

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

IMI Reference: [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 (formerly Verizon Media 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 ON 12 MAY 2022)**

Dated the 4<sup>th</sup> day of November 2022



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 16 October 2018, ██████████ (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with Bayerisches Landesamt für Datenschutzaufsicht (“the **Recipient SA**”) concerning Yahoo EMEA Limited (formerly Verizon Media 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 13 April 2021.

## **The Complaint**

3. The details of the complaint were as follows:
  - a. The Data Subject contacted the Respondent in 2018 outlining their concerns regarding the Respondent’s compliance with Articles 6 and 7 GDPR, lawful basis for processing, and conditions for consent respectively. More specifically, the Data Subject’s concerns related to:
    - i. The complexity of the Respondent’s Privacy Policy.
    - ii. Issues regarding the possible transfer and storage of personal data to third party partners, and the difficulties they encountered in trying to withdraw consent to this process.
  - b. As the Data Subject was not satisfied with the response provided by the Respondent regarding the concerns raised, the Data Subject lodged a complaint with their supervisory authority.

## **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. Further to that engagement, it was established that the Respondent had no record of previous engagement with the Data Subject on the subject matter of this complaint, but were nonetheless hopeful that an amicable resolution could be reached regarding the concerns raised. Following engagement between the DPC and the Respondent, the following actions were taken by the Respondent:
- a. The Respondent informed the DPC that, regarding the privacy settings option selected by the Data Subject on their account, the Data Subject’s personal data was not being transferred to third parties, nor would the Data Subject receive personalised advertising or marketing from the Respondent.
  - b. The Respondent provided the DPC with a letter addressed to the Data Subject, which provided relevant information in relation to the subject matter of the complaint. This letter was subsequently provided to the Data Subject by the DPC as part of a wider range of correspondence issued on 12 April.
  - c. The Respondent also provided an apology to the Data Subject for the inconvenience caused.
8. In tandem with the Respondent’s letter referenced above, which issued to the Data Subject on 12 April 2022, the DPC also issued correspondence for the Data Subject via the Recipient SA on the same date, informing them that, independently of the complaint in question, the DPC had commenced a statutory inquiry under section 110 of the 2018 Act. The scope of the

inquiry encompassed similar matters to those raised by the Data Subject in the present complaint, in relation to the Respondent. Furthermore, within this letter, the DPC requested that the Data Subject notify it, within the specified timeframe, if they were not satisfied with the actions taken by the Respondent, so that the DPC could take further action.

9. The Recipient SA confirmed that they issued this letter to the Data Subject on 20 April 2022, and on 22 June 2022, the Recipient SA confirmed that no response had been received from the Data Subject.
10. On 2 August 2022, 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:



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Deputy Commissioner  
Data Protection Commission