

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 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 ON 12 MAY 2022)**

Dated the 1<sup>st</sup> day of December 2023



Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2, Ireland

## **Background**

1. On 17 April 2023, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 of the GDPR with the Data Protection Commission (“the **DPC**”) concerning LinkedIn Ireland UC (“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. The Data Subject contacted the Respondent on 13 April 2023, to request access to their account that appeared to be under temporary suspension. The Data Subject also questioned whether their account had been scraped, as the settings on their account did not allow their data to be shared with any third parties.
  - b. The Respondent replied to the Data Subject’s correspondence on 14 April 2023, advising that it had placed a temporary restriction on their account as a result of possible unauthorised access. In addition, the Respondent advised the Data Subject that in order for them to regain access to their account, they would need to verify that they are its rightful owner, by submitting a copy of a government issued ID or signing a specific form before a Notary Public or Public Official. Following this, on 17 April 2023, the Respondent provided further information in relation to the data scraping and advised them of steps in order to keep their account safe, such as two-factor authentication and implementing strong passwords.
  - c. As the Data Subject was not satisfied with the response 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 engaged with both the Data Subject and Respondent in relation to the subject matter of the complaint. Further to that engagement, on 13 September 2023, the Respondent advised the DPC of the following:
- a. The Data Subject's account had been restricted on 12 April 2023, following suspicious login activity, which included a password change and a login attempt from a different IP address than the one associated with the account. This restriction was applied to the Data Subject's account as a preventative measure. The Respondent clarified that the restriction was now lifted and it issued an apology to the Data Subject for the delay and the inconvenience caused in responding to their request.
  - b. The Respondent stated that it does not sell or share its members personal data with third parties, unless an individual member chooses to do so themselves.
  - c. The Respondent clarified that it did not believe the Data Subject was affected by the data scraping mentioned in their complaint. The Respondent further stated that the Data Subject had shared their profile information with third parties themselves, including their email address, when they were using the Respondent's platform.
8. On 19 September 2023, the DPC wrote to the Data Subject seeking their views on the action taken by the Respondent and requesting that the Data Subject notify it, within a specified timeframe, if they were not satisfied with the action taken by the Respondent, so that the DPC could investigate the matter further. On the same day, the Data Subject responded advising

that the Respondent had restored access to their account, and confirmed that this complaint could be considered closed. The Data Subject thanked the DPC for its help in getting this matter resolved.

9. 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**

10. 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.

11. 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