

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with the Data Protection Commission pursuant to Article 77 of the General Data Protection Regulation, concerning Meta Platforms Ireland Limited.

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 18th day of November 2022



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 27 May 2021, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Commission (“the **DPC**”) concerning Meta Platforms Ireland Limited (“the **Respondent**”).
2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) GDPR.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the Respondent by post on 25 March 2021, requesting access to their personal data. The Data Subject also noted that a previous access request submitted to the Respondent on 4 February 2021 was not completed.
 - b. The Data Subject wrote to the Respondent again on 27 April 2021, outlining that neither of their two previous access requests had been completed. The Data Subject asserted that they did not receive a response from the Respondent.

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 Data Subject, 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 and Respondent in relation to the subject matter of the complaint. Further to that engagement, it was established that the email address the Data Subject had contacted was not a valid email address for the Respondent, however, the access request they had made by post had not been responded to. In the circumstances, the Respondent took the following action:
 - a. The Respondent explained to the DPC that due to an administrative error, the access request made by post was not forwarded to the appropriate team. The Respondent confirmed that it has since rectified this issue;
 - b. The Respondent wrote directly to the Data Subject, providing them with data download links to access their personal data.
8. On 17 September 2021, the DPC outlined the Data Subject’s complaint to the Respondent. The DPC noted that it had already established with the Respondent that the email address used by the Data Subject to make their access request of 4 February 2021 was not a valid email address for the Respondent, and had informed the Data Subject of same. The DPC requested that the Respondent respond to the substance of the Data Subject’s access request and provide the Data Subject with information about the processing of their personal data.
9. On 5 October 2021 and 13 October 2021, the DPC received correspondence from the Respondent, confirming that it had written to the Data Subject directly in response to their access request and had provided the Data Subject with information regarding the processing of their personal data. The Respondent also explained that due to an administrative error, the Data Subject’s access request made by post was not forwarded to the appropriate team at the time. The Respondent confirmed that that this internal issue has since been rectified, and that it had apologised to the Data Subject for the delay in responding to their access request.
10. On 26 October 2021, the DPC engaged further with the Respondent, highlighting that the Data Subject had stated in their original correspondence that they did not wish to use the Respondent’s tools to exercise their rights under the GDPR and was not legally required to do so. The DPC highlighted that the Data Subject wished to receive their data by email.

11. On 1 November 2021, the Respondent confirmed to the DPC that it had written to the Data Subject again, providing a data download link in respect of each of their accounts. On 9 November 2021, the DPC outlined the Respondent's correspondence to the Data Subject. In the circumstances, the DPC asked the Data Subject to notify it, within 2 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 be amicably resolved.
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:



Deputy Commissioner

Data Protection Commission