

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 Airbnb 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 12 MAY 2022**

Dated the 15th day of May 2023



Data Protection Commission
21 Fitzwilliam Square South
Dublin 2, Ireland

Background

1. On **18 April 2022**, [REDACTED] (“the **Data Subject**”) lodged a complaint pursuant to Article 77 GDPR with the Data Protection Commission (“the **DPC**”) concerning **Airbnb Ireland UC** (“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 2 April 2022 requesting access to their personal data.
 - b. The Respondent asserted that it could not complete the access request despite the Data Subject providing the information it requested by way of verification.

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. On 10 August 2022, the DPC outlined the complaint to the Respondent and requested it take certain steps in order to address the Data Subject's access request. The Data Subject was a registered Airbnb member since 2016, using the service to rent out a house through a management company. The Data Subject made their request on 2 April 2022. The Respondent replied to the Data Subject's access request on the same date, requiring them to verify their identity by providing a photocopy of a valid official Government ID and to provide a restatement of the original access request.
8. The Data Subject stated that they had subsequently provided the requested information. However, on 5 April 2022, the Respondent claimed it had not received same. The Data Subject then provided a further copy of their passport and asserted that their identity could be verified by using the two-factor authentication process set up on the account. However, on 7 April 2022, the Respondent informed the Data Subject that it was not able to fulfil the access request, as the ID details provided did not match the details on the Airbnb account. The Data Subject then provided further documentation, and on 9 April 2022 the Respondent replied to again state that the ID details provided did not match the details on the Airbnb account.
9. Following the DPC's engagement, on 15 September 2022, the Respondent provided the Data Subject with the results of their access request in an encrypted excel file.
10. On 27 September 2022, and in response to further queries from the DPC, the Respondent explained the reasons for its delay in providing the Data Subject with their access file. The Respondent explained that the Data Subject made their initial access request via the Respondent's self-service tools but that the system was unable to process the request (which, it asserted, was "*an extremely rare occurrence*"). As a result, an agent reached out to the Data Subject in respect of their request and "*erroneously asked [the Data Subject] to send [their] ID in order to authenticate [the request]*". In addition, the Respondent explained that the agent should have known that the Data Subject's ID would not match the name on the Airbnb account as the account uses a business name. The Respondent clarified that its customer support agent should have offered an alternative method of authentication to the Data Subject, such as their login.

11. In summary, the Respondent explained that the delayed response was a result of agent error. The Respondent outlined that its employees regularly receive updated training and education on their role and duties. Arising from this complaint, the Respondent explained to the DPC that it has emphasised to its agents that they should no longer request ID to authenticate a Data Subject's identity in relation to any access request.
12. On 10 October 2022, the DPC wrote to the Data Subject outlining the examination of their complaint. When doing so, the DPC noted that, the requested personal data now having been provided by the Respondent, the dispute between the Data Subject and Respondent appeared to have been resolved. In the circumstances, the DPC asked the Data Subject to notify it, within two months if they were not satisfied with the outcome, so that the DPC could take further action. 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