

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 6 June 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 first contacted the Respondent on 3 April 2021 with an erasure request for the removal of three URL’s consisting of photographs in which the Data Subject’s personal data, in the form of their vehicle and the vehicle’s registration plate, had been uploaded to the Respondent’s platform by a third-party user. The Respondent replied to the Data Subject, refusing the erasure request on the basis it found no grounds under Article 17 of the GDPR to remove the content in question.
 - b. The Data Subject subsequently contacted the DPC on 6 June 2022, regarding the information concerning them that had been uploaded to the Respondent’s platform by a third-party user. Separately, on 4 July 2022 the Data Subject made a further erasure request to the Respondent, concerning the three URL’s previously referred to.
 - c. The Respondent replied to the Data Subject on the same day, again refusing the Data Subject’s request, advising that they could not identify the Data Subject’s personal data within the content reported.
 - d. As the Data Subject was not satisfied with the response received from the Respondent, on 19 September 2022 they contacted the DPC and indicated they wished to pursue their complaint.

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. Upon assessment of the complaint, the DPC noted that certain relevant documentation had not been included in the documents provided by the Data Subject when submitting their complaint. The DPC requested this information from the Data Subject and on 20 April 2023, the Data Subject provided the DPC with the requested documentation.
8. The DPC engaged with both the Data Subject and Respondent in relation to the subject matter of the complaint. Further to that engagement, in its response of 21 June 2023, the Respondent indicated that it had received the Data Subject's erasure request on 4 July 2022 through an email address intended for "processing requests". In their response to the DPC, the Respondent advised that at the time it had attempted to redirect the Data Subject to the correct channel for their "rights requests". As a means to achieve amicable resolution, the Respondent advised that it would conduct a further review of the complaint.
9. On 11 July 2023, the Respondent advised that following a further review by their specialist team, the content in question, which consisted of three URL's, had been restricted, meaning that the content was no longer visible on the Facebook platform for users within the EEA and UK.

10. On 13 July 2023, 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.
11. The Data Subject replied to the DPC on 13 July 2023 to confirm that the action taken by the Respondent had amicably resolved their complaint and thanked the DPC for its assistance.
12. On 14 July 2023, 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.
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:



Deputy Commissioner
Data Protection Commission