

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with the Data Protection Commission pursuant to Article 77 of the General Data Protection Regulation, concerning Meta Platforms Ireland Limited (formerly Facebook Ireland 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 30<sup>th</sup> day of December 2022



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 03 November 2019, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Commission (“the **DPC**”) concerning Meta Platforms Ireland Limited (formerly Facebook Ireland Limited) (“the **Respondent**”).
2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) GDPR.

## **The Complaint**

3. The details of the complaint were as follows:
  - a. The Data Subject contacted the Respondent on 22 October 2019, requesting the erasure of their personal data that had been uploaded by a third party user on the Facebook platform, pursuant to Article 17 of the GDPR.
  - b. The Respondent reviewed the request and replied to the Data Subject on 24 October 2019 without acting on the erasure request, claiming that the data concerned in the request was not being processed unlawfully.
  - c. As the Data Subject was not satisfied with the response received from the Respondent, the Data Subject made a complaint to the DPC.

## **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 and Respondent in relation to the subject matter of the complaint. On 22 November 2019, the DPC contacted the Respondent seeking their cooperation in removing the personal data in question. Further to that engagement, the Respondent advised that they had further reviewed the complaint and following this review, they were of the view that no grounds for the removal of the content existed under Article 17 of the GDPR.
8. In further correspondence dated 06 and 11 December 2019 respectively, the Respondent advised the DPC that some of the personal data in question appeared to be no longer available on the platform (though it noted that it was unable to confirm who removed the content or on what date). The DPC advised the Data Subject of this on 19 December 2019. The Data Subject reverted on 13 January 2020 and requested that all the data be removed.
9. The DPC continued to engage with both the Data Subject and the Respondent in order to bring about an amicable resolution to the complaint. Over the course of the handling of the complaint, the DPC maintained regular contact with the Data Subject to keep them informed of the progression and status of their complaint.
10. Upon further review of the complaint by the DPC, it was noted that a number of URL’s that were originally provided by the Data Subject were no longer active on the platform. On 06 May 2022, the DPC wrote to the Data Subject, seeking clarity on which URL’s remained active. The DPC received a response from the Data Subject on 09 May 2022. In this response, the Data Subject confirmed the several URL links that remained active and requested the removal of them from the Facebook platform.
11. On 15 August 2022, in an effort to amicably resolve the complaint in question, the DPC contacted the Respondent seeking their cooperation in removing the remaining personal data in question. On 16 September 2022, the Respondent contacted the Data Subject directly, informing them that the content in question had been restricted, meaning that the content

was no longer visible on the Facebook platform for users within the EEA and UK. The Respondent also informed the DPC of the actions it had taken.

12. On 6 October 2022, the DPC wrote to the Data Subject seeking their views on the actions taken by the Respondent. In this correspondence, the DPC asked the Data Subject to notify it, within a stated timeframe, if they were satisfied with the removal of their personal data from the platform. The DPC did not receive any further communication from the Data Subject and, accordingly, the complaint has been deemed to have been amicably resolved.

13. 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**

14. 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.

15. 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**