

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 Berliner Beauftragte für  
Datenschutz und Informationsfreiheit (Berlin DPA) pursuant to Article 77 of the General Data  
Protection Regulation, concerning Airbnb 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 ON 12 MAY 2022)**

Dated the 14<sup>th</sup> day of December 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. On 14 February 2020, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Berliner Beauftragte für Datenschutz und Informationsfreiheit (“the **Recipient SA**”) concerning Airbnb 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) of the GDPR, the Recipient SA transferred the complaint to the DPC on 14 May 2020.

## The Complaint

3. The details of the complaint were as follows:
  - a. In February 2020, the Data Subject contacted the Respondent in relation to concerns regarding the provision of an ID document in order to use the platform.
  - b. The Data Subject’s second concern then arose on foot of a phone call with a customer service agent on 14 February 2020, as it was the Data Subject’s belief that the Respondent had recorded the call, which they objected to.
  - c. The Respondent provided its response to the Data Subject in February 2020, confirming that while a call had occurred on 14 February 2020 between a customer support agent and the Data Subject, this call was not recorded, as per the Data Subject’s request. Secondly, regarding the Data Subject’s issue with the provision of ID, the Respondent noted that this request was made as part of a wider policy measure that was being rolled out globally.
  - d. As the Data Subject was not satisfied with the response received from the Respondent, 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. In its responses to the DPC of both 30 June 2020, and 3 November 2020 respectively, the Respondent reaffirmed the position it previously set out to the Data Subject, in respect of the two main issues raised in this complaint. In the circumstances the Respondent noted that:
- a. A call did occur on 14 February 2020 between the Data Subject and a customer agent. In this regard, the Respondent noted that the Data Subject objected to the recording of any such call at the beginning of the conversation, and as such, noted that this call was not recorded, as the Data Subject had requested.
  - b. Its position in respect of the provision of an ID was part of a wider measure and policy that was being rolled out globally, and Germany, which is where the Data Subject resides, was one of the many jurisdictions where this policy was being implemented.
8. On 12 November 2020, the DPC conveyed this information to the Data Subject via the Recipient SA. This letter was thereafter provided to the Data Subject on 4 December 2020.
9. On 1 April 2021, the DPC received the Data Subject’s response, via the Recipient SA, within which they expressed their dissatisfaction, disagreeing with the Respondent’s practice of requesting ID.

10. The DPC continued to engage with both the Data Subject and the Respondent in order to bring about an amicable resolution to the complaint.
11. On 16 February 2022, the DPC received further correspondence from the Data Subject, within which they stated that they were seeking the full erasure of their data, pursuant to Article 17 of the GDPR.
12. The DPC thereafter engaged extensively with the Respondent in order to facilitate the Data Subject's erasure request.
13. On 15 August 2023, the Respondent informed the DPC that it had contacted the Data Subject directly, apologising for the delay taken to resolve this complaint, and in the interest of achieving an amicable resolution to the complaint, proposed a settlement offer to the Data Subject.
14. On 5 October 2023, the Data Subject confirmed to the DPC that they had reached an amicable resolution with the Respondent, and that their complaint could be concluded. Accordingly, the complaint has been deemed to have been amicably resolved.
15. On 18 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. On 30 October 2023, the Recipient SA confirmed receipt of the DPC's correspondence, which had advised that the complaint was deemed withdrawn.
16. 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**

17. 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.
18. 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 that reads "Tony Delaney". The signature is written in a cursive style with a large initial 'T' and 'D'.

---

Deputy Commissioner  
Data Protection Commission