

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 (formerly Facebook 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 ON 12 MAY 2022)**

Dated the 25<sup>th</sup> day of November 2022



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 18 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 (formerly Facebook 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 via a posted letter on 29 February 2020, requesting the erasure of their Facebook account and all associated personal data. The Data Subject also provided the Respondent with four email addresses and requested the erasure of any Facebook accounts associated with these email addresses.
  - b. The Data Subject noted that as they received no response to this initial letter, they again contacted the Respondent via a posted letter on 29 July 2021, requesting the erasure of the aforementioned personal data under Article 17 GDPR.
  - c. The Data Subject confirmed to the DPC on 30 October 2021 that they had still not received any response from the Respondent to their request, and as such wished to pursue this matter further with the DPC.

## **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 and Respondent in relation to the subject matter of the complaint. Further to that engagement, the Respondent confirmed to the DPC, on 16 May 2022, that it could only identify one account that remained on the platform and that appeared to be associated with the Data Subject. However, the Respondent acknowledged that the Data Subject could no longer access this account. In the circumstances, the Respondent agreed to take the following action:
  - a. If the Data Subject supplied the Respondent with a new secure email address, then the Respondent would engage directly with the Data Subject to assist them in regaining access to the account. By regaining access to the account, the Data Subject could then initiate the self-deletion of their account.
8. On 09 June 2022, the DPC wrote to the Data Subject, informing them of the Respondent’s offer to help them regain access to their account, should they provide a new secure email address. On 24 June 2022, the Data Subject responded to the DPC, noting that they agreed to this offer of amicable resolution, and supplied a new secure email address that could be passed on to the Respondent.
9. Having provided the Respondent with the requested information, the Respondent confirmed to the DPC that its specialist team had reached out to the Data Subject, on 18 July 2022 and 24 July 2022, to verify account ownership and assist them in regaining access to the relevant Facebook account.

10. Following receipt of this confirmation from the Respondent, the DPC wrote to the Data Subject on 11 August 2022. This letter requested a response from the Data Subject within two months if they objected to the amicable resolution of their complaint and wished to pursue the matter further.
11. The DPC can confirm that the Data Subject responded to the DPC acknowledging receipt of this letter.
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:



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Deputy Commissioner  
Data Protection Commission.