

**In the matter of the General Data Protection Regulation**

DPC Complaint Reference: [REDACTED]

IMI Reference: [REDACTED]

**In the matter of a complaint, lodged by [REDACTED] with the Landesbeauftragte für  
Datenschutz und Informationsfreiheit Nordrhein-Westfalen (North Rhine-Westphalia DPA)  
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 ON 12 MAY 2022)**

Dated the 12<sup>th</sup> day of May 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. On 22 July 2021, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen (“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) of the GDPR, the Recipient SA transferred the complaint to the DPC on 5 January 2022.

## The Complaint

3. The details of the complaint were as follows:
  - a. Following the suspension of the Data Subject’s account, on 11 June 2021, the Data Subject sought a copy of their data from the Respondent. On 18 June 2021, the Respondent provided the Data Subject with a file, which the Respondent advised, contained the data requested by the Data Subject. On 5 July 2021, the Data Subject thereafter submitted an erasure request under Article 17 of the GDPR.
  - b. The Respondent replied to the Data Subject on 21 July 2021 advising that as a result of a violation of the Respondent’s Terms of Service and Community Guidelines, the Respondent had suspended the Data Subject’s account and as part of that suspension, certain data would be retained in line with the Respondent’s retention policies.
  - c. As the Data Subject was not satisfied with the response received from the Respondent regarding the concern raised, the Data Subject 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. Further to that engagement, the Respondent agreed to take the following actions:
  - a. The Respondent agreed to conduct a fresh review of the Data Subject’s suspension. Following this review, the Respondent decided to lift the suspension that was in place. By lifting the suspension, this action provided the Data Subject with access to their account and the ability to self-delete the account, should they still wish to do so.
  - b. The Respondent communicated the outcome of their review to the Data Subject on 18 October 2022.
8. The DPC’s letter outlining the actions taken by the Respondent as part of the amicable resolution process issued to the Data Subject on 4 January 2023 via the Recipient SA. In its correspondence to the Data Subject, the DPC requested that the Data Subject notify it, within a specified timeframe, if they were not satisfied with the actions taken by the Respondent, so that the DPC could take further action. On 31 January 2023, the Recipient SA confirmed that no response had been received from the Data Subject.
9. On 28 February 2023, 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.

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:



---

Deputy Commissioner  
Data Protection Commission