DPC Complaint Ref: [redacted]
Date of Decision: 03 April 2025
Complainant: [redacted]
Data Controller: Patreon Ireland Limited
RE: [redacted] v Patreon Ireland Limited

DECISION

This is a decision of the Data Protection Commission of Ireland (**"DPC"**) in relation to DPC complaint reference [redacted] (hereinafter referred to as the "**Complaint**") submitted directly to the DPC by [redacted] (**"Complainant"**) against Patreon Ireland Limited ("**Patreon**").

This decision is made pursuant to the powers conferred on the DPC by section 113 of the Data Protection Act 2018 ("the **Act**") and Article 60 of the General Data Protection Regulation ("**GDPR**").

Background to the Complaint.

1. The Complainant alleged that a third party website had spread false information regarding them and shared their personal data. The Complainant alleged that the third party website was supported and funded through Patreon and the Complainant had engaged for a considerable period of time with Patreon in relation to these concerns.

2. The Complainant remained dissatisfied and, on 10 August 2019, made a complaint to the DPC about Patreon wherein they alleged that a data breach had occurred and that Patreon had failed to address same:

   "*My personal data was breached from another website [REDACTED] which patreon.com are supporting and funding. [REDACTED] have posted, shared and spread malicious lies while sharing my personal and private data. My email has spam/junk folder has dramatically increased over the last 18 months. Patreon have failed to correct this and are not following their own terms of service which I have pointed out numerous times that I have contacted about this and either get stone walled or ignored*."

3. The Complainant subsequently submitted an access request via email dated 01 September 2019 to Patreon wherein they sought information regarding the processing of their personal data held by Patreon. The Complainant received what appeared to be an automated response

from a Patreon support email address which they did not consider addressed their access request.

4. Furthermore, in addition to their access request, the Complainant asserted that they had also submitted an erasure request pursuant to Article 17 GDPR to Patreon which, according to the Complainant, also went unaddressed.

5. The Complainant's dissatisfaction with Patreon's responses to the access and erasure requests was subsequently raised by the Complainant with the DPC in the context of their Complaint.

Preliminary Matters

6. Upon receipt of the complaint, the DPC assessed the Complaint in order to determine: (i) the scope of the Complaint; (ii) that Patreon was the controller for the processing at issue within the meaning of the GDPR; and (iii) that the DPC was the competent supervisory authority to handle the Complaint.

Scope of the Complaint

7. As part of their Complaint and as set out at paragraph 2 above, the Complainant alleged that a data breach occurred on a third party website administered by an individual who also had an account on Patreon. In the circumstances, the Complainant's position was that Patreon was responsible for this alleged data breach because the individual was being funded by Patreon through their Patreon account.

8. As part of its assessment of the Complaint, and as was subsequently elaborated on by Patreon over the course of the DPC's examination of the Complaint, the DPC noted that Patreon is a platform which enables content creators to monetize their online following. Creators can launch a subscription-based site on Patreon, allowing creators to offer exclusive content to subscribers and earn a consistent monthly income. While Patreon may have control over the subscription-based site launched by the creator on the Patreon platform, it would not have control over websites the same creator may have, hosted on other platforms. In this case, the Complainant alleged that the breach took place on the creator's own website which is not hosted by Pateron.

9. Therefore, on the facts of the complaint, the DPC concluded that there was no basis on which Patreon can be seen to determine the purposes and essential means of processing[1] carried out by the third party website where the alleged breach occured and therefore further concluded that Patreon is not the controller in respect of the alleged data breach. Accordingly, given that the Complainant's Complaint relates to Patreon and not any third party website, consideration of the alleged data breach was not a matter falling within the scope of the DPC's examination. Moreover, the Complainant was advised by this office at the time their Complaint was submitted that the scope of the DPC's examination would not include matters relating to the alleged data breach.

10. Based on the foregoing assessment and in light of the facts set out at paragraphs 1 – 5 above, the DPC is of the view that the scope of the Complaint consisted of the following matters:

    a. the Complainant's request for access wherein they sought information regarding the processing of their personal data by Patreon, and Patreon's response thereto; and
    b. the erasure request which the Complainant asserted had been made, and Patreon's response thereto.

