

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

IMI reference: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with the Commission Nationale de l'informatique et des Libertés (CNIL) 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 ON 12 MAY 2022)**

Dated the 30<sup>th</sup> day of December 2022



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. In November 2021, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the 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 6 December 2021.

## The Complaint

3. The details of the complaint were as follows:
  - a. The Data Subject, who was both a host and a user on the Airbnb platform, contacted the Respondent by email on 25 October 2021, requesting the erasure of specific historical data in connection with bookings and trips made. In this regard, the Data Subject noted that their host activities were family run, and that they did not wish for other users of the account to be able to access data regarding their past trips.
  - b. The Data Subject stated that the Respondent had replied to their request and in their reply, the Respondent indicated that it did not have the technical means to delete specific categories of data from the account of the Data Subject. In its reply, the Respondent advised that the entire account and all associated personal data could be erased.
  - c. After receiving the above information from the Respondent, the Data Subject contacted their Recipient SA, to raise the issue further, stating that they wished to only have the specific data referenced in their request erased, and that they wished to manage the data of their host and user activities separately on the same account.

## 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 in an effort to facilitate an amicable resolution.
8. In the course of correspondence, Airbnb originally outlined the legal basis relied on by it for the processing of reservation data associated with accommodation bookings. In this regard, Airbnb noted that the processing of such data was necessary to provide the service, and further noted that certain elements of reservation data were retained in order to comply with legal obligations that the Respondent was subject to. More broadly, the Respondent also highlighted that it relied on legitimate interests to retain reservation data.
9. The Respondent thereafter informed the DPC, on 12 May 2022 that in an effort to facilitate an amicable resolution of the complaint, that on an exception basis, it would explore the erasure of the particular reservation data from the Data Subject’s user-facing profile. Subsequently, on 10 June 2022, the Respondent advised the DPC that it had encountered technical issues with ensuring the permanent removal of the requested data from the profile of the Data Subject, but confirmed that its engineering team would continue to work on an effective technical solution.
10. In addition to the above, the Respondent provided information on an alternative solution that was available to the Data Subject. In this regard, the Respondent advised that the Data Subject could manage their Airbnb host listing through a co-hosting arrangement. This would allow the Data Subject to keep information in relation to booking and trips private on their own

profile. In an effort to reach an amicable resolution to the matter, the Respondent provided instructions on how the co-hosting feature could be activated by the Data Subject.

11. On 26 July 2022, the DPC thereafter contacted the Data Subject via the Recipient SA to propose an amicable resolution to their complaint, based on the information provided by the Respondent. In this correspondence, the DPC requested that the Data Subject notify it, within a specified timeframe, if they were not satisfied with the information provided by the Respondent. The Recipient SA issued this correspondence to the Data Subject on 6 September 2022. The Recipient SA thereafter confirmed to the DPC, on 7 November 2022, that the Data Subject had provided no further response.
12. On 9 November 2022 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.
13. 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**

14. 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.
15. 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:



Deputy Commissioner

Data Protection Commission