

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 Italian Data Protection Authority 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 18th day of November 2022



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 22 November 2019, [REDACTED] (“the Data Subject”) lodged a complaint pursuant to Article 77 GDPR with the Italian Data Protection Authority (“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 20 July 2020.

The Complaint

3. The details of the complaint were as follows:
 - a. The Data Subject submitted a delisting request to the Respondent on 24 September 2019, requesting a number of URLs to be delisted from its search engine results. The content of the URLs requested for delisting related to judicial proceedings that the Data Subject had been involved in previously.
 - b. The Data Subject was not satisfied with the response received from the Respondent.

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 his/her 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 Data Subject had originally submitted a number of invalid URLs to the Respondent for delisting, and that the Respondent had requested the Data Subject to resubmit their delisting request using valid URLs and in the correct format. In the circumstances, the Respondent agreed to take the following action:
 - a. Following engagement with the DPC, the Respondent agreed to delist the updated URLs provided by the Data Subject.
8. On 1 February 2021, the DPC outlined the Data Subject’s complaint to the Respondent, asking it to review the URLs provided by the Data Subject. On 8 February 2021, the Respondent informed the DPC that the Data Subject had originally submitted a number of invalid URLs as part of their delisting request, and that the Respondent had requested they resubmit their delisting request using valid URLs and in the correct format. The Respondent highlighted that the Data Subject had provided a list of the URLs they sought the delisting of, but that this list was in an image format. The Respondent requested that the URLs be provided to it as clickable links, not an image, in order to avoid the risk of human error.
9. Following further engagement with the Data Subject via the Recipient SA, the DPC provided this list of URLs to the Respondent on 05 May 2021. On 11 May 2021, the Respondent confirmed that it had now delisted a number of the requested URLs, but that some of the other requested URLs were invalid, as they did not appear in a search for the Data Subject’s name in Europe or the UK.
10. Following further engagement with the Italian DPA, the DPC informed the Respondent on 11 November 2021 that the Data Subject’s legal representative had highlighted that a number of URLs which the Respondent had stated did not return against a search of the Data Subject’s name were still returning. Furthermore, a number of URLs which Yahoo had confirmed as delisted were still appearing following a search of the Data Subject’s name.

11. Following further engagement with the Respondent, it confirmed to the DPC on 22 December 2021 that all URLs requested for delisting were either no longer appearing following a search of the Data Subject's name, or would be delisted in due course. The DPC wrote to the Data Subject via the Recipient SA on 20 April 2022, providing the Respondent's comments regarding each URL submitted by the Data Subject. In the circumstances, the DPC asked the Data Subject to notify it, within two months, if he/she was 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.
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:



Deputy Commissioner

Data Protection Commission