

DPC Complaint Ref: [REDACTED]

Date of Decision: 05 August 2025

Complainant: [REDACTED]

Data Controller: Meta Platforms Ireland Limited

Re: [REDACTED] v Meta Platforms Ireland Limited

DECISION

This is a decision of the Data Protection Commission of Ireland ("**DPC**") in relation to DPC complaint reference [REDACTED] (hereinafter referred to as the "**Complaint**") submitted directly to the DPC by [REDACTED] ("**Complainant**") against Meta Platforms Ireland Limited ("**Meta**").

This decision is proposed to be made pursuant to the powers conferred on the DPC by section 113 of the Data Protection Act 2018 ("**the Act**") and Article 60 of the General Data Protection Regulation ("**GDPR**").

Background to the Complaint

1. The Complainant had attempted to access their Meta account at which point they received a notification that their account was suspended due to a violation of Meta's terms of service, and then was subsequently informed in correspondence that the suspension was due to a serious violation of Meta's terms of service. As a result of this alleged violation, the Complainant was unable to access their account and therefore was unable to gain access to their personal data contained within the account in question.
2. The Complainant denied Meta's assertion that they had violated its terms of service and objected to the fact that their account had been blocked without Meta providing them with reasons as to why. The Complainant submitted an access request to Meta via email dated 07 August 2019 wherein they sought "...all the saved data (messenger contacts, phone numbers)" located in their account.
3. The Complainant was ultimately unsuccessful in obtaining this information and submitted a complaint to the DPC.

Preliminary Matters

4. Upon receipt of the complaint, the DPC assessed the Complaint in order to determine: (i) the scope of the Complaint; (ii) that Meta was the controller for the processing at issue within the meaning of the GDPR; and (iii) that the DPC was the competent supervisory authority to handle the Complaint.

Scope of the Complaint

5. In light of the facts set out above, the DPC is of the view that the scope of the Complaint consisted of the Complainant's request for access to the specific information described at paragraph 2 above and Meta's reliance on Article 15(4) GDPR in response thereto.

Meta as Controller

6. Pursuant to Article 4(7) GDPR, a controller is *"the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law"*.
7. At the time the Complainant submitted their access request to Meta ("**relevant time**"), Meta's registered name was Facebook Ireland Limited. On 11 January 2022, the DPC was notified that, effective from 5 January 2022, Facebook Ireland Limited had changed its name to Meta Platforms Ireland Limited (i.e. "Meta"). In the circumstances and for ease of reference, this decision refers to the controller as "Meta" rather than Facebook Ireland Limited even where, at the relevant point in time, the controller's name was Facebook Ireland Limited.
8. Meta had confirmed to the DPC previously by way of email dated 25 May 2018 that it is the controller for the Facebook service in the EU, and that its main establishment is in Ireland. Meta's Privacy Policy effective at the relevant time stated as follows:

"To learn more about how privacy works on Facebook, please check out Privacy Basics. If you have questions about this policy, here's how you can reach us:

If you live in the US or Canada...

Please contact Facebook, Inc. online or by mail at:

Facebook, Inc.

An Coimisiún um Chosaint Sonraí, 6 Rae Pheambróg, Baile Átha Cliath 2, Éire.

Data Protection Commission, **6 Pembroke Row**, Dublin 2, Ireland.

www.cosantasonrai.ie | www.dataprotection.ie | eolas@cosantasonrai.ie | info@dataprotection.ie Tel: +353 (01)7650100

1601 Willow Road
Menlo Park, CA 94025

If you live anywhere else...

The data controller responsible for your information is Facebook Ireland Ltd., which you can contact online or by mail at:

*Facebook Ireland Ltd.
4 Grand Canal Square
Grand Canal Harbour
Dublin 2 Ireland"*

9. This Privacy Policy was effective from 29 September 2016 and was subsequently updated and replaced by subsequent versions between 4 January 2022 and 14 November 2024. Meta's Privacy Policy effective 14 November 2024 states as follows:

"The data controller responsible for your information is Meta Platforms Ireland Limited, which you can contact online [link], or by mail at:

*Meta Platforms Ireland Limited
ATTN: Privacy Operations
Merrion Road
Dublin 4
D04 X2K5, Ireland*

Contact the Data Protection Officer [link] for Meta Platforms Ireland Limited.

