

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 12 MAY 2022**

**Dated** the 20<sup>th</sup> day of November 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 27 February 2020, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 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) GDPR.

## **The Complaint**

3. The details of the complaint were as follows:
  - a. On 4 February 2019, the Data Subject made an access request to the Respondent following the disablement of their account.
  - b. The Data Subject did not receive a response and, accordingly, 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 Data Subject, 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. On 27 April 2020, the DPC wrote to the Respondent formally commencing its investigation and requesting that it address the concerns raised. The DPC investigated the matter over a considerable period of time.
8. In response to the DPC's investigation, the Respondent explained that the Data Subject's account was disabled for a violation of its Terms of Service and that, due to the length of time that had passed since the disablement, the account had since been permanently deleted in accordance with its standard deletion policies. As such, and save for certain limited details, the Respondent did not retain any further information in relation to the account.
9. Regarding the lack of response received to the access request, the Respondent explained that the email address to which the request was sent was not a valid email address and so the request was not received. However, the Data Subject claimed that they had contacted the Respondent on a number of different occasions and raised a number of tickets relating to their attempts to regain access to their account and their personal data. In response to this aspect of the complaint, the Respondent explained that these communications were made to its 'Facebook Concierge' channel. The Respondent further explained that this channel is dedicated to assisting users who are experiencing issues relating to their Advertising or Business Manager accounts. The Respondent provided copies of its correspondence with the Data Subject through this channel, explaining that the relevant teams responding to the Data Subject had attempted to direct the Data Subject to the correct channels for submitting their data protection concerns. However, the Data Subject continued to pursue their concerns with the 'Facebook Concierge' channel only, but to no avail.
10. In the interest of achieving an amicable resolution to the complaint, the Respondent and the Data Subject engaged directly in relation to the Data Subject's outstanding concerns. Subsequent to this engagement, on 10 October 2023, the Data Subject wrote to the DPC stating that *"I write to formally withdraw my complaint...because I am satisfied that it has been amicably resolved by [the Respondent]."* Accordingly, the complaint has been deemed to have been amicably resolved.
11. 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**

12. 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.

13. 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