Patreon as Controller

11. Pursuant to Article 4(7) GDPR, a controller is *"the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law".*

12. The DPC issued Patreon with a questionnaire on 16 October 2019 in order *"to determine the Lead Supervisory Authority for Patreon.com"* in light of the Complaint made by the Complainant. As part of its response to that questionnaire, Patreon confirmed that it is the data controller for the personal data of EU/EEA data subjects, stating as follows:

    "Yes, Patreon Ireland Limited is our European HQ entity which decides the means and purposes of processing data of EU data subjects, and is the data controller for the personal data of EU data subjects. Patreon Ireland Limited is the international hub for Patreon in Europe. We have our [redacted]

[1] As described at paragraph 40 of the EDPB's Guidelines 07/2020 on the concepts of controller and processor in the GDPR, Version 2.1, adopted on 07 July 2021.

[redacted], [redacted], *in our Dublin office. We have 4 engineers and 2 contractor engineers, and we intend to hire up to 15 people at our Patreon Ireland LImited International HQ by end of this year (2020) to work on our product and on R&D. We are also a payments platform, and are actively hiring payments engineers, and are also looking to expand our legal and compliance operations in Dublin as well. We have worked closely with the IDA to develop our business contacts in Dublin and to strengthen our presence in Dublin."*

13. The processing activities at issue in the Complaint related to Patreon's processing of the Complainant's personal data, and the Complainant's attempt to exercise their data subject rights in relation to those data. Taking this into account and in light of the information provided in response to the DPC's questionnaire above, the DPC was therefore satisfied that Patreon was the controller, within the meaning of Article 4(7) GDPR, in respect of the processing activities to which the Complaint related. It should be noted, however, that following consideration of information provided by Patreon over the course of complaint-handling and for the reasons set out at paragraphs 7 – 10 above, the DPC ultimately concluded that Patreon was not the data controller in respect of the processing activities relating to the alleged data breach.

Competence of the DPC

14. Pursuant to Article 56(1) GDPR, *"the supervisory authority of the main establishment or of the single establishment of the controller or processor shall be competent to act as lead supervisory authority for the cross-border processing carried out by that controller or processor".* It follows that the DPC is only competent to act as the lead supervisory authority in relation to the Complaint if (i) the Complaint concerns cross-border processing as defined in the GDPR, and (ii) Patreon's main or single establishment in the Union was located in Ireland at the time the Complainant submitted their requests to Patreon (**"relevant time"**).

15. Pursuant to Article 4(23) GDPR, cross-border processing is defined as either *"(a) processing of personal data which takes place in the context of the activities of establishments in more than one Member State of a controller or processor in the Union where the controller or processor is established in more than one Member State; or (b) processing of personal data which takes place in the context of the activities of a single establishment of a controller or processor in the Union but which substantially affects or is likely to substantially affect data subjects in more than one Member State*."

16. The processing activities at issue in the Complaint appear to apply to Patreon's processing of user data generally and how those users can exercise their data subject rights in respect of those data. As Patreon's users are located across the EU, the DPC considered that the processing is likely to substantially affect data subjects in every EU member state. The DPC was therefore satisfied that the Complaint concerned cross-border processing as defined in Article 4(23) GDPR.

17. Pursuant to Article 4(16) GDPR, a controller's "main establishment" is *"…the place of its central administration in the Union"* where *"decisions on the purposes and means of the processing of personal data are taken".*

18. According to Patreon's current Privacy Policy, "Patreon Portugal" is now the controller for users residing within the EU, EFTA, United Kingdom or Switzerland and the lead supervisory authority for cross-border processing activities carried out by the controller is the Portuguese Supervisory Authority. On 2 December 2024 and in response to a query raised by the DPC, Patreon confimed that, due to *"changes within Patreon that occurred in September 2022",* Patreon Portugal is its single establishment within the EU for GDPR purposes and that the Portuguese Supervisory Authority is its lead supervisory authority since that time (i.e. September 2022). However, it is clear from Patreon's response to the DPC's questionnaire referred to above (and as is consistent with previous versions of Patreon's Privacy Policy prior to the version of 20 March 2023), that Patreon's main establishment, as defined in Article 4(16) GDPR, in the Union was located in Ireland at the relevant time (ie 10 August 2019) and that the DPC was competent to act as lead supervisory authority in respect of the Complaint in accordance with Article 56 GDPR. The DPC also notes that Patreon did not contest the DPC's competence as lead supervisory authority for the processing activities at issue in the Complaint, whether at any point during complaint-handling or to date.

