

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 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 7th day of June 2024



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 13 September 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Data Protection Commission (“the **DPC**”) concerning Twitter International Unlimited Company (“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 26 July 2023, the Data Subject submitted a request to the Respondent via its web-form, concerning both an access request under Article 15 of the GDPR, and an erasure request under Article 17 of the GDPR, pertaining to their account on the Twitter platform.
 - b. The Data Subject received a response from the Respondent on 12 September 2023, within which they were provided with instructions on how to download a copy of their data, as well as how to schedule their account for deletion.
 - c. As the Data Subject was not satisfied with the response received from the Respondent, they lodged a complaint with 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 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. In its response to the DPC of 20 November 2023, the Respondent provided further clarity in relation to its initial response to the Data Subject, outlining that it had provided instructions on how the Data Subject could avail of its self-service tool to download a copy of their data from within their account. The Respondent further clarified that this was the most efficient way for a user to access a copy of their personal data. In response to the erasure request, the Respondent informed the DPC that it had also provided instructions to the Data Subject on how they could schedule their account for deletion, within their account.
8. Upon receipt of this information from the Respondent, the DPC relayed this information to the Data Subject in a letter issued to them on 24 November 2023. The DPC received a response from the Data Subject on 25 November 2023, in which they raised concerns as to what data may be retained by the Respondent should they schedule the account for deletion. The DPC thereafter engaged with the Respondent in relation to these concerns.
9. On 29 November 2023, the Respondent provided a response to the DPC, within which they noted that they had provided the Data Subject with a URL link to download a copy of their data directly. Furthermore, the Respondent informed the DPC that during its engagement with the Data Subject, it also provided a response to address their concerns in relation to the retention of data after an account is scheduled for deletion, as outlined in its privacy policy. As part of its response to the DPC, the Respondent advised that it had sought confirmation from the Data Subject on whether they wished to proceed with the erasure of their account, however, it received no response. The DPC thereafter engaged with the Data Subject in relation to this matter.
10. On 2 January 2024, the Data Subject informed the DPC that they had successfully downloaded a copy of their data from the Respondent’s Twitter platform, thus satisfying their request under Article 15 of the GDPR. The Data Subject continued to raise concerns regarding the possible retention of data, which had created hesitancy on the Data Subject’s side in opting

to schedule the account for deletion. The DPC thereafter engaged with the Respondent further, in an attempt to ease these concerns.

11. On 5 February 2024, the DPC received the Respondent's reply, which aimed to further address the concerns of the Data Subject. In this response, the Respondent provided information in relation to its policies on the retention of data to address the outstanding concerns.
12. On 7 February 2024, the DPC's letter outlining the information provided by the Respondent as part of the amicable resolution process issued to the Data Subject. The DPC requested that the Data Subject notify it, within a specified timeframe, if they were not satisfied with the information provided by the Respondent, so that the DPC could take further action. Within this correspondence, the DPC also advised the Data Subject that they could avail of the account deletion tool at their discretion, providing information, as per the Respondent, on how to-do-so.
13. The DPC did not receive any further communication from the Data Subject and, accordingly, the complaint has been deemed to have been amicably resolved. On 2 April 2024, and in light of the foregoing, the DPC informed the Respondent that it would close the complaint in question.
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.
16. 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, reading "Don Maguire". The signature is fluid and cursive, with the first name "Don" and the last name "Maguire" clearly distinguishable.

Deputy Commissioner
Data Protection Commission