

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 the Urząd Ochrony Danych Osobowych pursuant to Article 77 of the General Data Protection Regulation, concerning Autodesk Ireland Operations UC

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 9<sup>th</sup> day of October 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 4 December 2020, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Urząd Ochrony Danych Osobowych (“the **Recipient SA**”) concerning Autodesk Ireland Operations UC (“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 15 February 2022.

## **The Complaint**

3. The details of the complaint were as follows:
  - a. The Data Subject received an email from the Respondent stating that it had detected the use of its software product on the Data Subject’s device without the required commercial licence. The Respondent provided the Data Subject with a report purporting to demonstrate the Data Subject’s unlawful use of its product. [REDACTED]  
[REDACTED]  
[REDACTED]
  - b. The Data Subject disputed the Respondent’s position and submitted an access request pursuant to Article 15 GDPR. In particular, the Data Subject sought an explanation as to how the information contained in the report was collected and processed by the Respondent, and when the Data subject had been informed of such processing.
  - c. In response, the Respondent provided a link through which the Data Subject could submit their access request and directed the Data Subject to its privacy policy for the additional information sought.
  - d. As the Data Subject was of the view that they had already submitted an access request, they interpreted the Respondent’s response as a refusal to action the request and, accordingly, submitted a complaint to 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 19 May 2022, the DPC wrote to the Respondent formally commencing its investigation and requesting that it address the concerns raised.
8. In response, the Respondent acknowledged the validity of the access request and apologised for having then directed the Data Subject to the online form and the delay that arose as a result. The Respondent provided the data subject with a full copy of their personal data. The Respondent also provided a detailed response to each of the queries raised by the Data Subject in their access request. In particular, the DPC noted how the Respondent explained, with reference to its privacy policy, terms of use and intellectual property rights, (i) how it was able to detect the suspected unlawful use of its commercial software product by the Data Subject; (ii) the personal information it processed about the Data Subject in order to do so; (iii) the purposes and legal basis for processing this information; and (iv) how this information was explained in a transparent manner in its privacy policy.
9. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
10. In light of the explanations provided by the Respondent as set out above, the fact that it had now complied in full with the Data Subject's access request, [REDACTED], the DPC considered it appropriate to conclude the complaint by way of amicable resolution. Accordingly, on 19 June 2023, the DPC wrote to the Data Subject (via the Recipient SA) proposing an amicable resolution to the complaint. In the circumstances, the DPC 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. On 6 September 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. The DPC will close off its file in this matter once it has consulted with the supervisory authorities concerned on the information set out above, as required by Document 06/2022.
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:

A handwritten signature in black ink that reads "Tony Delaney". The signature is written in a cursive style with a large, prominent 'T' and 'D'.

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Deputy Commissioner

Data Protection Commission