Complaint Handling and Examination by the DPC

19. Following its assessment of the preliminary matters set out above, the DPC proceeded to examine the Complaint pursuant to section 109(1) of the Act. Over the course of its examination, the DPC engaged with both Patreon and the Complainant in relation to the subject matter of the Complaint. Although no specific queries were raised by the DPC in relation to the Complainant's allegations of a data breach (which, for the reasons explained at paragraphs 7 – 10 above, did not fall within the scope of the DPC's examination), Patreon proceeded to address those issues as part of its response to the DPC's examination of the

Complaint. Those responses have been provided in this decision to provide full transparency in the examination and analysis of the Complaint.

20. In relation to the alleged data breach, Patreon explained that the website on which the Complainant had alleged that their personal data was disclosed was a third party website and not connected to Patreon:

> *"Patreon has control over creator sites that are on patreon.com, but we have no control over third party websites. If a personal data breach occurred on a third party site not controlled by Patreon, as [redacted] himself alleges in his complaint, then Patreon was not the party that caused [redacted] harm"*

21. Patreon explained that the alleged creator of the third party website in question, at one time, had a Patreon account. However this account was, at the relevant time, no longer launched from the Patreon platform due to inactivity and therefore was, at the relevant time, no longer able to collect personal data relating to other Patreon users. It is important to note that the Complainant has not alleged that a breach took place on the former Patreon account of the creator in question; rather, they alleged that a breach took place on a third party website administered by an individual who also had an account on Patreon. Patreon noted that it *"cannot...help someone who is seeking punishment by Patreon of a party with whom Patreon does not have a relationship, nor can we act when the alleged incident is not a case where our Terms of Service are violated and remediation is therefore not warranted."*

22. Patreon confirmed that it had engaged with the Complainant on multiple occasions and over a considerable period of time in relation to their concerns. Patreon explained the steps it had taken to investigate the Complainant's concerns including contacting the creator in question to understand the facts of the Complaint, reviewing and assessing those concerns and the alleged actions of the third party (insofar as they pertained to the third party's then-active account with Patreon) in light of Patreon's Community Guidelines, and ultimately determining that no violation of Patreon's Community Guidelines had occurred:

> *"Patreon can show at least 8+ different times where we have responded to [redacted]'s complaints over the past 2 years. We reached out to the creator that [redacted] complained about to understand the facts, we reviewed our Community Guidelines, and we concluded there was no violation of Community Guidelines. We then re-reviewed our findings on additional occasions when [redacted] reached out to dispute our earlier findings.*

The claims that [redacted] alleged in his many reach-outs to Patreon consisted of allegations against someone who was not the creator, but someone who commented on the creator's site. Patreon had and has no control over a third party commenter.

●The comments made by the third party commenter did not violate our community guidelines, and are not actionable.

●Our responses to [redacted] also included instructions on creator blocking (even though the creator had not doxed him), on how to access the information we process about him, on how to download his information, and on self-deletion from the platform, all at the Patreon Privacy Center. Self-deletion allows for complete removal from our platform, though it does not appear that [redacted] has sought self-deletion".

23. In relation to the access request. Patreon explained that the request was made to Patreon's content team rather than the dedicated privacy channel provided and, as a result, the request was not identified as an access request at first and so was not forwarded to its designated privacy team until April 2020. Patreon explained this as follows:

> *"…[the Complainant] did not ask for this information in clear and simple terms, via the usual helpdesk channels where [they] normally communicated with us, nor did he email privacy@patreon.com which would be a natural place for such a request. [They] apparently sent a lengthy email to guidelines@patreon.com, which began again with a complaint about our findings about [REDACTED], and which stated later in the email that he wanted to know what information we hold and process about him. This was not detected by the content team to be a privacy access request, and it was not received by the Privacy team until much later."*

24. Patreon further explained that, upon receipt of the request by the privacy team in April 2020, a substantive response had been provided to the access request, which included instructions on how the Complainant could access their personal data using Patreon's self-service tools.

