

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

IMI Complaint Reference Number: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with the Urząd Ochrony Danych Osobowych pursuant to Article 77 of the General Data Protection Regulation, concerning Google 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 5th day of September 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 11 May 2022, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Urząd Ochrony Danych Osobowych (“the **Recipient SA**”) concerning Google Ireland Limited (“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) GDPR, the Recipient SA transferred the complaint to the DPC on 13 May 2022.

The Complaint

3. The details of the complaint were as follows:
 - a. On 10 February 2022, the Data Subject made an access request to the Respondent pursuant to Article 15 GDPR via the Respondent’s “Data Access Request Form”. The Data Subject stated that they were provided with an automated response that failed to address their request. On 25 February 2022, the Data Subject submitted the same request to the Respondent’s “privacy request form”. The Data Subject stated that they were again provided with an automated response that failed to address their request.
 - b. The Data Subject was dissatisfied with the responses received from the Respondent and, accordingly, the Data Subject 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. On 3 November 2022, the DPC wrote to the Respondent formally commencing its investigation and requesting the Respondent to address the concerns raised.
- 8. In response, the Respondent explained that it had responded to the first access request on 24 February 2022 and the second access request on 3 March 2022, and that neither response was automated as asserted by the Data Subject. The Respondent explained that, rather, “[f]ollowing a manual review of the Data Subject’s request by the specialist team that manages access requests, a response believed to be most responsive to the Data Subject’s broad DSAR was issued”. The Respondent noted that its responses to the Data Subject directed them to its self-service tools, and explained to the DPC that these tools “are the most effective and secure way to satisfy most data subjects’ right to access personal data processed in the context of Google services” and that providing the data in this form ensures it is done in the most concise, transparent and easily intelligent form as possible. The Respondent provided the DPC with further details as to how its use of remote, self-service access tools meet the requirements of GDPR, with reference to EDPB and DPC guidance.
- 9. The Respondent further noted that the Data Subject did not indicate (to the Respondent) their dissatisfaction with either response received and that the Respondent only became aware of the Data Subject’s dissatisfaction upon the commencement of the DPC’s investigation. With a view to amicably resolving the matter, the Respondent offered to engage further with the Data Subject in order to address their queries and provide them with their personal data.
- 10. Following further engagement from the DPC (during which the Data Subject confirmed that they had not availed of the Respondent’s self-service tools to date), the Respondent contacted the Data Subject directly on 28 February 2023, and provided evidence of same to the DPC. In

this response, the Respondent provided further, more granular information in response to the Data Subject's queries which mirrored the explanations provided to the DPC as outlined in the paragraphs above. In particular, the Respondent addressed its responses to the Data Subject's two access requests and explained the appropriateness of facilitating access to personal data via the self-service tools. The Respondent provided instructions as to how the Data Subject could now access their personal data using these tools.

11. The Respondent also explained its purposes for collecting the Data Subject's personal data, how and with whom it shares those personal data (including third country transfers), and its retention policies in respect of those personal data. The DPC noted that these queries arose as part of the Data Subject's original access requests but had not been addressed in the initial responses provided by the Respondent. The Respondent invited the Data Subject to respond to the email address provided in the event that they remained dissatisfied with the response or in the event they had further concerns about the responses previously provided to the two access requests.
12. In light of the explanations provided by the Respondent as to the appropriateness of the self-service tools and as to how the Data Subject could access their personal data using those tools, as well as the additional information provided in response to the Data Subject's queries, the DPC considered it appropriate to conclude the complaint by way of amicable resolution. As such, on 24 April 2023, the DPC wrote to the Data Subject (via the Recipient SA) proposing an amicable resolution to the complaint. 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 Recipient SA confirmed that the letter issued to the Data Subject on 11 May 2023. The DPC did not receive any further communication from the Data Subject and, accordingly, the complaint has been deemed to have been amicably resolved.
13. On 26 June 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.
14. 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

15. 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.
2. 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:

A handwritten signature in black ink, appearing to read 'Tony Delaney', written in a cursive style.

Deputy Commissioner

Data Protection Commission