

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 Office of the Information and Data Protection Commissioner (Malta DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning LinkedIn Ireland UC.

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. [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with Maltese Data Protection Authority (“the **Recipient SA**”) on 23 January 2024 concerning LinkedIn Ireland UC (“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 23 February 2024.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the Respondent requesting access to their personal data following the suspension of their account. The Data Subject was not satisfied with the response received from the Respondent.
 - b. The Data Subject stated that they could not access their account as it had been suspended. The Respondent asserted the Data Subject was using tools that automate activity, a ‘bot’ that increased their viewing on the platform, which resulted in their account being suspended. The Data Subject claimed that this information was false and requested a copy of their data contained within their account.
 - c. Not being satisfied with the response received, the Data Subject lodged a complaint with the Recipient SA, which was subsequently transmitted to 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 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. On 3 October 2024, the DPC formally commenced the Data Subject's complaint. The DPC provided the Respondent with a summary of correspondence between the Data Subject and the Respondent.
- 8. In its response on 10 October 2024, the Respondent clarified that the Data Subject's access request was not processed as per the Respondent's standard protocol at the first point of contact. The Customer Service representative handling the request did not correctly identify the Data Subject's query as an access request and responded to the query without addressing the Article 15 request. Having identified the error, the Respondent provided the Data Subject with a copy of their personal data and extended their sincerest apologies for the inconvenience caused.
- 9. The Respondent further stated that it had conducted a thorough review of the complaint and identified that the reason for the restriction was incorrectly communicated to the Data Subject. To remedy the situation, the Respondent offered the Data Subject the opportunity to re-join the platform, contingent upon their agreement to adhere to its Terms of Service.
- 10. The DPC noted that as the requested personal data had now been provided by the Respondent, and the Data Subject could re-join the platform, the dispute between the Data Subject and Respondent appeared to have been resolved. In the circumstances, the DPC asked the Data Subject to notify it, within 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.

11. On 12 February 2025, 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.
12. 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

13. 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.

14. 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