25. In relation to the apparent erasure request which the Complainant asserted had been made, Patreon stated that it had not received any erasure request from the Complainant. The date of this apparent erasure request was unspecified and the Complainant was unable to provide a copy of the erasure request to Patreon. Over the course of its examination, the DPC wrote to the Complainant seeking a copy of the erasure request, noting that in the absence of evidence of same, the DPC would continue its examination on the basis of the access request only. The Complainant responded indicating that they were unable to locate a copy of the erasure request.

26. The Complainant was provided with Patreon's responses to the DPC's examination, as set out in the preceding paragraphs. The Complainant remained dissatisfied and made a series of allegations regarding Patreon:

> "*Patreon were funding and supporting illegal crimes against during the time* [REDACTED] *patreon page was active when I asked contacted about the crimes committed against as they had previously suspended* [REDACTED] *patreon page previously for other illegal activity.*
>
> *I have explained previously the data breach and crimes the website* [REDACTED] *committed against me previously to Patreon multiple times to which they have ignored or stonewalled when I countered their replies anytime they chose to not ignore or stonewall me as the Irish DPC has seen, helped me with and is aware of.*
>
> *I pointed to Patreon that the Patreon page Owner who was also the* [REDACTED] *website owner was responsible for the crimes along with the company Comeso.org who confirmed the illegal crimes I was accused of and lead to me being doxxed, harassed and receiving death threats were faked screenshots and I have never contacted before the illegal crimes against me.*
>
> *I can provide this evidence and again if needed.*
>
> *The creator had doxxed me which evidence can be shown easily so this blatant lie is not appreciated given how loathsome it is to try deny a victims voice and support abusers especially in considering how much online abuse is getting worse each year.*
>
> *Patreon say "The comments made by the third party commenter did not violate our community guidelines, and are not actionable." So given that the reason the comments besides the opening post by the creator were deleted was because they contained Incitement of harassment, Incitement of violence, Character assassination and death threats towards me.*
>
> *Patreon has admitted to seeing comments before they were deleted and is contradicting their own terms of service and guidelines once again as shown here in their guidelines here:* ***https://www.patreon.com/policy/guidelines***".

Procedural Matters

The Act

27. Under section 109(2) of the Act, the DPC may, where it considers that there is a reasonable likelihood of the parties reaching, within a reasonable time, an amicable resolution of the subject matter of a complaint, take such steps as it considers appropriate to arrange or facilitate such a resolution. The DPC took appropriate steps in an attempt to achieve an amicable resolution of the subject matter of the Complaint. However, this was ultimately unsuccessful.

28. Under section 109(4)(a) of the Act, where the DPC considers than an amicable resolution cannot be reached by the parties within a reasonable time, and where the DPC is the lead supervisory authority in respect of the complaint, the DPC is required to proceed to comply with section 113(2) of the Act, which provides as follows:

    "Where section 109(4)(a) applies, the Commission shall–

    (a) in accordance with subsection (3), make a draft decision in respect of the complaint (or, as the case may be, part of the complaint) and, where applicable, as to the envisaged action to be taken in relation to the controller or processor concerned, and

    (b) in accordance with Article 60 and, where appropriate, Article 65, adopt its decision in respect of the complaint or, as the case may be, part of the complaint."

29. Accordingly, in circumstances where an amicable resolution of the Complaint could not be achieved, the DPC is now required to proceed to comply with section 113(2) of the Act.

30. The DPC notified Patreon via correspondence dated 15 February 2023 that it had been unable to facilitate the amicable resolution of the Complaint and that it was now required to proceed to comply with section 113(2) of the Act.

GDPR

31. In accordance with Article 60(3) GDPR, the DPC is obliged to communicate the relevant information and submit a draft decision, in relation to a complaint regarding cross border processing, to the supervisory authorities concerned for their opinion and to take due account of their views.

