

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 Oracle EMEA 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 4th day of September 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 19 April 2022, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Data Protection Commission (“the **DPC**”) concerning Oracle EMEA Limited (“the **Respondent**”).
2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) of the GDPR.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the Respondent on 12 March 2020 to request erasure of their Oracle account and associated personal data.
 - b. On 31 March 2020, the Respondent confirmed to the Data Subject that their Oracle account had been deleted.
 - c. Subsequently, on 13 March 2022, two years later, the Data Subject received a service-related operational notification email from the Respondent concerning his Oracle Cloud Free Tier services account. The Data Subject enquired with the Respondent as to the legal basis for them contacting him via an email address that the Respondent had allegedly erased as part of the erasure request. The Respondent replied to this request on 22 June 2022, advising that it had retained the Data Subject’s email address, as the Data Subject had not completed the verification process.
 - d. As the Data Subject was not satisfied with the Respondent’s handling of their erasure request, they lodged a complaint with the DPC.

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 and Respondent in relation to the subject matter of the complaint. Further to that engagement, the following was established:
- a. In February 2020, the Data Subject opened an Oracle Cloud Free Tier services account.
 - b. One month later, in March 2020, the Data Subject submitted an erasure request, which the Respondent complied with. In this regard, the Respondent deleted the Data Subject’s Oracle Marketing account. However, the Respondent also informed the Data Subject that as a user of the Oracle Cloud Free Tier, the Respondent would not be in a position to delete the data in Data Subject’s services accounts or cancel these accounts on his behalf. In this regard, the Respondent advised the Data Subject that in the first instance, they would be required to contact the Respondent’s support team and complete the verification process.
 - c. The Respondent advised the DPC that the Data Subject did not contact its support team and as such, the account still existed.
 - d. The Respondent further confirmed that the service account is solely used for delivering email updates on important service-related events.
8. In an effort to amicably resolve this matter, on 30 March 2023 the Respondent advised the DPC that it would take the following actions:

- a. It would on an exceptional basis and in the interest of addressing the complaint, delete the Data Subject's Oracle Cloud Free Tier services account.
 - b. It would contact the Data Subject directly to inform them of the actions they had taken and confirm that deleting the services account will stop all service-related communications from being sent to the Data Subject's email address.
 - c. The Respondent provided the DPC with a copy of the correspondence it issued to the Data Subject confirming its intended actions.
9. On 6 April 2023, the DPC's letter outlining the actions taken by the Respondent issued to the Data Subject as part of the amicable resolution process. In this correspondence, 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. The DPC did not receive any further communication from the Data Subject and, accordingly, the complaint has been deemed 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:

A handwritten signature in black ink, appearing to read "Tom Delaney". The signature is written in a cursive, flowing style.

Deputy Commissioner
Data Protection Commission