

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
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 12th day of December 2024



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 25 October 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Autoriteit Persoonsgegevens (“the **Recipient SA**”) concerning Meta Platforms 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 12 January 2024.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject emailed the Respondent on 23 October 2023, requesting the erasure of their Instagram account, which they had lost access to after a number of years of inactivity.
 - b. In its response, the Respondent requested that the Data Subject provide certain information to verify ownership of the account, which in turn would help them in regaining access to the account, so as to ensure the rightful owner obtained its deletion.
 - c. Due to the passage of time since the account was created the Data Subject was unable to provide the requested information, but advised they could verify it was their account based on the images previously uploaded to the account.
 - d. The Respondent advised they could not confirm the Data Subject was the owner of the account based on the information provided, and so they could not assist “*further for security and privacy reasons.*”
 - e. 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 14 June 2024, the Respondent requested that the Data Subject provide a new, secure email address, which could be associated with the account. The Respondent noted that upon the provision of this new email address, its specialist team could in turn communicate directly with the Data Subject to assist them with regaining access to the account, who thereafter could schedule the account's deletion.
8. The DPC subsequently sought this information from the Data Subject, via the Recipient SA, in order to progress the complaint towards the erasure of the account in question. This request issued from the DPC to the Recipient SA on 18 June 2024, and in turn issued to the Data Subject on 30 June 2024. The response of the Data Subject to this request was received via the Recipient SA, on 30 July 2024.
9. On foot of receiving this information, the DPC corresponded with the Respondent, on 31 July 2024, providing it with the requested information.

10. The DPC received an update in relation to this matter from the Respondent on 15 August 2024. In this response, the Respondent confirmed that its specialist team had successfully managed to assist the Data Subject with regaining access to the account, providing them with information on how they could schedule the account for deletion. It noted that the Data Subject regained access to the account on 8 August 2024, and had scheduled the account for deletion thereafter.
11. On 16 August 2024, 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.
12. Prior to this letter issuing from the Recipient SA to the Data Subject, the Data Subject contacted the Recipient SA of their own accord, on 27 August 2024, to inform them of the progression of their complaint, and that they considered their complaint to be satisfactorily resolved as the account had been deleted.
13. In the circumstances, the DPC requested that its letter of 16 August 2024 be provided to the Data Subject to ensure they had received a copy of same. The Recipient SA agreed to this, noting that the letter in question was thereafter provided to the Data Subject on 29 August 2024, after their withdrawal of the complaint.
14. On 9 September 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.
15. 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

16. 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.
17. 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 dark ink. The name 'Elizabeth' is written in a cursive script. To the right of the name is a stylized monogram or initial, possibly 'Y.', consisting of a vertical line and a horizontal line that curves upwards.

Deputy Commissioner
Data Protection Commission