infringements of Articles 15(1), (2), (3) and 12(1) and (2) GDPR by the Respondent.

6. CONTACT

36. Communications between *noyb* and the HDPA in the course of this procedure can be done by email at [REDACTED] with reference to the **Case-No** XXX or [REDACTED].