

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 Office of the Information and Data Protection Commissioner (Malta DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning Ryanair DAC

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 27<sup>th</sup> day of March 2024



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. On 3 October 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Office of the Information and Data Protection Commissioner (“the **Recipient SA**”) concerning Ryanair DAC (“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 6 November 2023.

## The Complaint

3. The details of the complaint were as follows:
  - a. Following a booking made by the Data Subject on the Respondent’s website, the Data Subject received an email from the Respondent on 31 August 2023, advising the Data Subject that they were required to verify their identity as the booking had been made via a third party website. The Respondent requested the Data Subject to complete its dedicated verification process in order to verify their identity and proceed with the booking.
  - b. On 3 October 2023, the Data Subject contacted the Respondent via its “Live Chat” option as they had difficulty with their booking and received prompts to verify their identity. During their exchange with the Respondent, the Data Subject queried the requirement for this verification, which appeared to only be necessary when purchasing services provided by the Respondent from a third party website. The Data Subject highlighted that this was not the case in relation to their booking, as they had booked through the Respondent’s website. In the Respondent’s reply, its representative advised the Data Subject on the “Live Chat” that in order to avail of their booking, they were required to complete the verification process in this case.
  - c. As the Data Subject was not satisfied with the response received from the Respondent, they lodged a complaint with the Recipient SA, raising GDPR concerns in relation to the Respondent’s processing of online bookings.

## 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. Further to that engagement, on 29 January 2024, the Respondent advised the DPC that due to an internal error, the purchase that the Data Subject had made on its website had been incorrectly classified as one made through a third-party website, and the Data Subject should not have been requested to verify their identity in this case. Furthermore, the Respondent advised the DPC that since the Data Subject was the subject of a technical issue, and did not receive the level of customer support appropriate, it offered sincere apologies to the Data Subject, together with a gesture of goodwill.
8. The DPC forwarded this information to the Data Subject, via the Recipient SA, on 31 January 2024, seeking their views on the action taken by the Respondent. This correspondence requested that the Data Subject notify the DPC within a specified timeframe, if they were not satisfied with the action taken by the Respondent, so that the DPC could investigate the matter further. The Recipient SA issued this letter to the Data Subject on the same day.
9. On 8 February 2024, the DPC was informed by the Recipient SA that the Data Subject was agreeable to the amicable resolution proposal. The Data Subject also thanked the parties involved in getting their complaint resolved.

10. On 8 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.
11. 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**

12. 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.
13. 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