

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 Der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit (Germany Federal DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Yahoo EMEA 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 2nd day of May 2025



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 29 September 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with Der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit (“the **Recipient SA**”) concerning Yahoo EMEA 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 17 January 2024.

The Complaint

3. The details of the complaint were as follows:
 - a. On 19 September 2023, the Data Subject began to engage with the Respondent’s support team, in an attempt to regain access to their email account, after claiming that they were locked out of same.
 - b. In its response to the Data Subject of the same date, the Respondent noted that in order to be able to assist the Data Subject with their concern, it would need certain additional information to ensure it was engaging with the rightful owner of the account. Such requested information included the legal name of the Data Subject, and a recovery email or phone number that was associated with the account, as indicators of proof of rightful ownership.
 - c. The Data Subject was of the view that the requirement to submit certain additional information to regain access to the account was unnecessary, and that there were other means of verification available, such as through the provision of a home address related to a billed subscription from years prior. The Data Subject also claimed that the account had been created with a pseudonym, and therefore the request for a name associated to the account was redundant.
 - 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 his/her 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. In its response to the DPC of 18 October 2024, the Respondent noted that, it had attempted to engage with the Data Subject in relation to ownership of the account. In this regard, the Respondent provided the following information noting its reservations to this point:
 - a. Firstly, the Respondent clarified that the account was not locked, and the user with the correct credentials would be able to access the account. It noted that the Respondent's systems had detected a login attempt from a new device and as a result the Data Subject was met with the security authentication screen when attempting to login, as a form of two-factor authentication existed on the account.
 - b. While the Data Subject was of the view, they did not have a backup phone number for recovering the account, the Respondent advised there was at least one phone number associated with the account as a back-up security measure to regain access to the account.

- c. The Data Subject refused to engage with the options available for verification of ownership, such as engagement with the Respondent's support team, or via cross-referencing recent account activity with the Data Subject's version of recent account activity.
 - d. The Respondent clarified the provision of a home address linked to a previous billed subscription on the account could not be used as a means of verification, as this subscription lapsed in 2009, and it no longer had a record of the address associated with the account.
 - e. The Respondent confirmed that it remained willing to assist the Data Subject with regaining access to the account by any way in which it could, and that the Data Subject could contact the Respondent directly at their discretion to continue their attempts to regain access to the account.
8. On foot of this correspondence, the DPC issued a letter outlining the information provided by the Respondent, seeking to determine whether this would satisfy the Data Subject's concerns, and lead to the amicable resolution of their complaint, or alternatively if they had any comments to provide. This letter also contained information in respect of the offer from the Respondent to be contacted directly by the Data Subject to further assist with their concerns. This letter requested a response from the Data Subject within a specified timeframe if they objected to the amicable resolution of their complaint.
9. This letter was sent to the Recipient SA on 12 November 2024, for onward transmission to the Data Subject. The Recipient SA thereafter confirmed that it issued the DPC's letter to the Data Subject on 18 November 2024.
10. On 12 December 2024, the Recipient SA confirmed to the DPC, that no response had been received from the Data Subject. As the DPC did not receive any further communication from the Data Subject, the complaint was deemed to have been amicably resolved.
11. On 17 December 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.
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:

A handwritten signature in dark ink, appearing to read "Elizabeth Y.", followed by a horizontal line.

Deputy Commissioner
Data Protection Commission