

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 Unlimited 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 ON 12 MAY 2022)**

Dated the 1st day of December 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 28 March 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Data Protection Commission (“the **DPC**”) concerning Twitter International Unlimited Company (“the **Respondent**”).
2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) of the GDPR.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject first contacted the Respondent on 9 March 2023, as they no longer had access to their account on the Respondent’s platform. They advised that their account had been taken over by a third party. In the circumstances, the Data Subject requested that access to the account be restored, or erased, should it not be reinstated.
 - b. On 9 March 2023, the Respondent informed the Data Subject that their account would be permanently suspended for violating its Terms of Service. The Data Subject replied, contesting this suspension, noting that a third party was in control of the account. The Data Subject also re-iterated their requests to either re-instate access to their account or erasure of their account.
 - c. This request was repeated to the Respondent on 21 March 2023. On 28 March 2023, the Respondent replied, advising that the account would not be restored.
 - d. As the Data Subject was not satisfied with the response received from the Respondent, they lodged a complaint with the DPC.

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. In its response to the DPC of 18 August 2023, the Respondent confirmed that it had contacted the Data Subject directly on the same day, informing them that the suspension that had previously been placed on the account had been lifted. The Respondent clarified that the account had been suspended in error. The Respondent advised the DPC that at the time the Data Subject’s erasure request had not been raised with the relevant team and therefore was not appropriately addressed by the Respondent. In its engagement with the Data Subject, the Respondent requested that the Data Subject confirm if they wished to proceed with the erasure of their account.
8. On 28 August 2023, the DPC contacted the Respondent further, to enquire as to whether the Data Subject had corresponded with the Respondent in relation to pursuing the erasure of the account. The DPC also sought an explanation from the Respondent in relation to its response at the time the Data Subject made the erasure request. In its response to the DPC of 8 September 2023, the Respondent advised that it would review and update current procedures and guidance to ensure non-privacy teams identify and transfer requests in a timely manner. The Respondent also confirmed to the DPC that it had not received a response from the Data Subject.
9. On 11 September 2023, the DPC’s letter outlining the actions taken by the Respondent as part of the amicable resolution process issued to the Data Subject. When doing so, the DPC noted that as the Data Subject’s access to the account had been restored, it may have resolved their complaint. The DPC further advised the Data Subject that should they still wish to pursue the

erasure of their account, they should confirm this to the DPC. The DPC asked the Data Subject to notify it, within a stated timeframe, if they were not satisfied with the actions taken by the Respondent, so that the DPC could take further action.

10. 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
 - 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.
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:



Deputy Commissioner
Data Protection Commission