

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 Danish Data Protection Authority pursuant to Article 77 of the General Data Protection Regulation, concerning MTCH Technology Services 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 15th day of May 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 6 January 2021, [REDACTED] (“the Data Subject”) lodged a complaint pursuant to Article 77 GDPR with the Danish Data Protection Authority (“the Recipient SA”) concerning MTCH Technology Services 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 11 February 2021.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject requested the erasure of their Tinder account, and subsequently contacted the Respondent requesting further information in relation to the data it retains following the erasure of a Tinder account.
 - b. The Data Subject was not satisfied with the response they received from 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 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 31 May 2021, the DPC outlined the Data Subject’s complaint to the Respondent. The DPC noted that the Data Subject’s Tinder account had been deleted, and requested further information in relation to the personal data that the Respondent retains following an account erasure. In its response of 25 June 2021, the Respondent explained that it had already engaged with the Data Subject directly with respect to their requests. The Respondent detailed to the DPC the retention periods it applies to different types of data, what data it retains across each of those retention periods, and the purposes for retaining those data. The Respondent also outlined how it had addressed the queries raised by the Data Subject over the course of its direct engagement with them.
8. On 20 July 2021, the DPC wrote to the Data Subject, via the Recipient SA, providing them with the information received from the Respondent. The DPC noted to the Data Subject that correspondence they had sent to the Respondent on 18 February 2021 seemed to indicate that they considered their access request to now be resolved. The DPC requested that the Data Subject confirm whether they wished to continue with their complaint, in light of the information provided by the Respondent. On 1 September 2021, the Data Subject (via the Recipient SA) indicated that the Respondent’s response only partially satisfied their complaint, noting that they were still looking for a specific list of the data that the Respondent retains following an account erasure. Subsequently, the DPC engaged further with the Recipient SA and the Data Subject, in order to obtain clarity on what aspects of their complaint they believed to be unresolved. On 10 May 2022, the DPC received correspondence from the Recipient SA, noting that it was their understanding that the Data Subject did not wish to pursue the complaint further, but would like to receive a response from the DPC regarding the outstanding concerns identified in their correspondence of 1 September 2021.
9. On 1 June 2022, the DPC wrote to the Respondent again, providing the comments it had received from the Data Subject. The DPC asked the Respondent to provide a specific list of personal information retained following an account erasure, along with the retention timelines. The DPC also asked the Respondent to confirm whether the Data Subject’s personal data had been deleted. On 1 July 2022, the DPC received correspondence from the Respondent, confirming that the applicable data had been deleted. The Respondent provided

further details on its retention policies, along with the retention timelines for different categories of personal data. On 6 July 2022, the DPC sent correspondence to the Recipient SA, for the attention of the Data Subject. In its letter to the Data Subject, the DPC confirmed that the Respondent had deleted all of their profile and user-generated data. The DPC provided the Data Subject with a copy of the correspondence received from the Respondent, detailing its different retention periods and timelines for deletion. In the circumstances, the DPC asked the Data Subject to notify it, within two months, 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.

10. On 24 October 2022, 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.
11. 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

12. 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.
13. 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