

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 ON 12 MAY 2022)**

Dated the 29th day of September 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 9 November 2022, [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 (“the **Respondent**”).
2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) of the GDPR.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the Respondent on 11 October 2022, after an unauthorised payment transaction occurred on a credit card that had been associated with their profile on the Respondent’s platform. According to the Data Subject while they were of the view that they had previously deleted the credit card details from the platform, the Respondent’s support team had informed them that the credit card details were still stored in their system. Therefore, on 11 October 2022, the Data Subject requested erasure of their account, including the business manager feature linked to the account, and all associated personal data from the Respondent’s Facebook platform.
 - b. On 14 October 2022, the Respondent replied to the Data Subject, referring them to its self-deletion tool as a means for the Data Subject to delete the data. On the same day, the Data Subject replied to the Respondent stating that they had encountered difficulties when attempting to delete the business manager feature linked to the Facebook account and as such were unable to use the Respondent’s self-deletion tool to obtain erasure of their account and associated personal data.
 - c. In response, the Respondent referred the Data Subject to its Business Support Team. When engaging with the Respondent’s Business Support Team, the Data Subject was allegedly informed that the business manager feature could not be deleted due to a technical issue. As such, the Data Subject’s erasure request could not be fully complied with.
 - d. As the Data Subject was not satisfied with the actions taken by the Respondent, they lodged a complaint 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, it was established that the erasure of the personal data through the self-deletion tools was not possible due to a configuration of the Data Subject's Facebook account, which impacted the business manager feature and the 'Pixel' settings on the account. In the circumstances, and as a means to achieve amicable resolution, the Respondent agreed that it would manually delete the business manager feature on the account. The Respondent advised the DPC that by deleting the business manager feature, the Data Subject would be able to use the Respondent's self-serve tools to schedule the deletion of their Facebook account.
8. On 4 May 2023, the Respondent confirmed that it had manually deleted the Data Subject's business manager feature on 13 April 2023. On the same day, the DPC advised the Data Subject of the action taken by the Respondent.

9. On 5 May 2023, the Data Subject responded to the DPC's letter, highlighting that they had attempted to use the self-serve deletion tool and had encountered an error message, which prevented them from deleting their account.
10. The DPC corresponded further with the Respondent in order to bring about an amicable resolution to the complaint. On 2 June 2023, the Respondent requested that the Data Subject provide it with screenshots and a detailed description of the specific error(s) they had encountered when utilising the self-serve deletion tools, so that the Respondent could investigate the issue. Subsequently, the DPC conveyed this request to the Data Subject on 6 June 2023.
11. On 6 June 2023, the Data Subject responded, refusing to provide the information requested by the Respondent and requested that the Respondent comply with their erasure request by deleting all the Data Subject's personal data from its platform.
12. The DPC continued to engage with the Respondent and resulting from this engagement, on 23 June 2023, the Respondent advised the DPC that, in the spirit of amicable resolution, it had scheduled the Data Subject's Facebook account for permanent deletion.
13. The DPC's letter outlining the actions taken by the Respondent as part of the amicable resolution process issued to the Data Subject on 3 July 2023. In its correspondence to the Data Subject, the DPC requested that the Data Subject notify it, within a specified timeframe, if they were not satisfied with the actions taken by the Respondent, so that the DPC could take further action.
14. On 17 July 2023, as the Data Subject had not replied and in light of the foregoing, the DPC informed the Respondent that it would close the complaint in question.
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