

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 Datatilsynet (Denmark DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Meta Platforms Ireland 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 5<sup>th</sup> day of September 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. On 16 October 2021, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Datatilsynet (“the **Recipient SA**”) concerning Meta Platforms Ireland 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 12 July 2022.

## The Complaint

3. The details of the complaint were as follows:
  - a. The Data Subject contacted the Respondent on 20 August 2021, requesting the erasure of their account from the Respondent’s Facebook platform, to which they no longer had access to.
  - b. The Data Subject engaged with the Respondent in relation to their erasure request six times between 20 August 2021 and 25 September 2021. Within these exchanges, the Respondent requested the Data Subject provide a new secure email address and to verify their identity. The Data Subject supplied this information, but was unable to use the links provided by the Respondent to regain access to their account. Without access, the Data Subject was unable to erase their personal data, and did not receive further instruction from the Respondent on how to proceed.
  - c. As the Data Subject was not satisfied with the responses received from the Respondent, they 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, on 13 December 2022, the Respondent confirmed that it had provided instructions to the Data Subject via a new, secure email address, on how to regain access to their account and how to use the Respondent’s self-deletion tools. The Respondent further advised the DPC that its specialist team had engaged with the Data Subject to verify their identity on 2 September 2021, and provided password reset links on 3 September, 8 September, 10 September, and 13 September 2021. Following this, the Respondent’s specialist team had not been able to identify any issues that would have prevented the Data Subject from regaining access to their account and utilising the Respondent’s self-deletion tool.
8. In an effort to amicably resolve this matter, the Respondent advised that on foot of the DPC’s intervention, its specialist team would again contact the Data Subject directly via the secure email address provided, in order to assist them in regaining access to their account. According to the Respondent, after regaining access to the account, the Data Subject would be able to make use of the self-serve deletion tool in order to schedule the permanent deletion of their account.
9. The DPC continued to engage with both the Data Subject (via the Recipient SA) and the Respondent in order to bring about an amicable resolution to the complaint.
10. On 5 April 2023, the DPC wrote to the Data Subject via the Recipient SA, to inform them that the Respondent wished to assist them with regaining access to their account, as part of the amicable resolution process. The Recipient SA thereafter issued this correspondence to the

Data Subject on 24 April 2023. In this correspondence, the DPC requested a reply, within a stated timeframe.

11. On 2 May 2023, the DPC received a reply indicating that the Data Subject was agreeable to the Respondent assisting them with regaining access to their account, to facilitate their erasure request.
12. On 10 May 2023, the Respondent advised the DPC that it had contacted the Data Subject directly, and it had provided the Data Subject with information as to how they could reset account credentials in order to regain access to their account.
13. On 29 May 2023, the Recipient SA confirmed to the DPC that on 10 May 2023, the Data Subject had regained access to their account, which had then been scheduled for permanent deletion. Therefore, the Data Subject withdrew their complaint.
14. On 30 May 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.
15. 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**

16. 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.
17. 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 that reads "Tom Delaney". The signature is written in a cursive, flowing style.

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Deputy Commissioner  
Data Protection Commission