

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

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 8th day of September 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 30 March 2022, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Data Protection Commission (“the **DPC**”) concerning Meta Platforms Ireland Limited (“the **Respondent**”).
2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) of the GDPR.

The Complaint

3. The details of the complaint were as follows:
 - a. On 31 October 2021, the Data Subject scheduled their Facebook account for permanent deletion from the Respondent’s platform. After discovering that the Respondent had not deleted the account, the Data Subject thereafter requested its deletion via email on 10 February 2022.
 - b. The Respondent replied to the Data Subject on 11 February 2022, advising that they could schedule the account for deletion themselves via the self-deletion tool, and provided instructions on how to do so. The Data Subject further engaged with the Respondent, informing them of their understanding that the account was already deleted, and therefore was unwilling to use the self-deletion tool as advised. The Respondent redirected the Data Subject to the self-deletion tool in later correspondence.
 - c. As the Data Subject was not satisfied with the responses received from the Respondent, they lodged a complaint with 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 first engaged with the Respondent in relation to the subject matter of this complaint on 19 July 2022. Further to that engagement, in its response of 3 August 2022, the Respondent noted that the Data Subject had successfully scheduled the account for deletion on 31 October 2021. However, after initiating the account deletion process, the Respondent noted that the Data Subject logged back into the account on the same day, thus cancelling the scheduled deletion of the account. In the circumstances, the Respondent provided the DPC with information as to how the Data Subject could schedule their account for permanent deletion via the self-deletion tool. The DPC thereafter provided this information to the Data Subject on 10 August 2022. Within this response, the Respondent noted that deletion might take up to 30 days to occur.
- 8. On 6 September 2022, the Data Subject responded to the DPC. In their response, the Data Subject contested the Respondent's assertions that they logged into the account, thus cancelling the deletion. Within this same correspondence, the Data Subject also expressed their dissatisfaction at the 30-day period it takes the account deletion process to complete.
- 9. The DPC engaged with the Respondent again regarding this complaint, and on 8 November 2022, the Respondent reaffirmed its position to the DPC, that the Data Subject had cancelled the initial self-deletion of the account, and again provided information on how the Data Subject could schedule their account for deletion via the self-deletion tool.
- 10. The DPC continued to engage with both the Data Subject and the Respondent in order to bring about an amicable resolution to the complaint. In the spirit of amicable resolution, the DPC contacted the Respondent, requesting that it provide an alternative proposal, which would

help the Data Subject acquire deletion of the account in question, as they were unwilling to use the self-deletion tool. Following this engagement, on 27 January 2023, the Respondent agreed to delete the account on behalf of the Data Subject, provided the Data Subject verified that they were the rightful owner of the account in question. The Respondent also contacted the Data Subject directly to request this information.

11. On 9 March 2023, the Respondent confirmed to the DPC that the Data Subject had been unable to verify that they were they rightful owner of the account in question and as such, it had placed the account in a checkpoint. The DPC understands that a checkpoint is placed on an account as a security measure to ensure that only the verified owner of the account can access it. The Respondent confirmed that, provided this checkpoint is not cleared, the account would be scheduled for permanent deletion.
12. The DPC's letter outlining the information provided by the Respondent as part of the amicable resolution process issued to the Data Subject on 31 May 2023. In this correspondence, the DPC requested that the Data Subject notify it, within a specified timeframe, if they were not satisfied with the actions taken by the Respondent, so that the DPC could take further action.
13. The DPC received no further response from the Data Subject, and on 23 June 2023, the DPC informed the Respondent that it would close the complaint in question.
14. 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

15. 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.
16. 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, reading "Tony Delaney". The signature is fluid and cursive, with the first name "Tony" and last name "Delaney" clearly distinguishable.

Deputy Commissioner
Data Protection Commission