

**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 Autoriteit Persoonsgegevens (Netherlands DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning OpenAI Ireland 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 9<sup>th</sup> day of May 2025



Data Protection Commission  
6 Pembroke Row,  
Dublin 2, Ireland

## **Background**

1. On 4 October 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Autoriteit Persoonsgegevens (“the **Recipient SA**”) concerning OpenAI Ireland 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 2 April 2024.

## **The Complaint**

3. The details of the complaint were as follows:
  - a. The Data Subject submitted an access request to the Respondent on 17 June 2023 requesting a specific list of data. The Data Subject specifically requested the following from the Respondent:
    - A list of categories of personal data that the Respondent had processed about them
    - A copy of all personal data that has been used (and/or is being used) to train any model, as well as the lawful ground the Respondent relies on to do so
    - The actual identity/names of third parties the Respondent has shared their personal data with
    - The actual/identity names of third parties the Respondent has obtained personal data from
    - Whether or not the Respondent considers that, any of its processing of personal data is within the scope of Article 22 GDPR.
  - b. The Data Subject was not satisfied with the response received from the Respondent and accordingly, 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 25 September 2024, the DPC wrote to the Respondent commencing its examination of the complaint and requesting that it address the concerns raised.
8. In its response on 16 October 2024, to the Data Subject, the Respondent confirmed
  - a. the categories of data that had been processed about the Data Subject and with whom their data was shared,
  - b. It provided further information on the training of the Respondent’s AI model.
  - c. It clarified that it uses information that is publicly available on the internet.
  - d. It provided the Data Subject with information regarding its retention policy and
  - e. Provided the Data Subject with a copy of the personal data held.
9. On 4 November 2024, the Respondent wrote to the DPC providing a copy of the response they received from the Data Subject on the 17 October 2024. In this correspondence, the Data Subject explained that they remained dissatisfied with the Respondent’s system, as it does not make access to their personal data easily accessible. The Data Subject also addressed their right to object to the processing of their data for training purposes including data that is available about themselves through the search engines.

10. By letter, on the same date, the Respondent responded to the Data Subject directly.
- a. It explained that the training data is unstructured, as it does not link information in its training dataset with particular identities. The Respondent clarified it is able to undertake a review for specific verified personal data, such as a specific identifier like an email address, but this kind of review would not be able to determine all instances of information incidentally included in the training data that relates to a Data Subject.
  - b. It explained that there is no index, like that of search engine, allowing it to identify data related to specific individuals.
  - c. It confirmed that it did not find any instances of the Data Subject's verified email address appearing in its training data.
  - d. In regards to the Data Subject's right to object pursuant to Article 21 GDPR, the Respondent stated that it would filter out their verified personal data from future AI training model runs and will not train its AI models with content associated with their account.
11. The DPC noted that, the requested personal data having now been provided by the Respondent 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 a 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.
12. On 1 April 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.
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:

A handwritten signature in dark ink, appearing to read "Eogabalt M." followed by a stylized flourish.

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**Deputy Commissioner**

**Data Protection Commission**