You also have the right to lodge a complaint with Meta Platforms Ireland's lead supervisory authority, the Irish Data Protection Commission, or your local supervisory authority."

Similar wording was contained in previous versions of the Privacy Policy effective since 4 January 2022.

10. The processing activities at issue in the Complaint related to Meta's processing of the Complainant's personal data in the context of the Facebook service and the Complainant's subsequent attempt to exercise their right of access in the manner described at paragraph 2 above. Taking this into account and in light of the information contained in the applicable Privacy

Policy and the email of 25 May 2018 referred to above, the DPC was therefore satisfied that Meta was the controller, within the meaning of Article 4(7) GDPR, in respect of the processing activities to which the Complaint related. The DPC also notes that Meta did not contest that it was the controller for the processing activities at issue in the Complaint, whether at any point during complaint-handling or to date.

Competence of the DPC

11. Pursuant to Article 56(1) GDPR, *“the supervisory authority of the main establishment or of the single establishment of the controller or processor shall be competent to act as lead supervisory authority for the cross-border processing carried out by that controller or processor”*. It follows that the DPC is only competent to act as the lead supervisory authority in relation to the Complaint if (i) the Complaint concerns cross-border processing as defined in the GDPR, and (ii) Meta’s main or single establishment in the Union was located in Ireland at the relevant time.
12. Pursuant to Article 4(23) GDPR, cross-border processing is defined as either *“(a) processing of personal data which takes place in the context of the activities of establishments in more than one Member State of a controller or processor in the Union where the controller or processor is established in more than one Member State; or (b) processing of personal data which takes place in the context of the activities of a single establishment of a controller or processor in the Union but which substantially affects or is likely to substantially affect data subjects in more than one Member State.”*
13. The processing activities at issue in the Complaint appear to apply to Meta’s processing of user data in the context of the Facebook service generally and how those users can exercise their data subject rights in respect of those data. As Meta’s users are located across the EU, the DPC considered that the processing is likely to substantially affect data subjects in every EU member state. The DPC was therefore satisfied that the Complaint concerned cross-border processing as defined in Article 4(23) GDPR.
14. Pursuant to Article 4(16) GDPR, a controller’s “main establishment” is *“...the place of its central administration in the Union”* where *“decisions on the purposes and means of the processing of personal data are taken”*.
15. The DPC understands that, at the relevant time, Meta’s place of its central administration in the Union was located in Ireland. This is consistent with the information contained within the Privacy Policy, which since the version of 4 January 2022 designates the DPC as Meta’s lead supervisory authority and makes clear that Meta is the data controller for all users within the European region. The DPC also noted the email of 25 May 2018 referred to at paragraph 8 above, which stated that

Meta is the controller for the Facebook service and the Instagram service in the EU, and that its main establishment is in Ireland. The DPC further notes that this position does not appear to have changed at any time prior to the relevant time of this Complaint.

16. The DPC was therefore satisfied that Meta's main establishment, as defined in Article 4(16) GDPR, in the Union was located in Ireland at the relevant time and that the DPC was competent to act as lead supervisory authority in respect of the Complaint in accordance with Article 56 GDPR. The DPC also notes that Meta did not contest the DPC's competence as lead supervisory authority for the processing activities at issue in the Complaint, whether at any point during complaint-handling or to date.

Complaint Handling and Examination by the DPC

17. Following its assessment of the matters set out above, the DPC proceeded to examine the Complaint pursuant to section 109(1) of the Act. The DPC's examination focused solely on the scope of the Complaint as described at paragraph 5 above (i.e. the Complainant's request for access to the specific information described at paragraph 2 above, and Meta's reliance on Article 15(4) GDPR in response thereto), rather than on content matters more generally. Over the course of its examination, the DPC engaged with both Meta and the Complainant in relation to the subject matter of the Complaint.

18. In response to the DPC's examination, Meta explained as follows:

"Our specialist team has confirmed that [SS's] account was disabled for a serious breach of our Terms of Service (<https://www.facebook.com/terms.php>).

In certain cases, where the breach of our Terms of Service is particularly serious or egregious, we reserve the right not to provide users with access to the data relating to their account, as such provision could adversely affect, and indeed harm, the rights and freedoms of others, as set out in Article 15 (4) GDPR. This would include the rights and freedoms of those who have reported the breach of terms but also those who have interacted with the user.

