

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

IMI Complaint Reference Number: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with Bayerisches Landesamt für
Datenschutzaufsicht pursuant to Article 77 of the General Data Protection Regulation, concerning
Yahoo EMEA 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 22nd day of May 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 6 April 2022, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the **Bayerisches Landesamt für Datenschutzaufsicht** (“the **Recipient SA**”) concerning Yahoo EMEA 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) GDPR, the Recipient SA transferred the complaint to the DPC on 19 August 2022.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject had previously owned a company, which they had deregistered on 4 March 2019. On 24 January 2022, the Data Subject contacted the Respondent requesting the delisting of three URLs, which related to their deregistered business. The Data Subject’s telephone number was also visible through the URLs in question, as well as their private address (the Data Subject having operated their previous business at that same address).
 - b. On 28 March 2022, the Respondent replied to the Data Subject’s delisting request stating that the ID they had provided was not legible. The Data Subject asserted that the redacted ID they had provided was sufficient for the purposes of their delisting request as it still provided information such as their ID number and date of birth. The Data Subject was not satisfied with the Respondent’s response and, on 6 April 2022, subsequently 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. On 16 December 2022, the DPC wrote to the Respondent outlining the Data Subject's complaint, and reiterated the Data Subject's assertion that the information contained in the form of ID provided should have been sufficient to verify them. In the event that the Respondent was refusing to delist on any other grounds, the DPC requested that it provide, in detail, its reasoning in this regard.
- 8. On 10 January 2023, the Respondent replied to the DPC, explaining that, having since reviewed the complaint, it had determined that the complained-of URLs were eligible for delisting. As a result, the Respondent delisted the complained-of URLs from being returned in a Yahoo search of the Data Subject's name and informed the Data Subject directly of same. The Respondent stated that, should the Data Subject have any further URLs or search terms it wished to submit for the purposes of a delisting request, the most efficient and effective means of doing so was through its online form (a link to which was provided by the Respondent).
- 9. On 27 January 2023, the DPC wrote to the Data Subject via the Recipient SA outlining the Respondent's response to their complaint. The DPC's correspondence noted that the URLs which were the subject matter of the complaint had now been delisted. 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 three weeks, if they were not satisfied with the outcome, so that the DPC could take further action. On 9 February 2023, the Data Subject confirmed to the Recipient SA that the matter had been resolved and the complaint could be closed. Accordingly, the complaint has been deemed to have been amicably resolved.

10. On 19 April 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.
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