

# Rules of Procedure of the Dispute Settlement Body

## User Rights GmbH

in the version dated 20th May 2025

### Preamble

User Rights GmbH (“user-rights.org” or the “Dispute Settlement Body”) offers users of online platforms, including individuals or entities submitting notices who are affected by the decisions referred to in Article 20 (1) of the Digital Services Act (“DSA”) (the “Complainants”), a digital, transparent, simple, and cost-effective procedure for dispute settlement with the provider of the online platform concerned (the “Respondent”) in accordance with Article 21 (1) DSA.

The Rules of Procedure of this Dispute Settlement Body – in addition to the provisions of Art. 21 DSA – regulate the procedure and implementation of the dispute settlement procedure. The fees for dispute settlement proceedings are based on the applicable Schedule of Costs.

The Dispute Settlement Body was certified on August 12<sup>th</sup>, 2024, by the Digital Services Coordinator in accordance with Art. 21 (3) DSA. All paragraphs without further explanation are those of these Rules of Procedure.

## Overview:

### **I. Procedural principles**

§ 1 Guidelines for the procedure

### **II. Internal organisation**

§ 2 Arbitrator and office

### **III. Conciliation procedure**

§ 3 Course of the procedure

§ 4 Admissibility of the application

§ 5 Conciliation procedure

§ 6 Procedural regulations

§ 7 Assessment standard

§ 8 Termination of proceedings

### **IV. Costs of the proceedings**

§ 9 Fees

### **V. Confidentiality and data protection**

§ 10 Confidentiality

§ 11 Data protection

§ 12 Database and reporting

## I. Procedural principles

### § 1 Guidelines for the procedure

In addition to the provisions of Art. 21 (3) a) to f) DSA, the Dispute Settlement Body is committed to the following principles, which form the guidelines for the procedure:

#### **1. Legal conformity:**

All proceedings and decisions (including “mediation recommendations”) of the Dispute Settlement Body comply with the applicable legal provisions.

#### **2. Neutrality:**

The Dispute Settlement Body shall act independently and impartially, including financially independently, from providers of online platforms and from users of the services provided by these platforms and also from the persons or entities submitting notices. It ensures that decisions are always made free of political bias or personal interests and with the necessary expertise.

#### **3. Implementation of fundamental rights:**

Through its mediation recommendations and decisions, the Dispute Settlement Body promotes the implementation of fundamental rights and reconciles the legitimate interests of all parties involved. It develops legal and technological methods that enable a uniform, European approach and takes into account special features in relation to the moderation of content by online platforms. The Rules of Procedure balance the parties’ right to be heard with the interest in a swift and cost-efficient dispute settlement.

#### **4. Fairness and transparency:**

The procedure is to be fair and transparent for all parties involved. All mediation recommendations must be substantiated to an appropriate extent.

#### **5. Efficient law enforcement:**

The procedure is to be efficiently designed in order to enable timely and cost-effective dispute settlement in a large number of cases. Technical solutions are developed and used to counter abuse and to process proceedings for decision-making, to identify similar facts and circumstances and case configurations, and to enable efficient, data-protection-compliant processing in a large number of procedures. The Dispute Settlement Body enters into long-term cooperation agreements with service providers and software companies in order to meet the standards of Art. 21 (3) DSA. In doing so,

it observes the applicable data protection regulations and always maintains its independence and impartiality within the framework of contractual obligations.

## **II. Internal organisation**

### **§ 2 Arbitrator and office**

- (1) The dispute settlement proceedings are in each case conducted by a specific person to be appointed internally by the Dispute Settlement Body upon commencement of the proceedings (the “Arbitrator”), whereby the assignment of proceedings to the Arbitrator is always carried out according to a predetermined principle (Annex: “Random assignment”). Pursuant to Art. 21 (3) a) DSA, the Arbitrator is always impartial and independent, including financially independent, from providers of online platforms and users of the services provided by these platforms and also from the persons or entities submitting notices. During his or her activity as an Arbitrator for this Dispute Settlement Body, he or she may under no circumstances work for providers of online platforms for which this Dispute Settlement Body is responsible. This also applies to companies affiliated with the online platforms. The provisions on the ongoing independence and impartiality of Arbitrators shall become part of the employment, service or work contract in question and shall form the basis for the provision of services. The requirements of ongoing independence and impartiality must be confirmed in writing by the Arbitrator before first commencement of the activity and every year thereafter. Any change to or impairment of the circumstances or conditions must be reported immediately. If the Arbitrator is also employed in another professional capacity, he or she may only be appointed if the employment relationship of the other activity does not conflict with the exercise of the arbitration activity. The Arbitrator is not permitted to be subject to any professional or contractual instructions regarding the mediation of the dispute and must be given leave by the employer to the extent necessary for the mediation activity. The Arbitrator is to be appointed for a reasonable period of time in the context of an employment relationship. He or she is not bound by instructions for the purposes of dispute settlement. An Arbitrator may refuse and resign from proceedings at any time for personal reasons.
- (2) The Arbitrator shall have the necessary expertise, qualifications, professional competence, and experience for his or her task. Proof of relevant expertise in the law of a Member State of the European Union that applies in proceedings or Union law

