

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 Der Hamburgische Beauftragte für Datenschutz und Informationsfreiheit (Hamburg 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 6th day of October 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 29 June 2018, ██████████ (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with Der Hamburgische Beauftragte für Datenschutz und Informationsfreiheit (“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 2 July 2021.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the Respondent via its web-form on 26 May 2018, to request erasure of their event history on the Respondent’s Facebook platform, pursuant to Article 17 of the GDPR.
 - b. On 25 June 2018, the Respondent replied to the Data Subject, advising that they could delete their event data from the activity log themselves using the Respondent’s self-deletion tool, and provided instructions on how to do so.
 - c. The Data Subject replied to the Respondent on the same day, noting that they believed that the self-deletion tool only hid their data and reiterated their request for the erasure of their event history.
 - d. On 29 June 2018, the Respondent redirected the Data Subject to the self-deletion tool again; however, the Data Subject asserted that the self-deletion tool did not allow them to delete their event invitations or any responses to such events. The Data Subject further noted that the use of the self-deletion tool would require a disproportionate effort from them, as all events would need to be deleted individually.
 - e. As the Data Subject was not satisfied with the response received from the Respondent, they lodged a complaint with the Recipient SA, which was subsequently received in the DPC on 2 July 2021.

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. Upon assessment of the complaint, the DPC noted that certain relevant documentation had not been included in the documents provided by the Data Subject when submitting their complaint to the Recipient SA. On 14 October 2022, the DPC was provided with the requested documentation.

8. Following receipt of the requested information, 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, the Respondent advised that when a user avails of the self-deletion tools, the data is deleted and not just hidden. Furthermore, in its response, the Respondent noted that the Data Subject no longer had any events created by them on their account, and confirmed that there were only two outstanding invitations to third-party events. As such, the Respondent once more referred the Data Subject to its self-deletion tool. On 15 May 2023, the DPC conveyed this information to the Data Subject via the Recipient SA as an amicable resolution proposal.

9. On 14 June 2023, the Data Subject confirmed that they accepted the information provided by the Respondent with regard to the events created by them and they were agreeable to use the Respondent's self-deletion tool for the two outstanding invitations. However, the Data Subject noted that when they attempted to use the tool, their event commitments and cancellations appeared to have around 200 entries. According to the Data Subject, the individual deletion of each entry would require a disproportionate effort on their part. As such, the Data Subject reiterated that they would not use the self-deletion tool and requested Meta to take action on their behalf.
10. The DPC continued to engage with both the Data Subject and the Respondent in order to bring about an amicable resolution to the complaint. Following further engagement with the Respondent on 20 June 2023, it agreed, as a gesture of goodwill, to manually delete all remaining event data from the Data Subject's Facebook account.
11. On 7 July 2023, the DPC wrote to the Data Subject, via the Recipient SA, seeking their views on the action taken by the Respondent. The DPC also requested the Data Subject to notify it, within a specified timeframe, if they were not satisfied with the actions of the Respondent, so that the DPC could take further action. The Recipient SA confirmed that they issued this correspondence to the Data Subject on 12 July 2023.
12. On 24 July 2023, the Recipient SA informed the DPC that the Data Subject confirmed that the action taken by the Respondent had resolved their complaint.
13. On 27 July 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. The Recipient SA confirmed receipt of the DPC correspondence on 10 August 2023, 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 style with a long, sweeping tail on the final letter.

Deputy Commissioner
Data Protection Commission