

**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 Bayerisches Landesamt für Datenschutzaufsicht (Bavaria DPA) pursuant to Article 77 of the General Data Protection Regulation, concerning LinkedIn Ireland 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 31<sup>st</sup> day of March 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## Background

1. On 18 September 2021, ██████████ (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Bayerisches Landesamt für Datenschutzaufsicht (“the **Recipient SA**”) concerning LinkedIn Ireland 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 10 December 2021.

## The Complaint

3. The details of the complaint were as follows:
  - a. The Data Subject contacted the Respondent on 2 July 2021 requesting confirmation on whether or not the Respondent processes personal data relating to them.
  - b. The Data Subject stated that the Respondent did not comply with their request for the Respondent’s response to be sent to them via post. Instead, the Respondent responded to the Data Subject via email, providing them with information on how it processes data, and providing a link that they could use to download a copy of their personal data.

## 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 31 May 2022, the DPC outlined the Data Subject’s complaint to the Respondent. The DPC noted in its correspondence to the Respondent that it was clear from the documentation provided by the Recipient SA that the Respondent and Data Subject had already shared multiple rounds of correspondence in relation to their personal data not being sent to them via post, as originally requested. In this correspondence to the Respondent, the DPC also noted that the Respondent had previously advised the Data Subject that it believed that it had carried out the access request sufficiently and in compliance with the requirements of Article 15 GDPR.
8. On 11 July 2022, the Respondent responded to the DPC and stated that it had contacted the Data Subject directly on 9 June 2022 and that it had not received any further communication from them. The Respondent provided the DPC with a copy of the correspondence sent to the Data Subject.
9. In its correspondence to the Data Subject, the Respondent acknowledged that the Data Subject had written to it numerous times, asking for their personal data to be issued to them via post. The Respondent apologised to the Data Subject for the confusion caused, and noted that it should have been clear with the Data Subject from the beginning that, following a search of its systems and services, it had confirmed that it was not processing any personal data relating to them, outside of their current complaint correspondence. The Respondent explained to the Data Subject that, as they were not a registered user of its platform, it was not processing their personal data.
10. On 1 September 2022, the DPC wrote to the Data Subject via the Recipient SA. The DPC provided the Data Subject with a copy of the Respondent’s correspondence of 9 June 2022. In the circumstances, the DPC asked the Data Subject to notify it, within two months 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 22 February 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. 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:



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Deputy Commissioner

Data Protection Commission