If [] can provide us with a secure email address, we can send him a burner link with access to the "non-sensitive" data.

We hope that this is satisfactory to []."

19. Meta subsequently provided the Complainant with the aforementioned 'burner link' which contained "...personal data related to the complainant which did not create a security risk...". Upon receipt, the Complainant alleged that there were personal data omitted from the burner link, namely personal data pertaining to "...my saved Facebook-Messenger-Correspondence and uploaded contact numbers...".
20. In response, Meta explained that it relied upon Article 15(4) of the GDPR to restrict the Complainant's right to access and withhold certain personal data, and explained how the Complainant's account had been disabled "... for an egregious breach of our Terms of Service and Community Standards...". Meta further explained how it had conducted an investigation into the Complainant's account when content contained within was flagged as a potential violation of Meta's terms of service. This content was investigated by Meta's review team, it was determined that the content was an egregious violation of Meta's terms of service and the decision was made to disable the Complainant's account. The Complainant was informed of this decision via a notice which appeared when they attempted to access their account. They were also provided with information as to how to appeal this decision and information relating to Meta's procedures on the disabling of accounts.
21. Meta explained that the Complainant appealed the decision to disable their account. This appeal, which was carried out manually, was subsequently denied on the basis that Meta's review determined that the decision to disable the Complainant's account as a result of an egregious violation of its policies was correct. Meta demonstrated the investigatory steps undertaken which resulted in the Complainant's account being disabled and provided its reasoning for same. It advised that its specialist team "...reviewed the disablement and determined that [SS's] Facebook account was correctly disabled for a serious breach of our Terms."
22. However, Meta advised the DPC that due to an error that occurred when the burner link referred to at paragraph 19 above was created, the Complainant was in fact provided, via that link, with all of their personal data which would have been available to them should they have had full access to their account. Meta nonetheless reserved its position in relation to its reliance on Article 15(4) to the effect that, had this error not occurred, it was appropriate for it to withhold from the Complainant all personal data which had inadvertently been provided via the burner link.
23. Acknowledging the fact that the Complainant had been inadvertently provided with all other personal data available in relation to their disabled account, Meta explained that, in the circumstances, the only data which it withheld from the Complainant in response to the access request consisted of "...*(i) the precise reasons for his account being disabled; (ii) the violating content in question;* [REDACTED]

[REDACTED] and (iv) certain details relating to the assessment by personnel within Meta Ireland who were responsible for reviewing and sanctioning the disablement of the Complainant's Facebook account" ("the **Withheld Data**").

24. As a result of its investigation into the Complainant's account, Meta asserted that its reliance on Article 15(4) of the GDPR to restrict the Complainant's right to access was appropriate, stating that:

"...the disclosure of any additional personal data could adversely affect, and indeed harm, the rights and freedoms of others. This would include the rights and freedoms of the members of our Community Operations team but more importantly, the rights and freedoms of users who may have reported the breach related behaviour and/or have been a victim of it."

25. Meta carried out a balancing test in order to determine whether it could rely on Article 15(4) in refusing to provide the Complainant with the Withheld Data. As Meta argued that the Withheld Data should not be disclosed to the Complainant, it follows that Meta considers that no aspect of the balancing test it carried out should be disclosed to the Complainant insofar as doing so would also result in disclosure of the Withheld Data. Meta therefore provided the DPC with these details on a strictly confidential basis. Having carefully considered the details provided by Meta, the DPC agreed that these details could not be disclosed to the Complainant without also disclosing the Withheld Data.

Procedural Matters

The Act

26. Under section 109(2) of the Act, the DPC may, where it considers that there is a reasonable likelihood of the parties reaching, within a reasonable time, an amicable resolution of the subject matter of a complaint, take such steps as it considers appropriate to arrange or facilitate such a resolution. The DPC took appropriate steps in an attempt to achieve an amicable resolution of the subject matter of the Complaint. However, this was ultimately unsuccessful.
27. Under section 109(4)(a) of the Act, where the DPC considers that an amicable resolution cannot be reached by the parties within a reasonable time, and where the DPC is the lead supervisory authority in respect of the complaint, the DPC is required to proceed to comply with section 113(2) of the Act, which provides as follows:

"Where section 109(4)(a) applies, the Commission shall–

- (a) *in accordance with subsection (3), make a draft decision in respect of the complaint (or, as the case may be, part of the complaint) and, where applicable, as to the envisaged action to be taken in relation to the controller or processor concerned, and*
- (b) *in accordance with Article 60 and, where appropriate, Article 65, adopt its decision in respect of the complaint or, as the case may be, part of the complaint.”*
28. Accordingly, in circumstances where an amicable resolution of the Complaint could not be achieved, the DPC is now required to proceed to comply with section 113(2) of the Act.
29. The DPC notified Meta via correspondence dated 02 December 2020 that it had been unable to facilitate the amicable resolution of the Complaint and that it was now required to proceed to comply with section 113(2) of the Act.

GDPR

30. In accordance with Article 60(3) GDPR, the DPC is obliged to communicate the relevant information and submit a draft decision, in relation to a complaint regarding cross border processing, to the supervisory authorities concerned for their opinion and to take due account of their views.
1. **In accordance with its obligation, the DPC submitted its draft decision in relation to the matter to the “supervisory authorities concerned” on 01 July 2025.** The DPC prepared its draft decision, having given detailed consideration to any submissions that the Complainant and/or Meta wished to make. The processing activities in question in this Complaint were considered likely to substantially affect data subjects in every EU member state. As such, the DPC, in its role as lead supervisory authority identified that each supervisory authority is a supervisory authority concerned as defined in Article 4(22) of the GDPR. On this basis, the draft decision of the DPC in relation to this Complaint was submitted to each supervisory authority of the EU and EEA for their opinion. **The DPC did not receive any relevant and reasoned objections from the supervisory authorities concerned under Article 60(4) DPR and, as such, the DPC did not revise the draft decision.**

Notification of the Preliminary Draft Decision to Meta

31. The DPC provided Meta with a copy of its preliminary draft decision on 19 December 2025 and invited submissions from Meta.
32. Meta provided submissions in respect of the preliminary draft decision. **Meta requested that information pertaining to what was included in the ‘Withheld data’ remain confidential. The DPC gave detailed consideration to this request prior to the preparation of this draft decision. The DPC weighed Meta’s request for redactions against any potential prejudice to**

the Complainant and determined that it was appropriate to accede to Meta's request. In that regard, when issuing the PDD to the Complainant, the DPC acceded to Meta's request not to share with him certain information for reasons of confidentiality. Similarly, this confidential information will be redacted from the DPC's Final Decision in this case when it is provided to the Complainant.

Notification of the Preliminary Draft Decision to the Complainant

33. The DPC provided the Complainant with a copy of its preliminary draft decision on 03 June 2025 and invited submissions from the Complainant.
34. The Complainant provided a response in respect of the preliminary draft decision. The DPC gave detailed consideration to this response prior to the preparation of this draft decision.

Issues to be Determined and Applicable Law

35. Upon the conclusion of the DPC's examination, and in light of the scope of the complaint as set out in paragraph 5 above, the issue now falling to be determined is whether Meta has demonstrated that its reliance on Article 15(4) of the GDPR to restrict the Complainant's right of access was appropriate in the specific circumstances of the Complaint.
36. For the purposes of its assessment of this issue, the DPC has considered the following Articles of the GDPR and relevant guidance:
- a. Article 15 GDPR. and in particular (i) the right of a data subject to obtain a copy of their person data provided for under Articles 15(3) and (ii) the exemption set out at Article 15(4) which provides that the right to obtain such a copy "*shall not adversely affect the rights and freedoms of others*".
 - b. Guidelines 01/2022 of the European Data Protection Board on the right of access¹ (**EDPB Guidelines**).
 - c. Guidance of the DPC for data controllers regarding subject access requests² (**DPC Guidance**).

Analysis and Findings

¹ Guidelines 01/2022 on data subject rights – Right of access, Version 2.0, adopted on 28 March 2023.

² Subject Access Requests: A Data Controller's Guide, updated October 2022.

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Has Meta demonstrated that its reliance on Article 15(4) of the GDPR to restrict the Complainant's right of access was appropriate in the specific circumstances of the Complaint.