32. **In accordance with its obligation, the DPC is submitted its draft decision in relation to the matter to the "supervisory authorities concerned" on 05 March 2025.** The processing activities in question in this Complaint were considered likely to substantially affect data subjects in every EU member state. As such, the DPC in its role as lead supervisory authority identified that each supervisory authority is a supervisory authority concerned as defined in Article 4(22) of the GDPR. On this basis, the draft decision of the DPC in relation to the Complaint is being submitted to each supervisory authority in the EU and EEA for their opinion.**The DPC did not receive any relevant and reasoned objections from the supervisiory authorities concerned under Article 60(4) GDPR and, as such, the DPC did not revise the draft decision.**

Preliminary Draft Decision

33. Prior to its preparation of this decision, the DPC prepared a preliminary draft decision for the purposes of facilitating the parties in exercising their respective rights to be heard in relation to the decision.

Notification of the Preliminary Draft Decison to Patreon

34. The DPC provided Patreon with a copy of its preliminary draft decision on 19 December 2024 and invited submissions from Patreon.

35. By correspondence dated 20 December 2024, Patreon confirmed that it had no submissions to make in respect of the preliminary draft decision.

Notification of the Preliminary Draft Decison to the Complainant

36. The DPC provided the Complainant with a copy of its preliminary draft decision on 15 January 2025 and invited submissions from the Complainant.

37. The Complainant did not provide any submissions in respect of the preliminary draft decision.

Issues to be Determined and Applicable Law

38. For the reasons explained at paragraphs 7 – 10 above, the DPC concluded that the Complainant's allegation of a data breach did not fall within the scope of the DPC's examination of the Complaint. Accordingly, that issue does not fall for further consideration in this decision.

39. Furthermore, in circumstances where, as described at paragraph 25 above, there is no evidence available to the DPC to demonstrate that the Complainant had made an erasure request to Patreon, consideration of the Complainant's alleged erasure request does not fall within the scope of this decision.

40. In light of the foregoing, upon the conclusion of the DPC's examination, the issue now falling to be determined is whether Patreon was obliged to act on the Complainant's access request given the circumstances in which it was made.

41. For the purposes of its assessment of this issue, the DPC has considered the following Articles of the GDPR and relevant guidance:

    a. Article 12(2) of the GDPR states *inter alia* that *"The controller shall facilitate the exercise of data subject rights under Articles 15 to 22."*

    b. Article 12(3) of the GDPR states that *"…The controller shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request.".*

    c. Article 15 of the GDPR states that a *"…data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data…".*

    d. Guidelines 01/2022 of the European Data Protection Board in relation to the right of access[2] (**EDPB Guidelines**) which provide *inter alia* guidance in relation to the form data subject rights requests may take.[3]

    e. Guidance of the DPC in relation to the right of access[4] (**DPC Guidance**) which provides *inter alia* guidance in relation to how data controllers should ensure requests are lodged and received correctly.[5]

Analysis and Findings

[2] Guidelines 01/2022 on data subject rights – Right of access, version 2.0, adopted on 28 March 2023.
[3] Ibid, paras 52-57.
[4] Subject Access Requests: A Data Controller's Guide, published October 2022.
[5] Ibid, pages 2-4.

Was Patreon obliged to act on the Complainant's access request given the circumstances in which it was made?

42. The DPC notes that the Complainant submitted an access request via email dated 01 September 2019 to *"guidelines@patreon.com"* wherein they sought information regarding the processing of their personal data held by Patreon and access to same. As set out in paragraph 23 above, Patreon asserted that the Complainant did not make this request in clear and simple terms and did not utilise the designated email channel for such requests. The request itself was sent to *"guidelines@patreon.com"* and was not identified by its content team as a data protection request. As a result, the request was not provided to the team responsible for such requests until April 2020. Patreon advised the Complainant on how they could access and download their data via email dated 23 April 2020.

43. In relation to Patreon's assertions as to the form of the request, both the EDPB Guidelines and the DPC Guidance make clear that *"the GDPR does not require any particular form to be used to make a valid access request".*[6] The DPC notes that the request itself was made in the wider context of the Complainant's ongoing engagement with Patreon relating to their concerns about a third party creator and which the DPC has already determined did not fall within the scope of the GDPR. However, the DPC notes that the subject field for the email which contained the request was clearly labelled as *"Welcome to Ireland and GDPR request"*. The DPC also notes that although the Complainant raised further concerns about the third party creator and Patreon's investigation of same within the body of the email, it was clear that the vast majority of the body of the email consisted of a detailed access request which referred explicitly to Article 15 GDPR, the statutory timeframe for a response pursuant to Article 12 GDPR, and to each of the relevant items referred to in Article 15(1) GDPR. In the circumstances, the DPC is satisfied that Patreon's assertions as to the form of the request were unfounded.

