

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 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 12 MAY 2022**

Dated the 4th day of September 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 17 March 2022, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Commission (“the **DPC**”) concerning MTCH Technology Services Limited (“the **Respondent**”).
2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) GDPR.

The Complaint

3. The details of the complaint were as follows:
 - a. On 16 March 2022, the Data Subject submitted an access request pursuant to Article 15 GDPR following the banning of their account. The Data Subject provided a copy of a receipt for a ‘Tinder Gold’ subscription, as well as two phone numbers, in an attempt to verify their identity.
 - b. In its response, the Respondent stated that it could not locate an account associated with the email address from which the Data Subject made their request, and, for security purposes, requested that the Data Subject make contact using the email address associated with the account.
 - c. The Data Subject was not satisfied with this response and, accordingly, the Data Subject lodged a 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, 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 the Respondent in relation to the subject matter of the complaint. On 29 June 2022, the DPC wrote to the Respondent formally commencing its investigation and requesting that it address the concerns raised.
8. In its responses, the Respondent explained that it was unable to locate any account using the Tinder Gold receipt nor one of the two phone numbers provided. The other phone number was confirmed to have been associated with a banned account, but the Respondent explained that the phone number alone was insufficient to demonstrate the Data Subject’s ownership of that account for the purposes of their access request. Noting again that the access request had been submitted from an email address not associated with any account, the Respondent explained that, in order to verify the Data Subject’s account ownership (and therefore their entitlement to the personal data requested), the Data Subject needed to contact the Respondent using the email address associated with the account in question.
9. Following further engagement from the DPC, the Data Subject provided the Respondent (via the DPC) with the correct email address and the Respondent subsequently provided the Data Subject with their personal data, as requested. The Data Subject was dissatisfied with the amount of personal data provided, and stated that the Respondent was continuing to withhold some of their information. However, the Respondent explained that, given the length of time that had passed since the account was banned (in excess of twelve months), the only data the Respondent continued to retain at that time (and in accordance with its retention policies) were the personal data that had now been provided to the Data Subject. The Respondent also confirmed that it retains account identifier data (phone number and email addresses) in order to enforce its bans. The DPC noted that the Data Subject had expressly accepted that the Respondent was entitled to retain such information for these purposes.
10. In light of the explanations provided by the Respondent as set out above, as well as the fact that the Data Subject had now received all personal data that the Respondent continued to

hold in relation to them, the DPC considered it appropriate to conclude the complaint by way of amicable resolution. As such, on 31 May 2023, the DPC wrote to the Data Subject proposing an amicable resolution to the complaint and asked the Data Subject to notify it, within a specified timeframe, if they were not satisfied with the outcome, so that the DPC could take further action. 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. 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:



Deputy Commissioner

Data Protection Commission