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 Bayerisches Landesamt für Datenschutzaufsicht (Bavaria DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Microsoft Ireland Operations 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 29th day of December 2025

An Coimisiún um Chosaint Sonraí
Data Protection Commission

Data Protection Commission
6 Pembroke Row
Dublin 2, Ireland

Background

1. On 5 December 2024, [redacted] ("the **Data Subject**") lodged a complaint pursuant to Article 77 GDPR with the Bavarian Data Protection Authority ("the **Recipient SA**") concerning Microsoft Ireland Operations Limited ("the **Respondent**").

2. In circumstances where the Data Protection Commission ("the **DPC**") is deemed to be the competent authority for the purpose of Article 56(1) GDPR, the Recipient SA transferred the complaint to the DPC on 16 December 2024.

The Complaint

3. The details of the complaint were as follows:

    a. The Data Subject contacted the Respondent due to a suspected account hack. The Respondent explained that it had conducted an investigation of the Data Subject's account and confirmed that there was unauthorised activity on the account. The Respondent also confirmed that the Data Subject's security information had been altered.

    b. The Respondent informed the Data Subject that if the security features for an account are changed or updated, the support officers are unable to perform an account recovery or transfer. The 'hacker' still had access to their account, therefore an account recovery or transfer was not possible and could not be performed. The Respondent stated that their only option was to permanently block the account to prevent further use. Accordingly, the Data Subject's account was suspended.

    c. On 30 August 2024, the Data Subject submitted an access request pursuant to Article 15 GDPR, to the Respondent. The Data Subject was not satisfied with the Respondent's response in response to their access request and consequently 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 22 May 2025, the DPC formally commenced the complaint. The DPC requested the Respondent address the concerns raised by the Data Subject in their complaint.

8. The Respondent informed the DPC that it had reached out to the Data Subject directly in an attempt to assist with the verification of their identity and regaining access to their account. However, the Data Subject informed the DPC that the Respondent had not made contact with them as alleged.

9. The DPC informed the Respondent that its correspondence did not appear to have reached the Data Subject. In response, the Respondent explained that it was unable to communicate with the Data Subject through the email address provided, as it was linked to the account that had been identified as compromised. The Respondent requested an alternative email address that was not associated with the compromised account, or a current postal address for the Data Subject, in order to proceed with direct communication. The DPC contacted the Data Subject requesting same.

10. The DPC provided the alternative email address for the Data Subject to the Respondent. Subsequently, the Respondent informed the DPC that it had been able to successfully validate

the Data Subject as the rightful account owner. The Respondent also confirmed that account access had been returned to the Data Subject.

11. With confirmation of the Data Subject having regained assess to their account and their associated personal data, 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 20 November 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:



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Deputy Commissioner

Data Protection Commission