

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

IMI Complaint Reference Number: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with the Commission Nationale de l'Informatique et des Libertés (France DPA) 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 25th day of April 2025



Data Protection Commission
6 Pembroke Row,
Dublin 2, Ireland

Background

1. On 19 June 2018, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Commission Nationale de l'Informatique et des Libertés (“the **Recipient SA**”) concerning Microsoft Ireland Operations 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) GDPR, the Recipient SA transferred the complaint to the DPC on 5 June 2020.
3. In July 2021, the DPC sought further clarifications on the scope of the complaint. Those clarifications were received on the 11 January 2023 and the DPC were able to examine the complaint further.

The Complaint

4. The details of the complaint were as follows:
 - a. The Data Subject had submitted a delisting request to the Respondent requesting the removal of three URLs. The Data Subject had informed the Respondent that when they searched their name using their search engine, the URL's were appearing and they did not wish to be associated with the articles in question.
 - b. The Respondent agreed to delist two of the URLs and refused to delist the third URL, as it did not meet their criteria for removal. The Data Subject was not satisfied with the response they received and thereafter submitted a complaint to the Recipient SA.

Action taken by the DPC

5. 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.
6. 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).
7. 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

- 8. The DPC engaged with both the Data Subject (via the Recipient SA) and Respondent in relation to the subject-matter of the complaint. Certain preliminary issues required extensive engagement between the DPC and the Recipient SA prior to the commencement of the complaint by the DPC on 4 March 2024.
- 9. In response, the Respondent explained to the DPC that it was unable to locate any previously submitted delisting requests. However, the Respondent's Operations team had reviewed the URLs, which were the subject of this complaint and determined that they were eligible for removal and submitted an internal Right to be Forgotten (**RTBF**) request on behalf of the Data Subject. The DPC wrote to the Data Subject noting the relevant URLs were no longer returning in a search of the Data Subject's name.
- 10. The Recipient SA notified the DPC on the 26 April 2024 that it had conducted a subsequent search of the Data Subject's name and one of the relevant URLs was continuing to return.
- 11. Following further engagement, the DPC noted to the Respondent that the article in question was now returning under a slightly varied URL and requested the new URL was delisted. The Respondent explained "*URLs that have a variance of even just one character from an initially provided URL are unique, even if they look similar, and therefore a new request must be submitted for each unique URL*".
- 12. The Respondent replied to confirm it had investigated the issue and confirmed the newly identified URL was not submitted in an internal RTBF request. The Respondent advised that

the URL had now been submitted in an internal RTBF request and confirmed it would be blocked from searches of the Data Subject's name, as per the Data Subject's request.

13. In order to verify this, the DPC then conducted a search of the Data Subject's name and confirmed that the relevant URLs were no longer returning under the Data Subject's name. As this appeared to address the issues of the Data Subject complaint, the DPC asked the Data Subject to notify it, within a specific 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.
14. 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.
15. 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

16. 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.
17. 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