

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 Office for Personal Data Protection (Czech Republic DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning  
Yahoo EMEA 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 8<sup>th</sup> day of July 2024



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 31 October 2019, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with Czech Republic DPA (“the **Recipient SA**”) concerning Yahoo EMEA 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 4 November 2020.

## **The Complaint**

3. The details of the complaint were as follows:
  - a. The Data Subject contacted the Respondent requesting the delisting of numerous URLs which they asserted contained false and outdated content and misused their private photographs. The Respondent responded stating that the online form was submitted incorrectly and could not handle their request.
  - b. The Data Subject was dissatisfied with the response received from the Respondent and consequently, the Data Subject’s legal representative filed a complaint on their behalf 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 identified in search results and the service provider responsible for providing those search results ); 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. The DPC wrote to the Respondent asking that it address the concerns raised. In response, the Respondent confirmed that all eligible URLs submitted by the Data Subject in their original request had been delisted.
8. However, the Data Subject subsequently reverted to the DPC asserting that following a search against three variations of their name, four URLs, previously identified by the Respondent as delisted, continued to be returned. A search conducted by the DPC did not return the URLs identified by the Data Subject and the DPC sought clarification on the issue from the Respondent. The Respondent explained that the screenshots submitted by the Data Subject displayed results from the US version of its search engine, which was not within the remit of its service provided in the EU, thereby falling outside the scope of the delisting request.
9. However, the DPC received several further notifications from the Data Subject’s legal representative asserting that other URLs identified by the Respondent as delisted continued to be returned against the submitted variations of the Data Subject’s name. Consequently, the DPC engaged extensively with the Respondent in attempt to resolve the issues raised and seeking a detailed explanation as to the reasons behind these URLs reappearing.
10. The Respondent’s subsequent review found that several URLs identified by the Data Subject as returning were not previously submitted to the Respondent. Notwithstanding, the Respondent agreed to delist these new URLs. The Respondent also found that certain other URLs identified were, in fact, no longer returned in a search against the submitted variations of the Data Subject’s name.
11. However, the Respondent acknowledged that the remaining URLs identified by the Data Subject had not been delisted despite the Respondent’s previous confirmation that they were eligible for delisting. The Respondent explained that due to a manual data input error, the delisting of these URLs had been ineffective. The Respondent confirmed that it had rectified this error and confirmed the effective delisting of these URLs.

12. The DPC subsequently wrote to the Data Subject outlining the Respondent's response to the complaint. When doing so, the DPC noted that all eligible URLs which were the subject matter of the complaint had now been delisted and so the dispute between the Data Subject and Respondent appeared to have been resolved. In the circumstances, the DPC asked the Data Subject to notify it, within three weeks, if they were not satisfied with the outcome, so that the DPC could take further action. The Recipient SA subsequently confirmed to the DPC that no response had been received from the Data Subject. 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. 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.
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:



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Deputy Commissioner  
Data Protection Commission