

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

IMI Complaint Reference Number: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with the Commission Nationale de l'Informatique et des Libertés pursuant to Article 77 of the General Data Protection Regulation, concerning Airbnb Ireland UC

Record of Amicable Resolution of the complaint and its consequent withdrawal pursuant to Section 109(3) of the Data Protection Act, 2018

Further to the requirements of EDPB Guidelines 06/2022 on the practical implementation of amicable settlements Version 2.0 (adopted on 12 May 2022)

**RECORD OF AMICABLE RESOLUTION FOR THE  
PURPOSE OF EDPB GUIDELINES 06/2022 ON THE  
PRACTICAL IMPLEMENTATION OF AMICABLE  
SETTLEMENTS VERSION 2.0, ADOPTED 12 MAY 2022**

Dated the 15<sup>th</sup> day of May 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. On **10 July 2021**, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with **Commission Nationale de l'Informatique et des Libertés** (“the **Recipient SA**”) concerning **Airbnb Ireland UC** (“the **Respondent**”).
2. In circumstances where the Data Protection Commission (“the **DPC**”) was deemed to be the competent authority for the purpose of Article 56(1) GDPR, the Recipient SA transferred the complaint to the DPC on 29 March 2022.

## The Complaint

3. The details of the complaint were as follows:
  - a. The Data Subject contacted the Respondent on 4 June 2021 requesting access to their personal data. The Respondent provided the Data Subject with a URL link to download their personal data. However, the Data Subject considered that certain data was missing and was dissatisfied with the format in which their data was provided as they found it difficult to decipher.
  - b. Furthermore, the Data Subject asserted that on 22 May 2021, an Airbnb customer service employee had informed them that it maintains information regarding the behaviour of Airbnb customers. However, the Data Subject stated they had not received their behavioural information in their access request, as they had expected.

## Action taken by the DPC

4. The DPC, pursuant to Section 109(4) of the Data Protection Act, 2018 (“the **2018 Act**”), is required, as a preliminary matter, to assess the likelihood of the parties to the complaint reaching, within a reasonable time, an amicable resolution of the subject-matter of the complaint. Where the DPC considers that there is a reasonable likelihood of such an amicable resolution being concluded between the parties, it is empowered, by Section 109(2) of the 2018 Act, to take such steps as it considers appropriate to arrange or facilitate such an amicable resolution.
5. Following a preliminary examination of the material referred to it by the Recipient SA, the DPC considered that there was a reasonable likelihood of the parties concerned reaching, within a reasonable time, an amicable resolution of the subject matter of the complaint. The DPC’s experience is that complaints of this nature are particularly suitable for amicable resolution in circumstances where there is an obvious solution to the dispute, if the respondent is willing to engage in the process. In this regard, the DPC had regard to:
  - a. The relationship between the Data Subject and Respondent (being, in this case, an individual consumer and a service provider); and

- b. The nature of the complaint (in this case, an unsuccessful attempt by the Data Subject to exercise their data subject rights).
6. While not relevant to the assessment that the DPC is required to carry out pursuant to Section 109(4) of the 2018 Act, the DPC also had regard to EDPB Guidelines 06/2022 on the practical implementation of amicable settlements Version 2.0, adopted on 12 May 2022 (“**Document 06/2022**”), and considered that:
  - a. the possible conclusion of the complaint by way of amicable resolution would not hamper the ability of the supervisory authorities to maintain the high level of protection that the GDPR seeks to create; and that
  - b. such a conclusion, in this case, would likely carry advantages for the Data Subject, whose rights under the GDPR would be vindicated swiftly, as well as for the controller, who would be provided the opportunity to bring its behaviour into compliance with the GDPR.

### **Amicable Resolution**

7. The DPC engaged with both the Data Subject (via the Recipient SA) and Respondent in relation to the subject-matter of the complaint. On 11 August 2022, the DPC wrote to the Respondent outlining the Data Subject’s concerns and set out their assertion that the excel file they received in response to their access request was not in plain and easy to understand language. The Data Subject outlined that there was no explanation provided as to the meaning of the fields or the functional nature of the values corresponding to each of these fields and a large number of fields were redacted without explanation.
8. In response to the DPC’s engagement, the Respondent explained that on 12 September 2022, they contacted the Data Subject directly providing them with a detailed explanatory note to assist the Data Subject in understanding and navigating their access file. The Respondent outlined that it had also provided the personal data contained in a duplicate Airbnb account the Data Subject had set up in 2013. In addition, the Respondent outlined that, cognizant of the concerns the Data Subject had raised in relation to their difficulties understanding their access file, it has published a Help Centre article to help users understand their access file.
9. A copy of the email sent by the Respondent to the Data Subject in this regard was provided to the DPC. The DPC noted that the Respondent provided clarifications for the specific issues and queries raised by the Data Subject in relation to certain categories of their personal data. The Respondent also explained that “*reference to behaviour data was intended to refer to the personal data reflecting your activities on and engagement with the Airbnb platform, for example activity logs, and was not intended to be understood as referring to personal data relating to a more substantive behavioural analysis*”.

10. The DPC wrote to the Data Subject (by way of letter sent via the Recipient SA on 10 October 2022) summarising its engagement with the Respondent to date and the Respondent's responses to the Data Subject's complaint. The DPC noted that the requested personal data had now been provided by the Respondent in a suitable manner and the Data Subject's outstanding concerns had been addressed. As such, the dispute between the Data Subject and Respondent appeared to have been resolved. In the circumstances, the DPC asked the Data Subject to notify it, within two months if they were not satisfied with the outcome, so that the DPC could take further action. The DPC did not receive any further communication from the Data Subject and, accordingly, the complaint has been deemed to have been amicably resolved.
11. On 13 April 2023, and in light of the foregoing, the DPC wrote to the Recipient SA noting that the DPC considered the complaint to have been amicably resolved and withdrawn in accordance with section 109(3) of the Act and that it would conclude the case and inform the Respondent.
12. In circumstances where the subject-matter of the complaint has been amicably resolved, in full, the complaint, by virtue of Section 109(3) of the 2018 Act, is deemed to have been withdrawn by the Data Subject.

**Confirmation of Outcome**

13. For the purpose of Document 06/2022, the DPC confirms that:
  - a. The complaint, in its entirety, has been amicably resolved between the parties concerned;
  - b. The agreed resolution is such that the object of the complaint no longer exists; and
  - c. Having consulted with the supervisory authorities concerned on the information set out above, as required by Document 06/2022 the DPC has now closed off its file in this matter.
14. If dissatisfied with the outcome recorded herein, the parties have the right to an effective remedy by way of an application for judicial review, by the Irish High Court, of the process applied by the DPC in the context of the within complaint.

Signed for and on behalf of the DPC:



A handwritten signature in black ink, appearing to read "Tony Delaney". The signature is written in a cursive, flowing style.

Deputy Commissioner

Data Protection Commission