37. The DPC notes the limitation on the exercise of a data subject's right of access provided for pursuant to Article 15(4) of the GDPR, which states that a data subject's right to obtain a copy of personal data being processed by a data controller should not adversely affect the rights and freedoms of others. In circumstances where a data controller considers it justified to withhold certain personal data in response to an access request pursuant to the exemption under Article 15(4) of the GDPR, the data controller must, as acknowledged in the EDPB Guidelines, *"be able to demonstrate that in the concrete situation, rights and freedoms of others would, in fact be impacted"*.³ Thus, whether or not a controller will be entitled to rely on Article 15(4) will depend on a balancing test, whereby *"the right of access has to be balanced against other fundamental rights in accordance with the principle of proportionality"*.⁴ Similarly, the DPC Guidance notes that *"[t]he extent of compliance depends on the extent to which the provision of the copy of the data could be considered as 'adversely affecting' those rights and freedoms which, in turn, depends on the circumstances of each case."*⁵
38. Meta provided a substantive explanation for its reliance on Article 15(4) of the GDPR for restricting the Complainant's right of access. The DPC noted how Meta's reliance upon Article 15(4) was grounded in its decision to disable the Complainant's account following an investigation by Meta into what was determined to be an egregious breach of Meta's Terms of Service. On foot of that investigation, Meta was clearly satisfied that a serious infringement of its terms of service had occurred and that the resultant disablement of the Complainant's account was carried out validly, fairly and pursuant to its rights and interests in enforcing those terms of service. Meta explained to the DPC the investigatory steps undertaken in relation to that decision [REDACTED] and which also included an appeal by the Complainant and subsequent review by Meta, as noted above at paragraphs 20 and 21.
39. Furthermore, Meta demonstrated the balancing assessment undertaken by it of the rights and freedoms of individuals that it believed would be adversely affected should the aforementioned Withheld Data be provided to the Complainant as part of their access request. This balancing assessment included a comprehensive explanation as to the individuals whose rights and freedoms were likely to be adversely affected and its reasoning as to why.

³ EDPB Guidelines para 172.

⁴ EDPB Guidelines para 173.

⁵ DPC Guidance page 18.

40. Having carefully considered the balancing test carried out by Meta and noting the nature and severity of the infringement as identified by Meta, the DPC's conclusion, set out with reference to each of the individual items identified by Meta as constituting the Withheld Data, was that Meta's balancing test had sufficiently established that there was a real and concrete risk of the rights and freedoms of individuals who would likely be adversely affected should the Withheld Data be released. From the balancing assessment undertaken, Meta concluded that given the nature of the Withheld data, it *"...is satisfied that there would be no practical way to share redacted and/or summary versions of the Withheld Data that would not adversely affect the rights and freedoms of others."* The DPC considers that, as per its obligations, Meta balanced the right of access of the Complainant against the fundamental rights in accordance with the principle of proportionality and sufficiently demonstrated its reliance on Article 15(4) to restrict the Complainant's right of access.
41. Following careful consideration of the explanations provided by Meta and the nature of the Withheld Data, the DPC agrees with Meta's assessment that *"there would be no practical way to share redacted and/or summary versions of the Withheld Data that would not adversely affect the rights and freedoms of others"*.
- 42. The DPC therefore concludes that Meta has demonstrated that its reliance on Article 15(4) of the GDPR to restrict the Complainant's right of access was appropriate in the specific circumstances of the Complaint.**

Decision on Infringement of GDPR

43. Following the examination of the Complaint against Meta and in light of all the foregoing considerations, the Commission finds no infringement of Article 15 GDPR has occurred in this matter.
44. Accordingly, the DPC dismisses the Complaint pursuant to Article 60(8) GDPR and section 113(2) of the Act.

Judicial Remedies With Respect to Decision of the DPC

45. In accordance with Article 78 of the GDPR, each natural or legal person has the right to an effective judicial remedy against a legally binding decision of a supervisory authority concerning them. Pursuant to section 150(5) of the Act, an appeal to the Irish Circuit Court or the Irish High Court may be taken by a data subject or any other person (this includes a data controller) affected by a legally binding decision of the DPC within 28 days of receipt of notification of such decision. An

appeal may also be taken by a data controller within 28 days of notification; under section 150(1) against the issuing of an enforcement notice and/or information notice by the DPC against the data controller; and under section 142, against any imposition upon it of an administrative fine by the DPC.

Signed,



Data Protection Commission

