

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 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 12 MAY 2022**

**Dated** the 25<sup>th</sup> day of September 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 14 February 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Commission (“the **DPC**”) concerning Meta Platforms Ireland Limited (“the **Respondent**”).
2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) GDPR.

## **The Complaint**

3. The details of the complaint were as follows:
  - a. On 11 February 2023, the Data Subject contacted the Respondent requesting access to their personal data. The Data Subject noted that their Facebook account had been hacked and appeared to have been disabled by the Respondent as a result.
  - b. In response, the Data Subject was informed that their account had been disabled for a violation of its Terms of Use. The Data Subject was further informed that the Respondent had reviewed this decision upon an appeal by the Data Subject and decided to uphold the disablement.
  - c. The Data Subject was dissatisfied with the responses provided as they remained unable to access their accounts and their full personal data. Accordingly, the Data Subject 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 Data Subject, 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. On 13 June 2023, the DPC wrote to the Respondent formally commencing its investigation and requesting that it address the concerns raised.
- 8. In its response, the Respondent explained how the Data Subject’s account had been disabled for a violation of its Terms of Service and Community Standards; namely, impersonating behaviour in violation of the Respondent’s Account Integrity and Authentic Identity policy. The Respondent further explained that it had now reviewed the matter again and determined that the account had been compromised (i.e. the violation was likely not committed by the Data Subject themselves). As such, the Respondent agreed to reverse the disablement of the account and took steps to secure the account and revert changes made to it by the unauthorised third party. The Respondent confirmed that the Data Subject had subsequently regained access to their account following their successful clearance of a security checkpoint on 19 June 2023. The Respondent explained how the Data Subject could now obtain access to their personal data using the self-service tools, if they wished to do so.
- 9. In light of the explanations provided by the Respondent as set out above, and the fact that it had facilitated the Data Subject in regaining full access to their account, the DPC considered it appropriate to conclude the complaint by way of amicable resolution. On 24 July 2023, the DPC wrote to the Data Subject outlining the Respondent’s response to its investigation and noting the confirmation received that they were now able to regain access to their account and access their personal data. In the circumstances, the DPC asked the Data Subject to notify it, within a specified timeframe, if they were not satisfied with the outcome, so that the DPC could take further action. The DPC did not receive any further communication from the Data Subject and, accordingly, the complaint has been deemed to have been amicably resolved.

10. 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**

11. 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.

12. 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