

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 29th day of March 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 24 June 2021, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the 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 DPC on 24 June 2021, requesting the erasure of personal data concerning them, which had been uploaded to the Facebook platform by a third party user. As the Complainant had not already done so, the DPC advised that they raise the matter with the Respondent in the first instance.
 - b. The Data Subject therefore emailed the Respondent on 13 September 2021 and made a request under Article 17 of the GDPR for the deletion of five URLs containing their personal data on the Respondent’s platform.
 - c. On 03 May 2022, the Data Subject informed the DPC that they had not received a satisfactory response from the Respondent regarding their concerns, and as such requested that the DPC pursue the matter further.

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. The DPC first contacted the Respondent regarding this complaint on 22 June 2022. Further to that engagement, the Respondent advised that they remained of the position that the content in question was not deemed to be posted in violation of their community standards or terms of service and as such would not be removed.
8. The DPC wrote to the Data Subject on foot of this response from the Respondent on 08 August 2022, advising them that the Respondent would not remove the content at this time. On 09 August 2022, the Data Subject responded to the DPC expressing their dissatisfaction with this response.
9. The DPC continued to engage with both the Data Subject and the Respondent in order to bring about an amicable resolution to the complaint.
10. On 16 September 2022, the Respondent contacted the Data Subject directly, informing them that the content in question had been restricted, meaning that the content was no longer visible on the Facebook platform for users within the EEA and UK. The Respondent also informed the DPC of the action it had taken.
11. On 6 October 2022, the DPC wrote to the Data Subject seeking their views on whether the action taken by the Respondent was sufficient in amicably resolving the complaint. The Data Subject replied to the DPC on 12 October 2022, with a remaining query regarding the action taken by the Respondent.
12. On 18 November 2022, the Respondent addressed the Data Subject's query by providing further information on what restriction of the content entails.
13. The DPC provided this information to the Data Subject on 02 December 2022, seeking their views on whether the actions taken and information provided by the Respondent were

sufficient in amicably resolving the complaint. In this correspondence, the DPC requested a reply, within a stated timeframe. The DPC received no response from the Data Subject.

14. On 19 December 2022, and in light of the foregoing, the DPC wrote to the Respondent 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.

15. 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

16. 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.

17. 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