

**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 Der Hamburgische Beauftragte für Datenschutz und Informationsfreiheit 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 23<sup>rd</sup> day of December 2022



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. On 10 March 2021, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with Der Hamburgische Beauftragte für Datenschutz und Informationsfreiheit (“the **Recipient SA**”) concerning Meta Platforms Ireland Limited (formerly Facebook Ireland Limited) (“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 7 July 2021.

## The Complaint

3. The details of the complaint were as follows:
  - a. On 10 March 2021, the Data Subject contacted the Respondent to request the erasure of their account on the Facebook platform, pursuant to their rights under Article 17(1) GDPR.
  - b. On the same day, the Respondent replied to the Data Subject and requested that they first login to their account, and then follow the steps to delete the account. However, the Data Subject could no longer gain access to their account, as they could not remember their login details, and thus could not initiate the deletion of the account.
  - c. As the Data Subject was not satisfied with the response received from the Respondent regarding their request, the Data Subject lodged a complaint with their local supervisory authority.

## 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 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. Further to that engagement, it was established that the Data Subject had supplied the Respondent with identification documentation to verify their identity. However, the Respondent noted that the information supplied did not match the information on the account. As the Respondent could not verify that the identity of the Data Subject was that of the account holder, the Respondent could not proceed with the erasure of the account. In the circumstances, the Respondent agreed to take the following action:
  - a. The Respondent agreed to review the Data Subject's request for erasure again. As part of this review, the Respondent advised that a member of its specialist team would contact the Data Subject directly to confirm that their identity was that of the account holder.
8. On 15 December 2021, the Respondent informed the DPC that a member of its specialist team had contacted the Data Subject directly to request further documentation necessary to verify that the Data Subject was the rightful owner of the relevant account. The DPC thereafter issued correspondence to the Data Subject via the Recipient SA, on 30 December 2021, to provide them with an update on their complaint.
9. Subsequent to this, the DPC received additional correspondence from the Data Subject on 9 March 2022, via the Recipient SA, advising that they had encountered a technical difficulty when attempting to submit further documentation to the Respondent. In their correspondence to the DPC, the Data Subject provided supplementary information, along with a copy of an identity document, to be forwarded to the Respondent.
10. The DPC provided this information to the Respondent on 15 March 2022. Following this further engagement with the Respondent by the DPC, and taking into account the

supplementary information provided by the Data Subject, the Respondent informed the DPC on 01 April 2022 that the Data Subject's account had been scheduled for erasure.

11. Following receipt of this correspondence from the Respondent, the DPC communicated further with the Data Subject. In a letter that issued to the Data Subject on 10 May 2022, via the Recipient SA, the DPC requested confirmation from the Data Subject that the actions taken by the Respondent were sufficient to amicably resolve their complaint.
12. The DPC received confirmation from the Recipient SA on 19 October 2022 that the Data Subject was agreeable to the amicable resolution of their complaint, and that the file could be closed.
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:



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**Deputy Commissioner**

**Data Protection Commission**