

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 ON 12 MAY 2022)**

Dated the 24th day of May 2024



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 1 May 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the 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) of the GDPR.

The Complaint

3. The details of the complaint were as follows:
 - a. On 24 April 2023, having lost access to their Facebook account, the Data Subject contacted the Respondent requesting the erasure of their account from the Facebook platform.
 - b. The Respondent replied to the Data Subject on 24 April 2023, noting that the Data Subject would need to submit a form of ID in order to verify their ownership of the account. The Data Subject subsequently provided their ID to the Respondent, however, the Respondent indicated this was not sufficient to verify ownership of the account.
 - c. As the Data Subject was not satisfied with the response received from the Respondent, they lodged a complaint with the DPC.
 - d. As part of their complaint to the DPC, the Data Subject also requested that any correspondence between them and the Respondent also be deleted.

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 Respondent in relation to the subject matter of the complaint. The DPC first engaged with the Respondent on this matter on 12 December 2023. In its response to the DPC of 4 January 2024, the Respondent informed the DPC that:
 - a. It had contacted the Data Subject via an alternative email address, to help them with regaining access to the account. The Respondent noted that once the Data Subject regained access to the account, they would be able to schedule the account for deletion via the self-deletion tools provided on the platform.
 - b. Certain limited correspondence related to the Data Subject’s erasure request would be retained under Article 17(3) GDPR, given that such processing is necessary for the purpose of establishing, exercising or defending legal claims, as well as cooperating with regulatory authorities.
- 8. On 9 January 2024, the DPC forwarded this information to the Data Subject, seeking their views on the action taken 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.
- 9. The Data Subject provided their response to the DPC on the same day, within which they noted that they were experiencing difficulties in regaining access to the account. As part of their correspondence, they also requested confirmation that any form of ID submitted by them to the Respondent as part of their complaint be deleted. The DPC thereafter engaged with the Respondent on this matter on the Data Subject’s behalf.

10. The Respondent further engaged with the Data Subject on foot of the DPC's correspondence, and confirmed to the DPC, on 22 January 2024, that the Data Subject had successfully regained access to their account on 17 January 2024. It also confirmed that the Data Subject had scheduled their account for deletion on the same day. Further, the Respondent confirmed that it had already deleted any copies of ID supplied by the Data Subject throughout the life cycle of their complaint.
11. On 22 February 2024, the DPC's letter outlining the action taken by the Respondent as part of the amicable resolution process issued to the Data Subject. In the circumstances, the DPC requested that the Data Subject notify it, within a specified timeframe, if they were not satisfied with the action taken by the Respondent so that the DPC could take further action. The DPC received no further response from the Data Subject.
12. On 11 March 2024, and in light of the foregoing, the DPC informed the Respondent that it would close the complaint in question.
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