

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 Integritetsskyddsmyndigheten (Sweden DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Twitter International Unlimited 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 ON 12 MAY 2022)**

Dated the 8th day of September 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 13 June 2022, ██████████ (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Integritetsskyddsmyndigheten (“the **Recipient SA**”) concerning Twitter International Unlimited Company (“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 October 2022.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject first contacted the Respondent on 19 November 2018, to request the erasure of their account from the Respondent’s Periscope platform. The Data Subject contacted the Respondent, as they were unable to login to the account to use the self-deletion tool, as they no longer had access to the phone number associated with the account.
 - b. In its response to the Data Subject on 19 November 2018, the Respondent advised the Data Subject that without access to the phone number used to create the account, the account could not be scheduled for deletion. The Respondent did however provide instructions on how the Data Subject could avail of the self-deletion tools to delete the account, should they regain access to the account.
 - c. On 10 June 2022, the Data Subject again raised a request for the erasure of their data with the Respondent. The Respondent replied to the Data Subject on the same day, once again providing the Data Subject with instructions on how to avail of the self-deletion tools.
 - d. 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. Prior to commencing this complaint, the DPC contacted the Respondent to confirm that the DPC was the Lead Supervisory Authority for the Periscope platform, and that the platform fell under the controllership of the Respondent in question. Confirmation was received from the Respondent on 20 March 2023.
8. The DPC engaged with both the Data Subject (via the Recipient SA) and Respondent in relation to the subject matter of the complaint. The DPC first contacted the Respondent on 4 April 2023. In its response to the DPC of 13 April 2023, the Respondent provided the following information:
 - a. The Respondent noted that the account in question had since been deactivated, and advised the DPC that the account no longer existed on its systems.
9. On 14 April 2023, the DPC wrote to the Data Subject, via the Recipient SA, seeking their views on the action taken by the Respondent and requesting that the Data Subject notify it, within a specified timeframe, if they were not satisfied with the action taken by the Respondent, so that the DPC could take further action. This letter issued to the Data Subject on 24 April 2023.

10. As the DPC had received no response from the Data Subject, on 18 May 2023, the DPC wrote to the Recipient SA, seeking clarity on whether or not any response had been received from the Data Subject. No reply to this query was received from the Recipient SA.
11. On 9 June 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.
12. On 14 July 2023, the Recipient SA confirmed that it had not received a response from the Data Subject and that it was agreeable to the DPC's proposed closure of this case.
13. 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

14. 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.
15. 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