

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 Autorité de la protection des données - Gegevensbeschermingsautoriteit (Belgium DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Airbnb Ireland UC

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 21st day of December 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 9 May 2022, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Autorité de la protection des données - Gegevensbeschermingsautoriteit (“the **Recipient SA**”) concerning Airbnb Ireland UC (“the **Respondent**”).
2. In circumstances where the Data Protection Commission (“the **DPC**”) was deemed to be the competent authority for the purpose of Article 56(1) of the GDPR, the Recipient SA transferred the complaint to the DPC on 9 June 2022.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the Respondent on 12 April 2022, requesting erasure of a copy of their ID that they uploaded to the Respondent’s website as part of an identity check when trying to use their platform, pursuant to Article 17 of the GDPR.
 - b. On 18 April 2022, the Respondent replied to the Data Subject advising them that their request had not been received. Following this, on 20 April 2022, the Respondent provided further communication to the Data Subject, advising them that once a user raises a deletion request through its portal, they will then receive a confirmation regarding the deletion.
 - c. As the Data Subject was not satisfied with the response received from the Respondent, they 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 (via the Recipient SA) and Respondent in relation to the subject matter of the complaint. Further to that engagement, the Respondent advised that when the Data Subject requested deletion of the copy of their ID, their request was initially misunderstood. However, the Respondent confirmed that, on 10 May 2022, the copy of the Data Subject's ID was deleted from the Respondent's systems, but, due to an internal error, the Data Subject was not informed of the deletion at the time. The Respondent expressed its apologies for any inconvenience caused to the Data Subject by this oversight.
- 8. The DPC continued to engage with both the Data Subject, via the Recipient SA, and the Respondent in order to bring about an amicable resolution to the complaint.
- 9. Following further engagement with the Respondent, on 13 March 2023, the Respondent confirmed that the issues, which prevented the initial request submitted by the Data Subject from being properly addressed, were now identified and remedied. In addition, in the spirit of an amicable resolution, the Respondent also offered the Data Subject a gesture of goodwill, in recognition of poor service received by the Data Subject regarding this matter.
- 10. The DPC forwarded this information to the Data Subject, via the Recipient SA, on 5 April 2023, seeking their views on the information provided by the Respondent. This correspondence requested that the Data Subject notify the DPC within a specified timeframe, if they were not satisfied with the action taken by the Respondent, so that the DPC could investigate the matter further.
- 11. As no response was received to this amicable resolution letter, the DPC requested that the Respondent convey the amicable resolution proposal directly to the Data Subject, in a final effort to amicably resolve this complaint. On 7 July 2023, the Respondent confirmed to the

DPC that it communicated the amicable resolution proposal to the Data Subject directly, as requested by the DPC. Following this, on 20 July 2023, the DPC was informed by the Respondent that the Data Subject was agreeable to the amicable resolution proposal.

12. On 9 November 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.
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