

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 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 28th day of October 2022



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On 28 December 2019, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Commission (“the **DPC**”) concerning Yahoo EMEA Limited (formerly Verizon Media EMEA 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. Upon receipt of the initial correspondence from the Data Subject, the DPC noted that the Data Subject had not raised their concerns with the Respondent in the first instance. The Data Subject was therefore advised by the DPC to contact the Respondent.
 - b. The Data Subject did so on 7 January 2020, raising concerns in relation to the processing of their personal data. The Data Subject had concerns in relation to how their personal information was collected, stored and processed by the Respondent, and raised a number of objections in relation to this processing.
 - i. Specific to this, the Data Subject raised concerns in relation to the practice of the Respondent blocking access to a data subject’s account until they agreed to the Terms of Service on the platform.
 - ii. The Data Subject also raised concerns with regards to the possible transfer and storage of personal data within the US, as well as with partners, and the difficulties they encountered in trying to withdraw consent to this process.
 - c. Further to this, the Data Subject also requested access to all personal data held about him, in accordance with Article 15 GDPR.
 - d. As the Data Subject believed that they did not receive a satisfactory response, they thereafter lodged a complaint with the Data Protection Commission.

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 Data Subject, 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, it was established on 24 June 2020, in correspondence sent directly from the Data Subject to the Respondent, and copied to the DPC, the Data Subject reiterated the belief that the Respondent's privacy policy and privacy dashboard did not adequately provide information on what personal data is held, how it is processed and who it is shared with. The Data Subject also noted that the process to opt out of sharing data with third party partners was an unreasonable demand put on a Data Subject.
8. The DPC corresponded with the Data Subject, by email dated 13 July 2020, 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. Throughout the handling of the complaint, the DPC provided the Data Subject with regular updates on the progress of the inquiry.
9. Following further contact between the DPC and Respondent, the Respondent confirmed on 9 June 2022 that they had made direct contact with the Data Subject and provided information to the Data Subject in respect of their compliance obligations under the GDPR. The respondent

further advised that an amicable resolution of the complaint had been reached. On 28 July 2022, the Data Subject confirmed to the DPC that there had been communication between the Data Subject and the Respondent as asserted by the Respondent. The Data Subject confirmed to the DPC that all of the issues raised in their complaint had been addressed by the Respondent and that a download of their personal data was being provided to them. Further to this, the Data Subject unambiguously confirmed that they considered that their complaint to the DPC had been resolved and could be closed.

10. On foot of the above confirmation from the Data Subject on 28 July 2022, that their concerns had been adequately addressed and that their complaint could now be closed, the DPC moved to conclude the file.
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:



Deputy Commissioner
Data Protection Commission