

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 the Österreichische
Datenschutzbehörde 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 18th day of September 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 26 July 2021, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Österreichische Datenschutzbehörde (“the **Recipient SA**”) concerning Meta Platforms Ireland Limited (“the **Respondent**”).
2. In the 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 21 November 2022.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject’s Facebook account had been disabled for a considerable amount of time. Some time later, the Data Subject attempted to log back in to their Facebook account, but received a notification that their account had been disabled for a violation of the Respondent’s Community Standards and that reactivation was no longer possible due to the length of time that had passed. On 24 July 2021, the Data Subject submitted an access request in order to understand the reasons as to why their account had been disabled.
 - b. In response, the Respondent provided the Data Subject with a number of URLs that they could utilise in order to access their data. However, these were not applicable to the Data Subject’s case due to the fact that they were unable to log in to their account.
 - c. The Data Subject attempted to send a follow-up email to the Respondent but the email failed to deliver. The Data Subject remained unsatisfied and, accordingly, on 26 July 2021, the Data Subject subsequently lodged a complaint with the Recipient SA.

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 the Respondent in relation to the subject matter of the complaint. On 11 May 2022, the DPC wrote to the Respondent formally commencing its investigation and requesting that it address the concerns raised.
8. In response, the Respondent explained that, due to the time that had elapsed since the disablement, the Data Subject’s account had been deleted in accordance with the Respondent’s standard retention timeframes in respect of disabled accounts. The Respondent therefore retained very limited information in relation to the account. The Respondent explained to the DPC what this limited information consisted of on a strictly confidential basis, including certain limited information that was retained pursuant to Article 15(4) GDPR. The Respondent explained that this information was retained as part of its efforts to prevent individuals from committing repeated violations on its platform. The Respondent provided a detailed explanation for its reliance on Article 15(4) in withholding that information from the Data Subject, as well as the balancing test it was required to carry out in that regard.
9. The Respondent did not retain the precise reasons for the account disablement. However, the Respondent referred the matter to its specialist team, who confirmed that the account had been disabled for a violation of the Respondent’s Terms of Service and Community Standards. The Respondent also provided illustrative reasons as to how such violations may occur, and provided details as to how violations are detected and how they may be appealed.

10. In light of the explanations provided by the Respondent as set out above, as well as the fact that, by now, only limited information existed in relation to the Data Subject's account, the DPC considered it appropriate to conclude the complaint by way of amicable resolution. Accordingly, on 19 July 2023, the DPC wrote to the Data Subject (via the Recipient SA) setting out the explanations provided by the Respondent as set out above (save for any information flagged as confidential) and notifying them that the DPC proposed to conclude the complaint by way of amicable resolution. In the circumstances, the DPC asked the Data Subject to notify it, within a specified timeframe, if they were not satisfied with the outcome, so that the DPC could take further action. On 26 July 2023, the Recipient SA informed the DPC that the Data Subject was satisfied that the complaint could be discontinued. As such, the DPC has now deemed the complaint to have been amicably resolved.
11. On 10 August 2023, and in light of the foregoing, the DPC wrote to the Recipient SA 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 and inform the Respondent.
12. 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

13. 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
 - a. 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.
14. 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