

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 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 23<sup>rd</sup> day of February 2024



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 8 July 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Data Protection Commission (“the **DPC**”) concerning Meta Platforms Ireland Limited (“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 contacted the Respondent on 9 June 2023, to request erasure of their Instagram account pursuant to Article 17 of the GDPR, which they no longer had access to. The Data Subject noted that they had access to both the telephone number and the email address they had created the account with.
  - b. As part of its security procedures, the Respondent requested the Data Subject verify their identity. Despite submitting further information, the Data Subject was unable to verify their identity through the means offered by the Respondent.
  - c. As the Data Subject did not receive any further response 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. The DPC first engaged with the Respondent on 24 October 2023. Further to that engagement, it was established that the Respondent had not been able to verify the Data Subject as the rightful owner of the account in question. In the circumstances, the Respondent advised the DPC that:
  - a. The Data Subject should be able to recover their Instagram password themselves by taking appropriate steps as described in the Respondent’s Help Centre, or alternatively;
  - b. The Data Subject could provide the Respondent with a new, secure email address to be associated with the Instagram account and which its support team could use to correspond with the Data Subject for the purpose of assisting them in regaining access to the account. The Respondent explained that once the Data Subject had regained access to the account, they could then make use of the self-serve tools in order to schedule the permanent deletion of the account.
8. On 8 November 2023, the DPC corresponded further with the Data Subject. During this engagement, the Data Subject noted that they were not able to reset their password and therefore provided the DPC with a new, secure email address, which the DPC thereafter sent to the Respondent.
9. Following further engagement with the Respondent, it informed the DPC that a member of its specialist team had contacted the Data Subject directly on 9 November 2023, in order to assist them in regaining access to their account. Subsequently, the Respondent advised the DPC that the account in question was deleted on 14 December 2023.
10. Having obtained confirmation of the deletion of the account in question, on 15 December 2023, the DPC wrote to the Data Subject, seeking their views on the action taken by the Respondent. This correspondence requested that the Data Subject notify the DPC within a

specified timeframe if they were not satisfied with the action taken by the Respondent, so that the DPC could investigate the matter further.

11. On 18 December 2023, the Data Subject confirmed that the complaint could be considered closed and thanked the DPC for its help in getting this matter resolved.
12. 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**

13. 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.
14. 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