

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 Berliner Beauftragte für
Datenschutz und Informationsfreiheit (Berlin DPA) pursuant to Article 77 of the General Data
Protection Regulation, concerning TikTok Technology 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 14th day of March 2025



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 18 October 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen (North Rhine-Westphalia DPA) which was subsequently transferred to the Berliner Beauftragte für Datenschutz und Informationsfreiheit (“the **Recipient SA**”) concerning TikTok Technology 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 3 April 2024.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the Respondent on 12 September 2023, to request the deletion of three accounts belonging to them, and to which they had lost access, due to them originally being created on the Respondent’s musical.ly platform. Since the Data Subject received no response to their initial request, they reiterated their erasure request to the Respondent on 26 September 2023.
 - b. In its response to the Data Subject, the Respondent requested the Data Subject submit their erasure request via a different channel, and the Data Subject complied with this request.
 - c. Subsequently, the Respondent requested the Data Subject verify the ownership of the accounts in question, through a series of security questions. The Data Subject engaged on this matter, but did not manage to obtain the erasure of their accounts.
 - 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. The DPC first contacted the Respondent on 29 July 2024. Further to that engagement, on 12 August 2024, the Respondent advised the DPC that the Data Subject's erasure request had been misinterpreted as relating to the removal of specific video content rather than the deletion of the entire accounts. With regard to verifying the ownership of the accounts in question, the Respondent noted that despite the Data Subject providing a level of information, it was not clear to the Respondent which data points supplied applied to which account due to there being three accounts in scope. However, the Respondent confirmed that after a further review, it was satisfied that the Data Subject had made reasonable efforts to verify the ownership of the accounts with the information they had available, and confirmed that now all three accounts had been deleted.
8. On 14 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. In its correspondence to the Data Subject, the DPC requested that the Data Subject notify it, within a specified timeframe, if they were not satisfied with the actions taken by the Respondent, so that the DPC could take further action. The Recipient SA issued this letter to the Data Subject on 21 October 2024.

9. On 20 November 2024, the Recipient SA confirmed to the DPC, that no response had been received from the Data Subject.
10. On 21 November 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. On the same day, the Recipient SA confirmed receipt of the DPC correspondence, which had advised that the complaint was deemed withdrawn.
11. 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

12. 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.
13. 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