

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 Integritetsskyddsmyndigheten (Sweden DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning MTCH Technology Services 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 15<sup>th</sup> day of December 2023



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 of the GDPR with the Integritetsskyddsmyndigheten (“the **Recipient SA**”) concerning MTCH Technology Services 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) of the GDPR, the Recipient SA transferred the complaint to the DPC on 21 April 2023.

## The Complaint

3. The details of the complaint were as follows:
  - a. The Data Subject contacted the Respondent on 21 August 2022, to request the erasure of their personal data, pursuant to Article 17 of the GDPR. The Data Subject advised that they had been able to login and download their personal data, but now sought the deletion of this data.
  - b. The Respondent replied on the same day, referring to previous exchanges it had with the Data Subject on the matter. The Respondent advised that it deletes personal data upon deletion of the associated account, subject to certain legitimate and lawful grounds to retain it. The Data Subject responded on 22 August 2022, to seek further clarity from the Respondent in relation to the legal reasons it relies on for the retention of their personal data. The Respondent replied advising it could not provide further support to the Data Subject.
  - c. 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. The DPC first contacted the Respondent on 13 July 2023. Further to that engagement, it provided a copy of its exchanges with the Data Subject to the DPC. The Respondent advised the DPC that it had suspended the Data Subject’s account due to a violation of the Terms of Use and Community Guidelines. Following this suspension, it had retained the Data Subject’s personal data in line with its data retention policy. In its reply to the DPC, the Respondent advised it had conducted a fresh review of the Data Subject’s suspension. In the circumstances, the Respondent agreed to take the following action:
  - a. To lift the suspension on the account, provided the Data Subject agrees to abide by the Respondent’s Terms and Conditions.
  - b. To communicate the outcome of its review directly to the Data Subject
8. On 16 August 2023, the Respondent communicated the outcome of its review directly to the Data Subject. In their response, the Data Subject accepted the information provided, and acknowledged the action taken by the Respondent to lift the suspension on their account. On 19 August 2023, the Respondent provided the DPC with a copy of this correspondence.
9. On 22 August 2023, the DPC’s letter outlining the actions taken provided by the Respondent as part of the amicable resolution process issued to the Recipient SA, for onward transmission to the Data Subject. When doing so, the DPC noted that the Data Subject had accepted the information provided by the Respondent, and as such, the dispute between the Data Subject and Respondent appeared to have been resolved. In the circumstances, the DPC asked the

Data Subject to notify it, within a stated timeframe, if they were not satisfied with the actions taken by the Respondent, so that the DPC could take further action.

10. The DPC did not receive any further communication from the Data Subject and, accordingly, the complaint has been deemed to have been amicably resolved.
11. 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.
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