Private & Confidential

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 the Garante per la protezione dei dati personali (Italy DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Aut O'Mattic A8C 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 ON 12 MAY 2022)

Dated the 23rd day of December 2025

An Coimisiún um Chosaint Sonraí
Data Protection Commission

Data Protection Commission
6 Pembroke Row
Dublin 2, Ireland

Background

1. On 24 August 2023, [redacted] ("the **Data Subject**") lodged a complaint pursuant to Article 77 of the GDPR with the Garante per la protezione dei dati personali ("the **Recipient SA**") concerning Aut O'Mattic A8C 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) of the GDPR, the Recipient SA transferred the complaint to the DPC on 14 March 2024.

The Complaint

3. The details of the complaint were as follows:

    a. The Data Subject, via their lawyer, contacted the Respondent on 5 July 2023 to request deletion of their personal data that was uploaded to the Respondent's website by a third party without the Data Subject's consent.

    b. On the same day, the Respondent replied to the request and advised the Data Subject that they should direct their deletion request to the person who uploaded it. However, as a courtesy, the Respondent had forwarded the request to the uploader in this instance for their consideration.

    c. 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 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. Further to that engagement, the Respondent advised the DPC that it provided a service for users to host websites using WordPress. As such it considered itself to be a data processor and not the data controller in this instance.

8. It reviewed the reported content and would note that it concerned allegations of misconduct by the Data Subject in their capacity as a civil servant. The Respondent believed it is important that third-party users have the opportunity to review complaints about their content, determine the appropriate response considering the circumstances of the publication, and any applicable exceptions provided by the GDPR. The Respondent further confirmed that it enforces its Terms of Service with its customers, and that it requires that site owners maintain a current email address in order to be contacted with notices about their site or account, including legal notices or complaints about their content.

9. The Respondent confirmed it had reached out to the Data Controller to obtain their views and having received no response to its prior two notices, it had sent a final notification to the owner of the content, advising they must respond within 14 days or face the possibility of the site being taken down. The Respondent highlighted to the DPC that failure to provide a response by the end of that time period would suggest that the site owner no longer maintains a current email address, which would be in breach of the Respondent's Terms of Service.

10. On 11 September 2024, the DPC's letter outlining the position of the Respondent as part of the amicable resolution process issued to the Recipient SA for onward transmission to the Data Subject. This correspondence requested that the Data Subject notify the DPC within a specified timeframe, if they were not satisfied with the action taken by the Respondent, so that the DPC could investigate the matter further. The DPC did not receive any further communication from the Data Subject.

11. On 1 October 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:



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Deputy Commissioner
Data Protection Commission