

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 Commission Nationale de l'Informatique et des Libertés (France 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 10th day of November 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Commission Nationale de l'Informatique et des Libertés (“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) of the GDPR, the Recipient SA transferred the complaint to the DPC on 18 October 2021.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject made an erasure request on 16 August 2021 to the Respondent, pursuant to Article 17 of the GDPR, for the erasure of fourteen URL links containing personal data concerning them, which had been uploaded to the Respondent’s platforms by a third-party user.
 - b. The Respondent replied to the Data Subject on 24 August 2021 to indicate it had removed one URL link for violating the Respondent’s Community Standards for image privacy. On 2 September 2021, the Respondent further indicated that it rejected the Data Subject’s request for the erasure of the remaining URL links on the basis that it found no grounds for removal of the content under Article 17(1) of the GDPR.
 - 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 and Respondent in relation to the subject matter of the complaint. Further to the DPC's first engagement with the Respondent on this matter, the Respondent advised that it had further reviewed the complaint. Following this review, it remained of the view that the content did not violate the Respondent's Terms of Service or Community Standards and therefore no grounds for the removal of the content existed under Article 17 of the GDPR.
8. The DPC continued to engage with both the Data Subject and the Respondent in order to bring about an amicable resolution to the complaint. Over the course of the handling of the complaint, the DPC maintained regular contact with the Data Subject to keep them informed of the progression and status of their complaint.
9. On 16 September 2022, the Respondent informed the DPC that its specialist team had conducted a further review and following this review the Respondent advised that access to the content in question, comprising of twenty-five URLs had been restricted for users within the EU. The Respondent also informed the Data Subject of the action it had taken.
10. On 11 October 2022, the DPC wrote to the Data Subject via the Recipient SA, seeking their views on the actions taken by the Respondent, and also stating that the DPC's understanding of restricting access to content in the EU includes both the EEA and the UK. The Recipient SA thereafter issued this correspondence to the Data Subject on 9 November 2022. In this correspondence, the DPC requested a reply, within a stated timeframe.
11. On 11 November 2022, the Respondent confirmed that a response had been received from the Data Subject indicating they were not satisfied with the action taken and had raised additional URLs at which the content concerned had been published.

12. The DPC continued to engage with both the Data Subject and the Respondent in order to bring about an amicable resolution to the complaint. On 15 March 2023, the Respondent informed the DPC that its specialist team had conducted a further review and following this review the Respondent advised that the content in question, which now comprised of forty-two URLs, had been removed from the Respondent's platforms. The Respondent also informed the Data Subject of the action it had taken.
13. On 9 June 2023, the DPC wrote to the Data Subject via the Recipient SA, seeking their views on the action taken by the Respondent. This letter issued to the Data Subject on 16 June 2023. In this correspondence, the DPC requested a reply, within a stated timeframe.
14. On 2 August 2023, the DPC was informed that the Data Subject was agreeable to the amicable resolution proposal.
15. On 22 August 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 23 August 2023, the Recipient SA confirmed receipt of the DPC correspondence, which had advised that the complaint was deemed withdrawn.
16. 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

17. 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.
18. 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'.

Deputy Commissioner
Data Protection Commission