

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with the Data Protection Commission pursuant to Article 77 of the General Data Protection Regulation, concerning Twitter International Company

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 27<sup>th</sup> day of November 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. On 20 September 2019, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Commission (“the **DPC**”) concerning Twitter International Company (“the **Respondent**”).
2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) GDPR.

## The Complaint

3. The details of the complaint were as follows:
  - a. The Data Subject made an access request pursuant to Article 15 GDPR following the suspension of their account. The Data Subject was provided with a link through which they could access their personal data.
  - b. The Data Subject accessed their personal data through this link. However, they were dissatisfied with the format their personal data were provided in and, accordingly, submitted a complaint to the DPC. The Data Subject wanted to be able to transfer their personal data in accordance with the requirements of data portability pursuant to Article 20 GDPR. However, the Data Subject noted that their personal data were provided in a .txt format rather than the JSON format that they expected, and therefore argued that their data had not been provided in the “*structured, commonly used and machine-readable format*” required by Article 20 GDPR.

## 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 Data Subject, 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. On 5 March 2020, the DPC wrote to the respondent formally commencing its investigation and requesting it address the concerns raised. The DPC investigated the matter over a considerable period of time. In particular, the Data Subject was concerned about the fact that all of the files they received were provided as .txt extensions despite the fact that similar files were provided as .js extensions when they relied on the same self-service tool to access data about their other, non-suspended account.
8. In response to the DPC’s investigation, the Respondent explained how its tools are configured to provide personal data (in response to access requests) in a JSON format and therefore satisfy the requirements of Article 20 GDPR. As regards the Data Subject’s access request, although the individual files may have been provided as .txt extensions, the Data Subject’s personal data were nonetheless provided in a JSON format. The Respondent explained that JSON files can have various extensions, including .txt and .js and that a file with .txt extension does not speak as to whether JSON is in that particular file. Rather, the JSON structure is contained within the individual files themselves and this could be verified by opening the files.
9. The Data Subject queried why their files were provided as .txt extensions in circumstances where similar files were provided as .js extensions when they accessed their personal data associated with their other, non-suspended account. The Respondent explained that this was due to the fact that it uses different mechanisms to provide personal data to users depending on whether the account in question is suspended or not. The Respondent explained that the 'Download Your Data' tool allows non-suspended users to access and download their data as .js extensions. Suspended users are unable to use this tool and access requests for such users are instead facilitated through a 'Privacy Form' which is reviewed by its Privacy Operations team. Upon review and approval, the suspended user's data are provided as .txt extensions as the .js extension is only available through the 'Download Your Data' tool. The Respondent

further explained that this distinct access procedure for suspended users enables it to review such requests to ensure that the underlying suspension was not due to conduct such that the provision of access would adversely affect the rights and freedoms of others as per Article 20(4) GDPR.

10. In light of the explanations provided by the Respondent as to (i) why the Data Subject's files were provided as .txt extensions rather than .js; (ii) how such files nonetheless were in the JSON structure and satisfied the requirements of Article 20 GDPR; and (iii) the reasons why such a distinction is made between suspended users and non-suspended users, the DPC considered it appropriate to conclude the complaint by way of amicable resolution. Accordingly, on 7 September 2023, the DPC wrote to the Data Subject, setting out the explanations provided by the Respondent and notifying them that the DPC proposed to conclude the complaint by way of amicable resolution. 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. The DPC did not receive any further communication from the Data Subject and, accordingly, the complaint has been deemed to have been amicably resolved.
11. 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**

12. 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
  - a. 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.
13. 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:



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Deputy Commissioner

Data Protection Commission