

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with the Data Protection Commission pursuant to Article 77 of the General Data Protection Regulation, concerning Meta Platforms 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 6th day of December 2022



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 12 February 2022, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Commission (“the **DPC**”) concerning Meta Platforms Ireland Limited (“the **Respondent**”).
2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) GDPR.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject submitted an access request to the Respondent, following receipt of notification that their Messenger account had been suspended.
 - b. The Data Subject was dissatisfied with the response of the Respondent.

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 Data Subject, 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 and Respondent in relation to the subject-matter of the complaint. Further to that engagement, it was established that the Data Subject's Messenger account was currently deactivated, but that the Respondent could provide the Data Subject with access to their personal data via a download link, if the Data Subject could provide the Respondent with a secure email address. In the circumstances, the Respondent took the following actions:
 - a. The Respondent agreed to grant the Data Subject access to their personal data, once the Data Subject had provided a secure email address.
8. On 30 June 2022, the DPC wrote to the Respondent, outlining the Data Subject's complaint. In its correspondence to the Respondent, the DPC noted that, due to limitations of Messenger-only accounts, the Data Subject had initially reached out to the Respondent's support via their child's Facebook account. The Data Subject also requested that the ID they provided to the Respondent at the time of making their original access request be deleted by the Respondent. The DPC provided the Respondent with copies of the correspondence supplied by the Data Subject.
9. On 29 July 2022, the Respondent responded to the DPC. The Respondent confirmed that the Data Subject's account was deactivated, but that it would be able to provide the Data Subject with a URL to download a copy of their personal data, provided the Data Subject could supply it with a secure e-mail address. The Respondent also confirmed that the ID that had been provided by the Data Subject at the time of their access request had been deleted in accordance with its retention policies.
10. On 2 August 2022, the DPC wrote to the Data Subject, asking them to provide a secure e-mail address that could be shared with the Respondent. The DPC noted that once the secure e-mail was shared, the Respondent would then be able to provide them with a URL containing their requested personal data. On the same date, the Data Subject provided their preferred secure e-mail address to the DPC.
11. On 8 August 2022, the DPC wrote to the Respondent, providing it with the secure e-mail address supplied by the Data Subject. In its correspondence to the Respondent, the DPC asked it to write to the Data Subject directly, and to notify the DPC once the data had been provided to the Data Subject. On 22 August 2022, the Respondent shared a copy of the correspondence

sent directly to the Data Subject with the DPC. On 23 August 2022, the DPC wrote to the Data Subject, providing them with a copy of the correspondence received from the Respondent. In its letter to the Data Subject, the DPC noted that the URL provided by the Respondent was time-sensitive, and was due to expire on the same day. The DPC asked the Data Subject to confirm whether they were able to successfully access their personal data. On the same date, the Data Subject confirmed to the DPC they were able to access their personal data. In the circumstances, the DPC asked the Data Subject to notify it, within one month 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. 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:



Deputy Commissioner

Data Protection Commission