

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 Garante per la protezione dei dati personali (Italy DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning LinkedIn 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 6th day of September 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 22 February 2022, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Garante per la protezione dei dati personali (“the **Recipient SA**”) concerning LinkedIn 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 20 December 2022.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject received confirmation on 26 June 2021, that the scheduled deletion of their account was successful. However, the Data Subject appeared to continue to receive emails from the Respondent concerning their account.
 - b. Therefore, the Data Subject contacted the Respondent on 31 January 2022 to request the erasure of their personal data. On 3 February 2022, the Respondent informed the Data Subject that it had taken the required actions to delete the account in question.
 - c. However, as the Data Subject continued to receive emails 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 7 March 2023, the Respondent advised the DPC that the Data Subject appeared to possess two accounts with two different email addresses, thus having a second duplicate account. Furthermore, the Respondent advised that the creation of multiple accounts was in violation of its User Agreement. For clarity purposes, the Respondent confirmed that the first account identified by the Data Subject in their initial request for erasure was deleted on 18 February 2022, after the Respondent received an erasure request from the Data Subject on 31 January 2022. The Respondent further clarified that it was unable to verify the Data Subject’s account closure requests from before this time due to the relevant account activity and history being purged. Regarding the second active account, the Respondent confirmed that it would proceed to close and delete this account if the Data Subject wished for it to do so.
8. On 10 March 2023, the DPC wrote to the Data Subject, via the Recipient SA, seeking their views on the information provided by the Respondent and requesting that the Data Subject notify it, within a specified timeframe, if they wished to proceed with the deletion of the second account. Alternatively, the DPC requested that the Data Subject outline if they were not satisfied with the information provided by the Respondent, so that the DPC could take further action.
9. On 15 June 2023, the Recipient SA confirmed to the DPC, that the Data Subject had closed the second account themselves, on 16 May 2023, and confirmed that the case can be closed by way of amicable resolution.
10. On 21 June 2023, the DPC contacted the Respondent to seek confirmation that the concerned personal data was now deleted. On the same day, the Respondent confirmed that it completed the deletion on 30 May 2023.

11. 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.
12. 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

13. 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.
14. 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