

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 Twitter International Company.

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 15 August 2021, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Commission (“the **DPC**”) concerning Twitter International Company (“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 4 August 2021, requesting the erasure of certain content from the Respondent’s platform, which related to tweets posted by another user. The Data Subject subsequently contacted the Respondent on 12 August 2021, requesting access to their personal data.
 - b. The Data Subject was not satisfied with the response 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 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 Respondent's procedures at the time meant that it was originally unable to verify the Data Subject's identity as the account holder, as the Data Subject had not provided a copy of their ID, which had been requested by the Respondent. In the circumstances, the Respondent took the following actions:
 - a. The Respondent agreed to grant the Data Subject access to the requested personal data; and
 - b. The Respondent outlined its policies regarding the erasure of content posted by other users.
8. On 28 January 2022, the DPC outlined the Data Subject's complaint to the Respondent. The DPC noted that, in the Respondent's original response to the Data Subject's erasure request, the Respondent had treated their Article 17 GDPR erasure request as a report of abusive behaviour, rather than an erasure request. The DPC also requested that the Respondent outline why it had specifically requested a scanned copy of a valid, government-issued photo ID from the Data Subject in order to verify their identity for their access request.
9. On 26 February 2022, the Respondent responded to the DPC. The Respondent stated that pursuant to Article 85 GDPR it does not remove content created by users on the basis of a Data Subject's name or user handle. The Respondent asserted that doing so would restrict the rights of the users to express themselves, thereby preventing public conversation on its platform. The Respondent explained that although it does not delete tweets using names or user handles, it does moderate content that violates its policies. The Respondent stated that examples of content that would violate its policies include home address, physical location information, identity documents, and government IDs.
10. With respect to the Data Subject's access request and the Respondent looking for further identification documentation from them, the Respondent outlined that authenticating that a data subject is in fact the owner of the account at issue is important for the safety, security and integrity of its services. However, the Respondent highlighted that its authentication requirements are always evolving, and that at the time of the Data Subject's original access

request, requesting a form of ID was part of the Respondent's procedures. However, following the DPC's request that the Respondent respond to the substance of the Data Subject's access request, the Respondent stated that it had initiated the process to provide the Data Subject with their requested personal data, without them having to provide a copy of their ID. On 21 March 2022, the DPC wrote to the Data Subject, outlining the response received from the Respondent. 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.

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