44. In relation to Patreon's assertion that the request was not made to an appropriate email channel for receiving such requests, the EDPB Guidelines make clear that *"there are, in principle, no requirements under the GDPR that the data subjects must observe when choosing a communication channel through which they enter into contact with the controller"*[7] and that , *"if a data subject makes a request using a communication channel provided by the controller, which is*

[6] DPC Guidance, page 3. The EDPB Guidelines similarly note, at paragraph 52, that *"the GDPR does not impose any requirements on data subjects regarding the form of the request for access to the personal data."*

[7] EDPB Guidelines, para 52.

different from the one indicated as the preferable one, such request shall be, in general, considered effective and the controller should handle such a request accordingly."[8] Similarly, the DPC Guidance makes clear that data subjects *"can always validly lodge an access request by contacting the organisation through any method of communication be it by phone, post, informal chat or in person"*, and that the controller *"may re-direct the Data Subject to the relevant department of the organisation dealing with access requests, or may re-direct the correspondence themselves by internal email or post, however the clock for complying with the relevant time limit begins from the day the request is received by the Data Controller."*[9] Accordingly, requests made through communication channels which differ from the preferred channel of the data controller may, in principle, still be considered effective and the controller has an obligation to respond and adhere to the statutory timeframes for such requests. The EDPB Guidelines further emphasise that this is tied to the controller's obligation to facilitate the exercise of data subject rights pursuant to Article 12(2) GDPR, stating that "*controllers should undertake all reasonable efforts to make sure that the exercise of data subject rights is facilitated."*[10]

45. The EDPB Guidelines clarify that a controller *"is not obliged to act on a request sent to a random or incorrect e-email address, not directly provided by the controller, or to any communication channel that is clearly not intended to receive [such requests]"* and some examples are provided to further explain this qualification.[11] Where a request has not been made to such a point of contact, it is clear that data controllers are required to re-direct the data subject to the relevant channel to make their request or it may re-direct the request itself. Importantly, the statutory timeframe begins from the day the request is received by the data controller. Further, as stated in the DPC Guidance, *"[i]t is the responsibility of Data Controllers to adequately train their employees to be aware and take note of any access requests lodged (especially if the request is lodged orally) and to re-direct the access request to the relevant department within the organisation".*[12]

46. Having considered Patreon's assertion that the Complainant did not make their access request to the designated email channel for same, along with consideration given to, in particular, the EDPB Guidelines, the DPC is satisfied that the Complainant's request could not be considered as one falling within the qualification referred to at paragraph 45 above. The Complainant's request was made to a "guidelines" email address which appeared to serve as a channel for

[8] EDPB Guidelines, para 53.
[9] DPC Guidance, page 3.
[10] EDPB Guidelines, para 53.
[11] EDPB Guidelines, paras 55-56.
[12] DPC Guidance, page 3.

addressing user queries in relation to the application of Patreon's policies across its service. In the DPC's view, it would be reasonable to expect that such a point of contact would be equipped to deal with a wide range of general queries which may relate to varying extents with Patreon's policies, and to be able to redirect less relevant requests to the appropriate channels. Further, it is the DPC's view that this type of channel did not appear to in any way resemble the type of niche or specialised point of contact listed in the EDPB Guidelines as an example of a point of contact which could not be reasonably expected to respond to such a request; namely, that of a [redacted] email address email address displayed in the changing room of a fitness club. In the DPC's view, the point of contact to which the Complainant made their request could not be said to constitute a *"random or incorrect"* email address, or an address that was *"clearly not intended to receive"* data subject rights requests, when read in light of the relevant paragraphs of and examples given in the EDPB Guidelines.

