

**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 9<sup>th</sup> day of June 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. On 25 April 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 contacted the Respondent on 9 December 2021 requesting access to their personal data. The Data Subject noted that they had attempted to access their information via the Respondent’s self-service tools, but were not satisfied as to the completeness of the data received.
  - b. The Respondent did not respond to the request until 21 April 2022. In its response, it requested further details in relation to the request and directed the Data Subject to its self-service tools for accessing and downloading their personal information.
  - c. The Data Subject was not satisfied with the time it took for the Respondent to respond to their request and was further dissatisfied that they were directed to the Respondent’s self-service tools instead of being provided with a copy of their data as requested. The Data Subject considered that the data available through the self-service tools was inadequate and incomplete.
  - d. Although the complaint was received by the DPC on 25 April 2022, the Respondent continued to engage with the Data Subject for a period of time subsequent to this in an attempt to address their concerns. However, the Data Subject remained dissatisfied with the responses received.

## 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, the Respondent explained that due to an internal administrative error, the Data Subject’s access request was not correctly routed to the Data Protection team. On 15 September 2022, the Respondent apologised for this error and noted that it had since been rectified. The Respondent also noted that, in order to further review the request, it had now written to the Data Subject asking them to specify what specific categories of personal data they believed to be missing from the data available through the self-service tools. A copy of this correspondence was provided to the DPC for its consideration.
8. On 20 September 2022, and having reviewed the correspondence referred to above received directly from the Respondent, the Data Subject wrote to the DPC rejecting the explanations given by the Respondent. The Data Subject maintained that the data provided did not represent the full record of data which the Respondent held.
9. The DPC further engaged with the Data Subject in order to establish the data they believed was not included in the report. The DPC also continued to engage with the Respondent and, on 26 September 2022, raised a number of queries regarding the data available via the Respondent’s self-service tools and how such tools adhere to the requirements of Article 15 GDPR. On 14 November 2022, the Respondent replied to the DPC with a detailed response to the queries raised. The Respondent explained the categories of information available through its tools and explained how certain information not shared by a user can be accessed via the

“Activity Log”. The Respondent also provided an explanation regarding advertisements received through the Facebook service, which advertisements users see and why, and how users can understand and control the advertisements they see.

10. On 9 December 2022, the DPC wrote to the Data Subject setting out the Respondent’s detailed replies as outlined above. The DPC considered that the responses provided appeared likely to address the concerns raised by the Data Subject in their complaint and proposed an amicable resolution on that basis. In the circumstances, the DPC asked the Data Subject to notify it, within two weeks, if they were not satisfied with the amicable resolution proposed 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.
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:



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Deputy Commissioner

Data Protection Commission