

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

IMI Complaint Reference Number: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with the Österreichische
Datenschutzbehörde 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 12 MAY 2022**

Dated the 29th day of December 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 1 December 2021, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Österreichische Datenschutzbehörde (“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) GDPR, the Recipient SA transferred the complaint to the DPC on 24 February 2022.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject’s Facebook account was blocked on two occasions and on each occasion, the Data Subject was able to regain access following the provision of documentation to verify their identity. After regaining access to their account on the second occasion, the Data Subject noticed that their account had now been verified for election advertising, and the Data Subject was unclear as to how that had happened.
 - b. On 9 June 2021, the Data Subject submitted an access request to the Respondent by registered post. The Data Subject wanted to know why their account had initially been blocked and why they were now verified for election advertising. The Data Subject also had concerns about the copies of ID provided in order to regain access to their account, and whether such information would be deleted by the Respondent.
 - c. The Data Subject was dissatisfied with the response received from the Respondent to their access request and, accordingly, the Data Subject 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. On 5 October 2022, the DPC wrote to the Respondent formally commencing its investigation and requesting that it address the concerns raised.
8. In response to the DPC’s investigation, the Respondent explained that the Data Subject’s account had been placed in a checkpoint on 30 July 2017 due to a violation of the Respondent’s integrity and authenticity policies, and again on 1 March 2021 due to the detection of suspicious activity on the account (multiple email and password changes, and the use of a new device). The Respondent explained that this was why the Data Subject was required to engage with its verification process, which they did successfully on each occasion. The Respondent further confirmed that the Data Subject currently had full access to their account and could access their personal data via the self-service tools.
9. Regarding the Data Subject’s verification for the purposes of election advertising, the Respondent carried out an internal review and confirmed that this had been user-initiated. The Respondent explained that “[w]hen a user submits their ID to Meta Ireland for verification, they are presented with a number of options from which they must select a reason for why they are uploading a copy of the same. First in that list is “Running ads about social issues, elections or politics””. The Respondent explained that the Data Subject may have inadvertently selected that option at the time they had submitted their ID. In any event and on foot of the DPC’s investigation, the Respondent agreed to reverse this action and de-verify the Data Subject for such advertising, and provided confirmation of same to the DPC. The

Respondent also confirmed that any copies of ID submitted by the Data Subject had since been deleted in accordance with its retention and deletion practices.

10. In light of the explanations provided by the Respondent as set out above, and the fact that the Respondent had now de-verified the Data Subject for election advertising, the DPC considered it appropriate to conclude the complaint by way of amicable resolution. On 10 October 2023, the DPC wrote to the Data Subject (via the Recipient SA) outlining the Respondent's response to its investigation. In the circumstances, the DPC asked the Data Subject to notify it, within a specified timeframe, if they were not satisfied with the outcome, so that the DPC could take further action. On 27 November 2023, the Recipient SA confirmed that no further communication had been received from the Data Subject. Accordingly, the complaint has been deemed to have been amicably resolved.
11. On 28 November 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