

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 Autoriteit Persoonsgegevens (Netherlands DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning  
Twitter International Unlimited Company

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 31<sup>st</sup> day of May 2024



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Autoriteit Persoonsgegevens (“the **Recipient SA**”) concerning Twitter International Unlimited Company (“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 13 March 2023.

## The Complaint

3. The details of the complaint were as follows:
  - a. On 6 January 2023, the Data Subject contacted the Respondent to request the deletion of their conversations from the Twitter platform, within the Direct Messages function, under Article 17 of the GDPR. Within this correspondence, the Data Subject also sought clarity on whether the deletion of a Direct Message would result in the message(s) being permanently deleted for all users in a message thread, or just on the Data Subject’s account.
  - b. On 10 January 2023, the Respondent informed the Data Subject that they could not delete the messages in bulk, but rather that the Data Subject would have to delete each message individually.
  - 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. In its response to the DPC of 11 September 2023, the Respondent clarified that:
  - a. The deletion of a Direct Message will apply only to the account in question, because if the option for a user to delete an entire conversation were to exist, then it would also potentially delete the personal data of the recipient(s), by removing the Direct Message(s) without their knowledge or authorisation. As such, the Respondent clarified that the deletion of any Direct Messages would apply to the user’s account only.
  - b. The Respondent clarified that it requires ‘two party’ deletion in order to fully remove Direct Messages from its systems, and that this would ensure the deletion of a Direct Message conversation.
8. Upon receipt of this correspondence from the Respondent, the DPC thereafter engaged with the Data Subject, via the Recipient SA. The DPC provided a letter to the Recipient SA, for onward submission to the Data Subject on 26 September 2023. This letter thereafter issued to the Data Subject on 5 February 2024, and requested a response within a specified timeframe.
9. On 29 February 2024, the Recipient SA confirmed to the DPC that no response had been received from the Data Subject, and that the case could be considered closed.
10. On 4 March 2024, 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.

11. 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**

12. 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.

13. 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