47. **Accordingly, for the reasons set out at paragraphs 42 to 46 above, the DPC considers that Patreon was obliged to act on the Complainant's access request given the circumstances in which it was made, and that, in order to facilitate the request, Patreon ought to have ensured that the request was re-directed to the appropriate team within the statutory timeframe.**

48. **Furthermore, the DPC notes that the statutory one-month timeframe pursuant to Article 12(3) of the GDPR began on 01 September 2019 when the Complainant submitted their access request to Patreon. Patreon responded to the access request on 23 April 2020, which was outside the statutory timeframe.**

Decision on Infringement of GDPR

49. Following the examination of the Complaint against Patreon and in light of all the foregoing considerations, the DPC finds that Patreon infringed the GDPR as follows:

- In circumstances where Patreon failed to act on the Complainant's access request despite it being obliged to do so, the DPC finds that Patreon failed to facilitate the Complainant's access request and thereby infringed Article 12(2) GDPR.

- In circumstances where Patreon did not respond to the access request within the statutory timeframe, the DPC finds that Patreon has infringed Article 12(3) GDPR.

Decision on Corrective Powers

Infringements of Articles 12(2) and 12(3) GDPR

50. In deciding on the corrective powers that are to be exercised in respect of the infringements of the GDPR outlined above, the Commission has had due regard to the DPC's power to impose administrative fines pursuant to section 141 of the Act. In particular, the Commission has considered the criteria set out in Article 83(2) (a)-(k) of the GDPR. When imposing corrective powers, the Commission is obliged to select the measures that are effective, proportionate and dissuasive in response to the· particular infringements. The assessment of what is effective, proportionate and dissuasive must be made in the context of the objective pursued by the corrective measures, for example re-establishing compliance with the GDPR or punishing unlawful behaviour (or both)[13]. The Commission finds that an administrative fine would not be necessary, proportionate or dissuasive in the particular circumstances in relation to the infringements of the Articles of the GDPR as set out above.

Decision on Envisaged Action to be Taken

51. Section 113(4) of the Act provides as follows:

"Where the Commission adopts a decision under subsection (2)(b) to the effect that an infringement by the controller or processor concerned has occurred or is occurring, it shall, in addition, make a decision—

(a) where an inquiry has been conducted in respect of the complaint—
(i) as to whether a corrective power should be exercised in respect of the controller or processor concerned, and
(ii) where it decides to so exercise a corrective power, the corrective power that is to be exercised,
or

(b) where an inquiry has not been conducted in respect of the complaint—
(i) as to whether an action specified in subsection (6) should be taken in respect of the controller or processor concerned, and
(ii) where it decides to take such an action, the action that is to be taken.

[13] See the Article 29 Data Protection Working Party 'Guidelines on the application and setting of administrative fines for the purposes of Regulation 2016/679', at page 11.

52. Accordingly, as no inquiry has been conducted in respect of this Complaint, the possible action(s) which the DPC may decide to take in relation to the infringements identified are those specified in section 113(6) of the Act which provides as follows:

"The actions referred to in subsection (4)(b) include any or all of the following:

(a) the serving on the controller or processor concerned of an enforcement notice, requiring it to do one or more than one of the following:

(i) comply with the data subject's request to exercise his or her rights pursuant to a relevant enactment;
(ii) where the enforcement notice is given to the controller, communicate a personal data breach to the data subject;
(iii) rectify or erase personal data or restrict processing pursuant to Article 16, 17 or 18, and, in respect of that action, to comply with Article 19 and, where applicable, Article 17(2);

(b) the issuing of a reprimand to the controller or processor concerned;

(c) *the taking of such other action in respect of the complaint as the Commission considers appropriate."*

53. In light of the above and taking into account the extent of the infringements identified, the DPC issues a reprimand to Patreon, pursuant to section 113(6)(b) of the Act.

Judicial Remedies With Respect to Decision of the DPC

54. In accordance with Article 78 of the GDPR, each natural or legal person has the right to an effective judicial remedy against a legally binding decision of a supervisory authority concerning them. Pursuant to section 150(5) of the Act, an appeal to the Irish Circuit Court or the Irish High Court may be taken by a data subject or any other person (this includes a data controller) affected by a legally binding decision of the DPC within 28 days of receipt of notification of such decision. An appeal may also be taken by a data controller within 28 days of notification; under section 150(1) against the issuing of an enforcement notice and/or information notice by the DPC against the data controller; and under section 142, against any imposition upon it of an administrative fine by the DPC.

Signed,

Elizabeth Finn
Deputy Commissioner
On behalf of the Data Protection Commission