

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 13th day of December 2022



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 24 July 2019, ██████████ (“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 was dissatisfied with the Respondent’s response to their access request pursuant to Article 15 GDPR. The Data Subject stated that they submitted an access request on 14 June 2019, following the deletion of their account, and received a response from the Respondent stating that their personal data was no longer available through its production tools.
 - b. The Data Subject was dissatisfied that they did not receive confirmation from the Respondent on whether it still holds data in relation to them.

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 had misunderstood an aspect of the complaint and had believed in error that the Data Subject’s account was suspended for violating its terms of service, when in fact the Data Subject had deactivated their own account. In the circumstances, the Respondent took the following actions:
 - a. The Respondent agreed to investigate the Data Subject’s complaint further, as a result of its misunderstanding around elements of the Data Subject’s complaint. The Respondent subsequently confirmed that it did in fact hold a copy of the Data Subject’s email address and username for security reasons; and
 - b. The Respondent agreed to erase the email address associated with the Data Subject’s account, and subsequently confirmed to the DPC on 3 May 2022 that it had erased the Data Subject’s email address from its system.
8. The Data Subject submitted an access request to the Respondent on 14 June 2019, following the deletion of their Twitter account. The Data Subject subsequently received a response from the Respondent, stating that their data was no longer available through its production tools. However, the Data Subject remained dissatisfied that they never received confirmation from the Respondent on whether it still holds data in relation to them.
9. The DPC subsequently engaged in multiple rounds of correspondence with both the Respondent and the Data Subject in relation to this complaint. It was established that following the permanent deactivation of the Data Subject’s account, the Respondent held a copy of the Data Subject’s email address and the associated username for security reasons.
10. On 23 September 2021, the Respondent confirmed that it had misunderstood an aspect of the Data Subject’s complaint. The Respondent stated that it originally believed that the Data Subject’s account was no longer active due to an account suspension, however, following further investigation, it was clear that the Data Subject had deleted their own account. On 5 November 2021, the Respondent confirmed to the DPC that it would remove all email

addresses associated with the Data Subject's account from its system. On 3 May 2022, following further engagement with the Data Subject, the Respondent confirmed to the DPC that the Data Subject's email addresses associated with their account had been deleted. On 15 August 2022, the DPC wrote to the Data Subject, outlining the investigation of their complaint. 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