

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 Riot Games 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 18<sup>th</sup> day of September 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 13 July 2022, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Commission (“the **DPC**”) concerning Riot Games 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 8 June 2022, the Data Subject submitted an access request to the Respondent pursuant to Article 15 GDPR. The request was made via email to the Respondent’s Data Protection Officer mailbox.
  - b. In response, the Respondent directed the Data Subject to its self-service tool, a secure login portal through which they could access their personal data. The Data Subject did not wish to avail of the self-service tool in order to access their personal data and so was dissatisfied with the Respondent’s response. Accordingly, the Data Subject submitted a complaint to 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 1 December 2022, the DPC wrote to the Respondent formally commencing its investigation and requesting that the Respondent address the concerns raised and provide the Data Subject with access to their personal data.
8. In its response, the Respondent confirmed that it had now reached out to the Data Subject as requested and provided them with a file containing all personal data associated with the email address provided. The Respondent directed the Data Subject to the relevant section of its Privacy Policy for additional information relating to the additional requirements of Article 15(1)(a)-(h) GDPR. The Respondent also provided a detailed explanation as to why the Data Subject was directed to its self-service tool in response to the access request, and how the self-service tool satisfied all relevant requirements of GDPR. In this regard, the Respondent explained that when the access request was made on 8 June 2022, the Data Subject was redirected to the self-service tool because the details provided were insufficient to ensure identification of the data and the email channel was not secure enough for it to provide access to the data. The Respondent further explained how the self-service tool facilitates data subjects in exercising their rights directly and by automated means, and enables the Respondent to streamline requests and ensure consistent and timely responses to same.
9. In particular, the DPC noted the Respondent’s explanations as to how the use of the self-service tool ensured proportionality and confidentiality in how it facilitated data subjects’ rights requests, thereby enabling the Respondent to take all reasonable measures to identify a data subject without needing additional information or discouraging a data subject by making the process burdensome, and to provide data subjects with their information through an appropriately secure channel. In its explanations, the Respondent explicitly referred to guidance relating to the use of such automated tools as set out in both the EDPB’s Guidelines 01/2022 on data subject rights (right of access), and the DPC’s own guidelines on access requests (“Subject Access Requests: A Data Controller’s Guide”).

10. In addition, the Respondent explained that, when redirecting data subjects to the self-service tool, data subjects can still contact its Data Protection Officer via the dedicated mailbox or request human intervention when using the tool, and that its employees are trained to be aware and take note of any access requests lodged to the wrong department or outside the tool so that the data subject can be redirected to the appropriate means of communication.
11. In light of the detailed explanations provided by the Respondent as to the appropriateness of the self-service tool and the reasons as to why the Data Subject had been redirected to it in response to their access request, as well as the fact that the Data Subject had now been provided with a copy of their personal data, the DPC considered it appropriate to conclude the complaint by way of amicable resolution. As such, on 12 July 2023, the DPC wrote to the Data Subject proposing an amicable resolution to the complaint on the basis of the foregoing actions. 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. The DPC did not receive any further communication from the Data Subject and, accordingly, the complaint has been deemed to have been amicably resolved.
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:



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Deputy Commissioner

Data Protection Commission