

**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 Data Protection Authority of Bavaria for the Private Sector pursuant to Article 77 of the General Data Protection Regulation, concerning  
**Yahoo EMEA 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 11<sup>th</sup> day of March 2024



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 9 March 2023, ██████████ (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Authority of Bavaria for the Private Sector (“the **Recipient SA**”) concerning Yahoo EMEA 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 1 June 2023.

## **The Complaint**

3. The details of the complaint were as follows:
  - a. The Data Subject contacted the Respondent on 19 December 2022 requesting the delisting of several URLs. The content of these URLs described events that transpired at a school of which the Data Subject was principal.
  - b. The Data Subject explained that they are not a public figure and are no longer principal of the school in question. The Data Subject asserted that many of the facts cited in the articles were incorrect. The Data Subject further outlined that the articles described them as suffering a long-term illness, which they disputed.
  - c. The Data Subject asserted that they did not receive a 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 7 November 2023, the DPC formally commenced the investigation of the complaint with the Respondent.
8. On 21 November 2023, the Respondent responded to the DPC outlining that, following an extensive investigation, it could find no record of any delisting request from either the Data Subject or their legal representative. The Respondent explained that it had not refused to delist the URLs at issue, rather, it was unaware of the Data Subject’s request prior to being contacted by the DPC.
9. The Respondent determined that a number of the complained-of URLs did not contain content relating to the Data Subject, rendering those URLs ineligible for delisting. In addition, the Respondent identified several other complained-of URLs as not being returned in a search against the Data Subject’s name in the EEA. The Respondent explained that it could not identify the inaccuracy alleged in further complained-of URLs. Furthermore, the Respondent found other complained-of URLs to be behind a paywall so were unable to assess the content for delisting. The Respondent explained that it had since reached out to the Data Subject’s legal representative directly and clarified these issues.
10. In light of the explanations provided by the Respondent as set out above, as well as the fact that it had reached out to the Data Subject directly on foot of the DPC’s investigation in order to facilitate them in delisting the URL’s, the DPC considered it appropriate to conclude the complaint by way of amicable resolution. On 29 November 2023, the DPC wrote to the Data Subject 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.

11. On 9 January 2024, the DPC received correspondence from the Data Subject's legal representative outlining that the URLs at issue had been removed and as such, the matter was resolved. Accordingly, the DPC has deemed the complaint 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:



---

Deputy Commissioner

Data Protection Commission