

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 Commission Nationale de l'Informatique et des Libertés (France DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Twitter International Unlimited Company

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 3rd day of November 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 16 November 2021, [REDACTED] (“the **Data Subject**”), represented by their legal guardian, lodged a complaint pursuant to Article 77 of the GDPR with the Commission Nationale de l'Informatique et des Libertés (“the **Recipient SA**”) concerning Twitter International Unlimited Company (“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 12 December 2022.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the Respondent on 3 November 2021, seeking the erasure of a total of ten (10) Tweets from the Twitter platform, which had been uploaded by third-party users, pursuant to Article 17 of the GDPR.
 - b. On 16 November 2021, the Respondent replied to the Data Subject rejecting their request for erasure on the basis that the content in question was not judged to be posted in violation of the Respondent’s terms of use or privacy policy.
 - c. As the Data Subject was not satisfied with the response received from the Respondent, the Data Subject 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 and Respondent in relation to the subject matter of the complaint. The DPC first engaged with the Respondent on this matter on 18 May 2023, and in its response to the DPC of 1 June 2023, the Respondent advised that, following further review, the Tweets in question had been removed from the platform.
8. On 7 June 2023, the DPC wrote to the Data Subject via the Recipient SA, seeking their views on the action taken by the Respondent. In this correspondence, the DPC requested a reply, within a stated timeframe. The DPC received a response from the Data Subject on 14 June 2023. In this response, the Data Subject advised that they were agreeable to the amicable resolution of their complaint, provided one further identified Tweet could also be removed from the Respondent’s platform.
9. The DPC engaged with the Respondent in relation to the further identified Tweet on 15 June 2023. In its response of 27 June 2023, the Respondent agreed to remove the further identified Tweet from its platform.
10. On 3 July 2023, the DPC wrote to the Data Subject via the Recipient SA, seeking their views on the latest action taken by the Respondent. In this correspondence, the DPC noted that the Data Subject had agreed to the amicable resolution of their complaint, on the basis the remaining Tweet was removed, which the Respondent had now confirmed. This letter issued to the Data Subject on 3 August 2023, and on 25 August 2023, the Recipient SA confirmed to the DPC that no response had been received from the Data Subject.
11. On 1 September 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. On 18 September 2023, the Recipient SA confirmed receipt of the DPC's correspondence, which had advised that the complaint was deemed withdrawn.

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:



Deputy Commissioner
Data Protection Commission