

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 Bayerisches Landesamt für Datenschutzaufsicht (Bavaria DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Apple Distribution International 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 20th day of December 2024



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 15 August 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Bayerisches Landesamt für Datenschutzaufsicht (“the **Recipient SA**”) concerning Apple Distribution International 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 22 November 2023.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject wrote to the Respondent, via postal letter on 30 July 2023, to request erasure of imagery relating to their residence on the Look Around feature on Apple Maps.
 - b. Upon receipt of the complaint, the Recipient SA wrote to the Data Subject on 21 September 2023 noting that the residence was already pixelated.
 - c. On 30 September 2023, the Data Subject advised the Recipient SA that the action taken by the Respondent had not addressed their concerns satisfactorily, and they wished to pursue their 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, it was established that the Respondent received the Data Subject’s letter on 8 August 2023 and took action to pixelate the imagery the following day. The Respondent advised that the blurring of the Data Subject’s residence was completed 10 days after receipt of the request and wrote to the Data Subject to confirm the action taken.
- 8. The Data Subject responded to advise they were not satisfied with the area which had been pixelated and described additional areas of the property which remained un-pixelated.
- 9. In the circumstances, the Respondent agreed to extend the pixelated area, provided it received detailed documentation from the Data Subject on the further pixellation required.
- 10. On 27 September 2024, the DPC wrote to the Data Subject, via the Recipient SA, with the information provided by the Respondent, including the request for specific documentation. The Recipient SA confirmed to the DPC that they issued this correspondence to the Data Subject on 30 September 2024.
- 11. On 1 October 2024, the Recipient SA informed the DPC that it received a response from the Data Subject with the requested documentation. Later that day, the DPC engaged further with the Respondent, sharing the documentation provided by the Data Subject.
- 12. On 15 October 2024, the Respondent confirmed to the DPC that the additional blurring had been applied to the area. On 16 October 2024, the DPC wrote to the Data Subject, via the Recipient SA, outlining the action taken by the Respondent. In the circumstances, the DPC requested that the Data Subject notify it, within a specified timeframe, if they were not satisfied with the action taken by the Respondent so that the DPC could take further action.

The Recipient SA confirmed to the DPC that they issued this correspondence to the Data Subject on 17 October 2024.

13. On 18 October 2024, the DPC was informed that the Data Subject agreed the matter had been resolved and was agreeable to the amicable resolution proposal. On 22 October 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. The Recipient SA acknowledged receipt of the DPC's letter on 23 October 2024.
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:



Deputy Commissioner
Data Protection Commission