

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 Datatilsynet (Denmark DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Lime Electric 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 4th day of December 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 14 April 2021, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with Datatilsynet (“the **Recipient SA**”) concerning Lime Electric 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 3 May 2022.

The Complaint

3. The details of the complaint were as follows:
 - a. On 6 January 2021 the Data Subject sought the deletion of their account with the Respondent. On 7 January 2021, the Data Subject also requested, prior to the erasure of their account, information about any third parties with whom their data had been shared.
 - b. On 11 January 2021, the Respondent confirmed that their account had been queued for deletion. However, the Data Subject replied to note that they would still like to learn more about the Respondent’s partners and what information it may have shared with them. On 27 January 2021, the Respondent directed the Data Subject to its Privacy Notice in respect of further information about what personal information it collects, stores and processes about its users. The Data Subject remained unsatisfied and followed up on these queries on a number of subsequent occasions but did not receive a substantive response.

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 19 May 2022, the DPC outlined the Data Subject’s complaint to the Respondent. The DPC queried the Respondent’s response to the Data Subject’s queries and asked that it provide a substantive response to same.
8. On 17 June 2022, the Respondent responded to the DPC and noted that it advised the Data Subject on 11 January 2021 that it deleted their data as per the Data Subject’s request. The Respondent informed the DPC that, subsequent to the Data Subject’s initial erasure request, the Data Subject subsequently requested information on third parties with whom their data was shared, and later sought access to their data. As the Data Subject’s data had already been deleted at this time, the Respondent stated it was unable to provide specific details of the data it held or the third parties it was shared with. However, in the interests of resolving the complaint, the Respondent agreed to share more detailed information about the third parties to whom it generally shares user information. The Respondent noted that it had written to the Data Subject directly in this regard and provided the DPC with a copy of the correspondence. The Respondent stated it had provided the Data Subject with a list of the authorised third parties it typically shares user data with.
9. On 20 June 2022, the Data Subject wrote to the Respondent directly and copied the DPC into the correspondence. The Data Subject stated that they were not satisfied with the Respondent’s response and requested that the Respondent either provide proof that all data related to their account had been deleted – including with respect to third parties – or that the Respondent look into their request again. The Data Subject noted that they were dissatisfied with the response to their queries regarding data sharing with third parties having been provided in a general form only. The DPC also wrote to the Respondent to request that it provide the Data Subject with a substantive response to these queries.

10. On 27 July 2022, the Respondent responded to the DPC noting that it reached out directly to the Data Subject in respect of their correspondence of 20 June 2022, and provided the DPC with a copy of its response. The DPC noted that the Respondent confirmed to the Data Subject that all of their personal data were deleted from its systems on 11 January 2021. However, as a result of this deletion and the time that had elapsed since, the Respondent was unable to provide specific details of the data previously held or the third parties to whom it may have been shared. Nonetheless, the Respondent explained to the Data Subject that it had investigated further and concluded that *“the only third parties with whom [the Respondent] believes your data may have been shared are [the Respondent’s] software and systems providers and [the Respondent’s] third party payment processor”*. The Respondent further stated that it had *“confirmed internally that when your information was deleted in January 2021, it was also deleted by all of these third parties.”*
11. On 2 August 2023, and having investigated the matter further, the Respondent provided a comprehensive list of all third parties to whom the Data Subject’s personal data may have been shared. The Respondent again confirmed that the Data Subject’s personal data had been deleted by all of these third parties in January 2021.
12. In light of the comprehensive information provided by the Respondent as set out above, the DPC considered it appropriate to conclude the complaint by way of amicable resolution. As such, on 31 August 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 4 October 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.
13. On 1 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.
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 letter 'y'.

Deputy Commissioner

Data Protection Commission