

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 Hamburgische Beauftragte für Datenschutz und Informationsfreiheit (Hamburg DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Meta Platforms Ireland Limited (formerly Facebook 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 22nd day of August 2024



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 4 January 2021, [REDACTED] (“the **Data Subject**”) initially lodged a complaint pursuant to Article 77 of the GDPR with the Landesbeauftragte für den Datenschutz und die Informationsfreiheit Baden-Württemberg (Baden-Württemberg DPA), which was subsequently forwarded to the Hamburgische Beauftragte für Datenschutz und Informationsfreiheit (Hamburg DPA) (“the **Recipient SA**”), concerning Meta Platforms Ireland Limited (formerly Facebook 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) of the GDPR, the Recipient SA transferred the complaint to the DPC on 13 July 2023.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject first contacted the Respondent on 3 June 2020, requesting the deletion of their account(s) from the Facebook platform, pursuant to Article 17 of the GDPR, as they had lost access to these accounts. When corresponding with the Respondent, the Data Subject noted the possible existence of two Facebook accounts that they were seeking deletion of, however the Respondent only confirmed the existence of one such account, based on the information provided.
 - b. In its initial responses to the Data Subject of June 2020, and in November 2020 following further correspondence from the Data Subject, the Respondent provided information on how the Data Subject could initially regain access to their account, and from there, scheduled it for deletion via the self-deletion tools provided.
 - c. In March 2023, the Recipient SA contacted the Respondent on the Data Subject’s behalf, requesting that they assist with the matter. The Recipient SA thereafter engaged with the Data Subject directly; however, the Data Subject continued to experience difficulties in scheduling the account for deletion.
 - d. 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. Further to that engagement, in its initial response to the DPC of 18 December 2023, the Respondent reaffirmed previous information already relayed to the Data Subject that only one such account was present on its platform. In this regard, it noted that its specialist team had contacted the Data Subject directly via their email address to assist them with regaining access to their account, from which they would be able to schedule it for deletion.
8. On 21 December 2023, the DPC's letter outlining the action taken by the Respondent as part of the amicable resolution process issued to the Recipient SA for onward transmission to the Data Subject. The Recipient SA issued this correspondence to the Data Subject the next day, on 22 December 2023. Within this correspondence to the Data Subject, the DPC requested that the Data Subject confirm if they were able to regain access to their account, in line with the assistance provided by the Respondent, as well as requesting that the Data Subject provide any further information they had available which may help identify this alleged second account.

9. In their response to the DPC of 23 January 2024, the Data Subject noted that they were experiencing difficulties in regaining access to the account, and requested further assistance. The Data Subject made no further comment in relation to the alleged second account, and provided no information to the DPC's request in this regard.
10. The DPC thereafter contacted the Respondent in relation to these concerns, and in its response of 25 March 2024, the Respondent confirmed that the Data Subject had successfully regained access to the account, and had reset the account's password, meaning the account was free to be scheduled for deletion at the Data Subject's discretion, via the self-deletion tools provided.
11. On 3 April 2024, a further letter from the DPC issued to the Recipient SA, for onward transmission to the Data Subject. This letter outlined the information as provided by the Respondent, as part of the amicable resolution process, noting that the Data Subject was now able to schedule their account for deletion. Instructions on how to do so were included in this correspondence, which the Recipient SA issued to the Data Subject on 3 April 2024.
12. On 10 April 2024, the DPC received a further response from the Data Subject, in which they noted further issues with scheduling the account for deletion. Within this correspondence, the Data Subject again referred to an alleged second account, without providing the DPC with any further information to identify it.
13. In the interest of amicably resolving the complaint, the DPC contacted the Respondent further in relation to the Data Subject's request, highlighting the issues experienced, and requesting that the Respondent take further action in relation to the deletion of this account. In its response, the Respondent confirmed that it had taken the steps to schedule the account for deletion on an exceptional basis, as it was satisfied that the Data Subject had addressed its security concerns with regard to confirming ownership of the account. It noted that this process might take up to 90 days to complete.
14. The DPC's letter outlining the actions taken to reach an amicable resolution was sent to the Hamburg DPA on 3 May 2024, for onward transmission to the Data Subject. The Hamburg DPA thereafter sent the DPC's letter to the Data Subject on 7 May 2024. This letter requested a response from the Data Subject within a specified timeframe if they objected to the amicable resolution of their complaint. On 27 May 2024, the Recipient SA confirmed to the DPC, that no response had been received from the Data Subject.
15. On 6 June 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. Within this correspondence, the DPC also informed the Recipient SA that the Respondent had since confirmed that, on 7 May 2024, the account had been fully deleted. On the same day, the Recipient SA confirmed receipt of the DPC's correspondence, which had advised that the complaint was deemed withdrawn.

16. 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

17. 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.

18. 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