

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 Berliner Beauftragte für  
Datenschutz und Informationsfreiheit (Berlin DPA) pursuant to Article 77 of the General Data  
Protection Regulation, concerning Airbnb Ireland UC

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 15<sup>th</sup> day of September 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. On 29 January 2021, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Berliner Beauftragte für Datenschutz und Informationsfreiheit (“the **Recipient SA**”) concerning Airbnb Ireland UC (“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 5 March 2021.

## The Complaint

3. The details of the complaint were as follows:
  - a. The Data Subject emailed the Respondent on 22 January 2021, seeking deletion of their personal data associated with their account on the Respondent’s platform.
  - b. In response to the Data Subject’s erasure request, the Respondent asked the Data Subject, on 25 January 2021, to verify their identity by providing a copy of their official identification, so that the Respondent could proceed with their request.
  - c. As the Data Subject was not satisfied with the response 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 the Respondent in relation to the subject matter of the complaint. Further to that engagement, on 20 August 2021, it was established that the Respondent had sought proof of identity in order to authenticate the deletion request and safeguard against the wrongful deletion of an account on its platform. The Respondent advised that had the Data Subject raised their concerns with them, alternative verification methods could have been explored. The Respondent further clarified that in order for it to delete the account, the Data Subject would need to authenticate their request by logging into their account and submitting the deletion request through the Respondent’s “manage your data” tool.
8. On 15 September 2021, the DPC wrote to the Data Subject, via the Recipient SA, providing information on how they could proceed with the authentication and deletion of their account. On 11 January 2022, the Data Subject replied to the DPC, via the Recipient SA, advising that they had logged onto their account and had deactivated it. In their reply, the Data Subject requested written confirmation from the Respondent that their account was now deleted.
9. The DPC continued to engage with both the Data Subject and the Respondent in order to bring about an amicable resolution to the complaint.
10. Following further engagement with the Respondent, on 7 February 2022, the Respondent agreed to provide both confirmation and evidence of the deletion of the account.
11. On 2 June 2022, the Respondent confirmed that the Data Subject’s data had been deleted. In addition, the Respondent provided the DPC with a screenshot by way of proof of compliance with its obligations. On 7 June 2022, 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 investigate the matter further. The Data Subject, however, subsequently contacted the DPC on 19 October 2022, to advise that they were not satisfied with the response received from the Respondent, emphasizing the fact that the

request for ID had not been necessary to achieve the deletion of their account and personal data.

12. Following further engagement with the Respondent, the Respondent provided further correspondence to the DPC along with an amicable resolution offer to the Data Subject, which included a gesture of goodwill. The DPC forwarded the amicable resolution offer to the Recipient SA, for onward transmission to the Data Subject, on 11 April 2023. Within this correspondence, the DPC noted that the requested personal data had been deleted by the Respondent. The DPC also requested the Data Subject to notify it, within a stated timeframe, if they were not satisfied with the action taken by the Respondent, so that the DPC could investigate the matter further. Following this, on 3 May 2023, the Recipient SA confirmed that this letter was issued to the Data Subject.
13. On 25 May 2023, the Recipient SA confirmed to the DPC that the Data Subject was agreeable to the amicable resolution proposal and provided the DPC correspondence from the Data Subject confirming same. On 21 June 2023, the Respondent confirmed to the DPC that it engaged with the Data Subject directly, and its gesture of goodwill was accepted.
14. On 26 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.
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 style with a large, prominent 'D'.

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Deputy Commissioner

Data Protection Commission