

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with the Data Protection Commission pursuant to Article 77 of the General Data Protection Regulation, concerning Meta Platforms Ireland 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 27th day of March 2024



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 10 August 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Data Protection Commission (“the **DPC**”) concerning Meta Platforms Ireland Limited (“the **Respondent**”).
2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) of the GDPR.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject contacted the DPC on 10 August 2023, requesting the deletion of their account from the Respondent’s Facebook platform, having lost access to the account. As it was unclear whether the Data Subject had made an erasure request to the Respondent in relation to this matter, the DPC advised the Data Subject to raise their request with the Respondent in the first instance.
 - b. Thereafter, on 6 September 2023, the Data Subject contacted the Respondent to seek the erasure of their account, pursuant to Article 17 of the GDPR, from the Respondent’s platform.
 - c. On 10 September 2023, the Respondent referred the Data Subject to its help-centre articles on how a user can delete an account.
 - d. As the Data Subject was not satisfied with the response received from the Respondent, they expressed their wish to pursue their complaint with the DPC.

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. In its response of 15 November 2023, the Respondent informed the DPC that the account in question had been placed in a checkpoint, hence why the Data Subject believed that they had lost access to their account. The Respondent provided information in relation to its checkpoint feature, including steps that the Data Subject could follow in order to regain access to their account and schedule the account for deletion using the Respondent's self-deletion tool.
8. The DPC informed the Data Subject of this in correspondence of 20 November 2023. In their response of 22 November 2023, the Data Subject confirmed that they had successfully regained access to their account, although queried the status of their account now that they had scheduled it for deletion. The DPC engaged further with the Respondent to seek confirmation on the status of the Data Subject's account.
9. To this end, on 28 November 2023, the Respondent confirmed that the Data Subject had scheduled their account for deletion on 21 November 2023, and noted that this process can take up to 30 days to complete from when an account is first scheduled for deletion. The DPC thereafter informed the Data Subject of this.
10. On 19 January 2024, the DPC received confirmation from the Respondent that the account in question had been permanently deleted on 23 December 2023. The DPC informed the Data Subject of this on 22 January 2024. In the circumstances, the DPC asked the Data Subject to notify it, within a stated timeframe if they were not satisfied with the outcome, so that the DPC could take further action. The DPC received no further response from the Data Subject.

11. On 9 February 2024, and in light of the foregoing, the DPC informed the Respondent that it would close the complaint in question.
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