

**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 Polish Data Protection Authority pursuant to Article 77 of the General Data Protection Regulation, concerning Groupon International 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 21st day of October 2022



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 23 January 2020, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Polish Data Protection Authority (“the **Recipient SA**”) concerning Groupon International 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 22 February 2021.

## **The Complaint**

3. The details of the complaint were as follows:
  - a. The Data Subject submitted an access request directly to the Respondent on 23 January 2020. The Data Subject requested a copy of their personal data, and also requested information on how the Respondent processes their personal data, in accordance with Article 15(1)(a)-(h) GDPR.
  - b. The Data Subject was directed by the Respondent to make their access request via its online portal. The Data Subject was dissatisfied with this response from the Respondent, as they did not wish to use an online portal to make their request.

## **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 his/her 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**

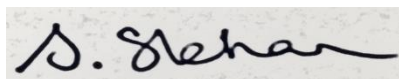
- 7. The DPC engaged with both the Data Subject (via the Recipient SA) and Respondent in relation to the subject-matter of the complaint. Further to that engagement, it was established that the Respondent had requested the Data Subject to verify their identity before fulfilling their access request. However, the Data Subject had not engaged with the verification process. In the circumstances, the Respondent took the following actions:
  - a. The Respondent confirmed to the DPC that it had since provided the Data Subject with their personal data, and provided the requested information on how it processes personal data.
  - b. The Respondent confirmed that it had improved its processes to better recognise instances where a data subject does not wish to use its online portal to make their access request, and instead progress their request via email.
- 8. On 8 June 2021, the DPC outlined the Data Subject’s complaint to the Respondent. The DPC included correspondence forwarded by the Recipient SA, wherein the Respondent’s Polish office had written directly to the Data Subject, responding to their access request. The DPC noted the Data Subject originally submitted their access request by email, and had stated that they did not wish to use the Respondent’s online portal to access their data. On 2 July 2021, the Respondent confirmed to the DPC that it had reviewed the responses of its Polish office to the Data Subject and agreed with its responses. The Respondent confirmed that although the Data Subject had not followed the requested steps to verify their identity, given the circumstances, it was satisfied as to the identity of the Data Subject, as the email address from which the Data Subject made their request was associated with their account. The Respondent confirmed that the Data Subject’s access request was completed on 3 November 2020.

9. On 27 August 2021, the DPC wrote to the Data Subject via the Recipient SA outlining the information provided by the Respondent. In the circumstances, the DPC asked the Data Subject to notify it, within 2 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. 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**

11. 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.
12. 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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**Sandra Skehan**  
**Deputy Commissioner**