

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 the Commission Nationale de l'Informatique et des Libertés pursuant to Article 77 of the General Data Protection Regulation, concerning LinkedIn Ireland UC.

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 11th day of March 2024



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 1 September 2022, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with Commission Nationale de l'Informatique et des Libertés (“the **Recipient SA**”) concerning LinkedIn Ireland UC (“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 21 June 2023.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the Respondent on 1 September 2022 via the postal service requesting access to their personal data following the disablement of their account. In particular, the Data Subject raised concerns relating to (i) apparent connections made using their phone contacts despite those contacts not having been linked by the Data Subject to their LinkedIn account; (ii) suspicions that the LinkedIn app was running in the background without the Data Subject’s permission; and (iii) the apparent disclosure of the Data Subject’s location information to the Respondent without permission.
 - b. The Data Subject did not receive any response from the Respondent.

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 17 August 2023, the DPC formally commenced its investigation with the Respondent.
8. In its response, the Respondent informed the DPC that it contacted the Data Subject directly and provided them with access to a copy of their personal data and reversed the disablement of their account. The Respondent informed the Data Subject that a temporary hold had been placed on their account after an attempted login at an unknown location was detected. The Respondent provided the DPC with a step-by-step explanation of the information displayed to its members when a temporary hold is placed on an account.
9. The Respondent explained to the DPC that it offers its members the option to import and sync email/phone contacts in order for members to find and connect with people they know. This is an optional function, which is located in the account preferences section. The Respondent informed the DPC that the Data Subject did not appear to have imported any email or phone contacts, therefore, it did not have access to their contacts and explained how the connections made were based solely on information made available by the DS.
10. The Respondent found that the Data Subject had provided it with a specific location (their town and region). This explained why the Data Subject could view area-specific content. The Respondent explained how the Data Subject could change or remove their location by visiting their account settings at any time. The Respondent further explained that its app operation settings are industry standard, and cannot deliberately keep the application running in the background. The Respondent therefore advised the Data Subject to change their app background refresh/operating settings on their mobile phone, and explained that this process falls under the operating system settings of each device and is not related to a specific setting or functionality of the LinkedIn app.

11. In light of the explanations provided by the Respondent as set out above, and the fact that it had facilitated the Data Subject in regaining full access to their account, the DPC considered it appropriate to conclude the complaint by way of amicable resolution. On 6 December 2023, the DPC wrote to the Data Subject (via the Recipient SA) informing them of the Respondent's response to the concerns that were raised in their complaint and proposed to conclude the complaint by way of amicable resolution. In the circumstances, the DPC asked the Data Subject to notify it, within specific 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.
12. On 7 February 2024, 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:



Tom Delaney

Deputy Commissioner

Data Protection Commission