

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 Agencia Española de Protección de Datos (Spain DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Meta Platforms 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 11th day of December 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 14 June 2022, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Agencia Española de Protección de Datos (“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 19 October 2022.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the Respondent on 24 June 2019, to request erasure of a Facebook account pursuant to Article 17 of the GDPR, that they had created using a pseudonym, which they no longer had access to.
 - b. The Respondent replied to the Data Subject on the same day, informing them that their erasure request was submitted via a channel used for reporting objections to certain types of data processing. The Respondent further advised the Data Subject that while their report was being analysed, they could permanently delete their account should they wish to do so. The Respondent referred the Data Subject to its help-centre in this regard.
 - c. On 26 June 2019, the Data Subject noted that they were requested to submit an identity document in order to regain access to the account; however, as the account had been created using a fake name, they would be unable to verify their identity. As a result, the Data Subject noted that they would never be able to regain access to the account to make use of the Respondent’s self-deletion tool.
 - d. In this regard, the Data Subject was not satisfied with the response received from the Respondent, and 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 (via the Recipient SA) and Respondent in relation to the subject matter of the complaint. The DPC first engaged with the Respondent on 21 December 2022. Further to that engagement, it was established that as the Data Subject appeared to have access to the email address associated with the account they could reset the password in order to regain access. The Respondent provided step-by-step instructions as to its password reset process. Furthermore, the Respondent advised that once the Data Subject regained access to the account they would be able to make use of the Respondent’s self-deletion tool and schedule the account for permanent deletion. On 17 January 2023, the DPC conveyed this information to the Data Subject via the Recipient SA.
8. On 16 May 2023, the Data Subject corresponded with the DPC via the Recipient SA, noting their dissatisfaction. In particular, the Data Subject raised concerns regarding the Respondent’s identity verification processes.
9. Following further engagement concerning this complaint, on 24 July 2023, the Respondent advised the DPC that in order to protect the safety and integrity of its users’ account, in certain circumstances, it needed to verify that a user is the rightful owner of a particular account. Furthermore, the Respondent noted that the Data Subject’s Facebook account appeared to have been permanently deleted, satisfying their erasure request pursuant to Article 17 of the GDPR.

10. The DPC sent this information as an amicable resolution proposal to the Data Subject, via the Recipient SA on 14 August 2023. In its correspondence to the Data Subject, the DPC asked the Data Subject to notify it, within a specified timeframe, if they were not satisfied with the information provided by the Respondent, so that the DPC could take further action. The Recipient SA confirmed that this letter issued to the Data Subject on 19 September 2023.
11. On 16 October 2023, the Recipient SA confirmed to the DPC that that no response had been received from the Data Subject.
12. On 17 October 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.
13. 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

14. 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.
15. 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, appearing to read 'Tony Delaney', is written over a horizontal line.

Deputy Commissioner
Data Protection Commission