

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [REDACTED]

IMI Reference: [REDACTED]

In the matter of a complaint, lodged by [REDACTED] with the Commission Nationale pour la Protection des Données pursuant to Article 77 of the General Data Protection Regulation, concerning LinkedIn Ireland Unlimited Company

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 7th day of October 2022



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Commission Nationale pour la Protection des Données (“the **Recipient SA**”) concerning LinkedIn Ireland Unlimited Company (“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 13 December 2021.

The Complaint

3. The details of the complaint were as follows:
 - The Data Subject contacted the Respondent on 11 September 2021 to request the erasure of their personal data from the Respondent’s platform.
 - The Respondent reviewed the request, and responded that, as the Data Subject had infringed upon the User Agreement, they were not in a position to act on their erasure request.
 - As the Data Subject was not satisfied with the response received from the Respondent regarding their request, the Data Subject made a complaint to their Supervisory Authority.

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:
 - The relationship between the Data Subject and Respondent (being, in this case, an individual consumer and a service provider); and
 - 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:
- 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
 - 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 Respondent refused the request for erasure as per Article 17 of the GDPR, as the Data Subject had infringed upon the Respondent’s user policies. After engagement with the DPC, and in the circumstances, the Respondent agreed to take the following action:
- The Respondent outlined to the DPC that they would contact the Data Subject directly, so that they could assist them in regaining access to their account, and begin the erasure process.
8. On 27 May 2022, the Respondent confirmed to the DPC that it had contacted the Data Subject, to arrange for them to regain access to their account. From there, the Data Subject would be able to initiate the erasure request.
9. On 3 June 2022, the Respondent confirmed to the DPC that it had reached an amicable resolution with the Data Subject and noted that the account was to be deleted by a specified date.
10. Upon receipt of this information, the DPC wrote to the Data Subject via their Recipient SA, requesting confirmation that the actions taken by the Respondent were sufficient in amicably resolving their complaint, and that the erasure request had been fulfilled.
11. In correspondence received by the DPC on 30 June 2022 via the Recipient SA, the Data Subject confirmed that the actions taken by the Respondent had amicably resolved their complaint.
12. On 02 August 2022, and in light of the foregoing, the DPC wrote to the Recipient SA noting that the DPC considered the complaint to have been amicably resolved and withdrawn in

accordance with section 109(3) of the Act and that it would conclude the case and inform the Respondent.

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:

- The complaint, in its entirety, has been amicably resolved between the parties concerned;
- The agreed resolution is such that the object of the complaint no longer exists; and
- 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