

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 Der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit (Germany Federal DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning WhatsApp 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 9th day of May 2025



Data Protection Commission
6 Pembroke Row, Dublin 2,
Ireland

Background

1. On 10 October 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Germany Federal DPA (“the **Recipient SA**”) concerning WhatsApp 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 4 December 2023.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the Respondent on 10 September 2023 requesting information pursuant to Article 15 GDPR, in relation to their personal data stored by the Respondent, in addition to querying how and when said data was obtained and when this data may have been transferred to third parties.
 - b. The Data Subject asserted that, other than an automatic acknowledgement of their request, they did not receive any response from the Respondent and subsequently 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 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 2 August 2024, the DPC outlined the complaint to the Respondent. In reply, the Respondent explained that the Data Subject had made their request via its general ‘Contact Support’ channel and although a process was in place to capture GDPR requests submitted through this channel, it was unable to locate a record of the request.
8. However, the Respondent explained that it might have been the case that the Data Subject’s request was not appropriately classified as a GDPR related request. The Respondent outlined that, as a result, it will use this opportunity to review its process to minimise the same happening in the future. In addition, the Respondent provided responses to the queries raised by the Data Subject and directed them to its in-app self-serve tools to easily access their data and further information available within its privacy policy.
9. Notwithstanding, the Data Subject was not satisfied with the Respondent’s response and outlined to the DPC
 - a. that there had been a delay in receiving their personal data.
 - b. they advised they had not received any information regarding with whom, if anyone, their data had been shared.
 - c. They outlined the steps they had to take to access their personal data and why they believed the solution provided was not a barrier-free means of accessing their personal data.
10. In response to correspondence from the DPC, the Respondent provided further information regarding the delay in the Data Subject receiving their personal data and their request for a barrier-free manner to access their information and the recipients of their personal data. The Respondent clarified the telecommunication providers that it shares personal data with.

11. On 8 January 2025, the DPC wrote to the Data Subject outlining the Respondent's response to their outstanding concerns. When doing so, the DPC noted that, the requested information in relation to their personal data now having been provided by the Respondent, the dispute between the Data Subject and Respondent appeared to have been resolved.
12. 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. On 6 February 2025, the DPC received correspondence from the Data Subject outlining their agreement with their complaint being closed and, accordingly, the complaint has been deemed to have been amicably resolved. In their response to the DPC, the Data Subject raised a further query which the DPC subsequently addressed to the Respondent. The Data Subject asked if they should contact the other providers to request their personal data is erased. In response to the query, the Respondent explained that when a user's account is deleted, data that had been shared with the Respondent's other companies that provide its service is automatically deleted also, without the need for the user to request same. The DPC informed the Data Subject of same.
13. 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.
14. 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

15. 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.
16. 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 stylized flourish.

Deputy Commissioner

Data Protection Commission