

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 Microsoft Ireland Operations 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 28th day of March 2025



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Commission (“the **DPC**”) concerning Microsoft Ireland Operations 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. The Data Subject contacted the Respondent submitting a delisting request pursuant to Article 17 GDPR. The Data Subject requested that the Respondent remove several URLs containing their personal data.
 - b. The Data Subject was not satisfied with the response they received from the Data Controller asserting that the concerned URLs were reappearing when a search of the Data Subject’s name was conducted.
 - c. As the Data Subject was not satisfied with the response received from the Respondent, they 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 2 February 2021, the DPC formally commenced the Data Subject’s complaint. The DPC provided the Respondent with a summary of the correspondence between the Data Subject and the Respondent.
8. On several occasions over the lifetime of the complaint, the Data Subject asserted to have found that URLs, purportedly delisted by the Respondent, had reappeared. On each occasion, the DPC wrote to the Respondent seeking to ascertain the reason why the URLs in question had not been delisted as indicated.
9. The Respondent advised the DPC that if the relevant URLs continued to reappear then first clearing the cache or using a different browser might resolve the issue. Secondly, the Respondent requested screenshots of the returning URLs, containing the URL in full and the market/region being searched, to assist with its investigation. One of the URLs which the Data Subject had sought the delisting of was an image URL, subsequently identified by the Respondent as a thumbnail image. The Respondent clarified that the relevant URL was not the correct source image URL and explained that in order to delist an image URL, both the source image URL and the source page URL must be provided to effectively remove an image from the search engine.
10. Unrelated to the Respondent at issue, the Data Subject detailed to the DPC that they had also submitted delisting requests to other identified search engines but were not satisfied with the responses received. The DPC outlined that this complaint dealt solely with the identified Respondent and advised the Data Subject of the process of requesting the delisting of a URL to another search engine provider in the first instance. The DPC explained that following this step, should the Data Subject be dissatisfied with the response received, they could then lodge a complaint with the DPC.

11. Ultimately, following extensive engagement by the DPC with both the Respondent and the Data Subject, all URLs, which the Data Subject had identified and which were accepted for delisting by the Respondent, appeared to have been conclusively delisted. The DPC conducted a search of the Data Subject's name and confirmed that the URLs had been removed. The DPC subsequently wrote to the Data Subject informing them of same. 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.
12. The DPC did not receive any further communication from the Data Subject and, accordingly, the complaint has been deemed to have been amicably resolved.
13. 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

14. 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.
15. 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