

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 Urząd Ochrony Danych Osobowych (Poland DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Meta Platforms Ireland Limited (formerly Facebook 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 5th day of September 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 3 February 2021, ██████████ (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Urząd Ochrony Danych Osobowych (“the **Recipient SA**”) concerning Meta Platforms Ireland Limited (formerly Facebook 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 20 May 2022.

The Complaint

3. The details of the complaint were as follows:
 - a. On 18 December 2020, the Data Subject contacted the Respondent by post to request the erasure of their account on the Respondent’s Facebook platform, to which they no longer had access, as a result of a bad actor gaining control of it. According to the Data Subject, their password, email address and phone number associated with the account had all been changed. The Data Subject received no response from the Respondent to this postal request.
 - b. As such, the Data Subject stated that they had again contacted the Respondent, via its web-form, and submitted their ID document as part of their request.
 - c. Again, the Data Subject did not receive any response from the Respondent.
 - d. As the Data Subject received no response 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 21 October 2022, the Respondent requested that the Data Subject provide it with a new secure email address, which its support team could use to correspond with the Data Subject for the purpose of assisting them in regaining access to the account. The Respondent explained that once the Data Subject had regained access to the account, they could then make use of the self-serve tools in order to schedule the permanent deletion of the account.
8. The DPC engaged with the Data Subject, via the Recipient SA, in order to obtain a new secure email address. The DPC provided the new, secure email address to the Respondent on 18 November 2022.
9. Subsequently, the Respondent informed the DPC that a member of its specialist team had contacted the Data Subject directly on 5 December 2022, and 30 January 2023 respectively. Within this correspondence, the Respondent offered to assist the Data Subject in regaining access to their account, and requested further documentation necessary to verify that the Data Subject was the rightful owner of the relevant account. The Respondent further advised that in line with its retention policies, the ID documentation previously submitted had since been deleted, and as such, the Respondent requested that the Data Subject provide it with a scanned copy of their ID document. The Data Subject complied with this request and on 6 February 2023, the Respondent contacted them directly and confirmed to them that it successfully verified their identity.

10. On 2 March 2023, the Data Subject initially confirmed to the DPC (via the Recipient SA) that they regained access to their account. Subsequently, after receiving further assistance from the Respondent, on 11 April 2023, the Data Subject further confirmed that they initiated the account deletion process.
11. On 20 April 2023, the Respondent confirmed to the DPC that the Data Subject's account had permanently been deleted.
12. The DPC's letter outlining the actions taken by the Respondent as part of the amicable resolution process issued to the Data Subject on 24 April 2023 via the Recipient SA. In its correspondence to the Data Subject, 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, so that the DPC could take further action. The Recipient SA thereafter issued this correspondence to the Data Subject on 12 May 2023. On 13 June 2023, the Recipient SA confirmed that no response had been received from the Data Subject.
13. On 15 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. On 16 June 2023, the Recipient SA confirmed receipt of the DPC correspondence, which had advised that the complaint was deemed withdrawn.
14. 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

15. 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.
16. 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.

Deputy Commissioner
Data Protection Commission