shall be provided by the corresponding qualification to hold the office of judge or an equivalent qualification (“fully qualified lawyer”) or a master’s degree in jurisprudence or an L.L.M. from a university in the relevant Member State of the European Union; knowledge of the applicable law must have been imparted during the course of studies. In the case of proceedings concerning the application and enforcement of the general terms and conditions of online platforms, it is sufficient to have completed at least three years of law studies and have:

- a) at least one year’s work experience in the enforcement and application of general terms and conditions; or
  - b) completed mediation training; or
  - c) demonstrably attended appropriate further education and training (“Annex – Initial training of Arbitrators”).
- (3) The Dispute Settlement Body must permanently employ at least two Arbitrators who are qualified to hold judicial office and have worked in a legal profession for at least three years. They support the Arbitrators with professional advice and expertise at their request, but do not influence the decision.
- (4) The handling of proceedings in an official language that is not the native language of the Arbitrator requires formal proof of that foreign language at level C1 of the Common European Framework of Reference for Languages, or an equivalent language test, in addition to the requirements of Section 2 (2). Proof of language proficiency can also be provided by means of a certificate from a foreign university if the university was attended for at least two semesters and credits were earned in the relevant language or academic work was completed in that language. A corresponding certificate is not required if the foreign university was attended for at least two semesters as part of a postgraduate stay.
- (5) The Arbitrator’s remuneration is always independent of the outcome of the proceedings.
- (6) An office will be set up for the Dispute Settlement Body. The Arbitrators will receive comprehensive support in their work from the office and its staff. However, it is not possible for the Arbitrators to delegate the management of the proceedings or ultimate responsibility for the decision. The Arbitrator exercises professional supervision of the employees of the office. If employees of the office act on behalf of the Arbitrators, they

shall act under the professional responsibility of the Arbitrators and shall be subject solely to their instructions in this respect. In accordance with para. 1 sentence 2 of this provision, the Dispute Settlement Body shall ensure that the employees of the office also always comply with the requirements of Art. 21 (3) a) DSA. The remuneration of the office and its employees is always independent of the outcome of the proceedings in question.

- (7) The office shall ensure that the Arbitrators receive regular training and further training in order to support them legally, technically, and in terms of subject matter and to strengthen the consistency of decisions. All Arbitrators receive ongoing and regular training from the office in accordance with the annex “Regular training and further training for Arbitrators”.
- (8) An Arbitrator may consult other Arbitrators of the Dispute Settlement Body at any time. In cases of doubt, he or she has the option of transferring the decision to another Arbitrator at his or her own discretion. Any such transfer is irrevocable and must always be carried out via the office. The further assignment of the proceedings must also be carried out at random.
- (9) The office ensures the operational structure and functionality of the Dispute Settlement Body. It employs Arbitrators with the qualification to hold the office of judge, or an equivalent qualification, who are not entrusted with the actual decision who are responsible for the comprehensive preliminary examination of the proceedings (“Preliminary Examiners”) and fulfil the requirements pursuant to Section 2 (3). The office continuously develops the technology and basis for data-protection-compliant case processing in a large number of proceedings in cooperation with external software service providers in order to prepare the facts and circumstances and legal issues digitally in the best possible way, to enable better, uniform human decisions, and to reduce the costs of dispute settlement in the long term. The Dispute Settlement Body shall provide information on the use of technology, the digital processing of proceedings, and all contracts with third parties at any time at the request of the Digital Services Coordinator.
- (10) Reasons for exclusion
  - a) The Arbitrator shall not become active:

- in matters to which he or she is him/herself a party or in which he or she stands in a relationship as a co-authorised party, co-obligated party, or party responsible for recourse with an applicant, a certified whistleblower, or an online platform;
- in matters concerning his or her spouse or fiancé, even if the marriage or engagement no longer exists;
- in matters concerning his or her registered civil partner, even if the registered civil partnership no longer exists;
- in matters relating to any person to whom he or she is related or related by marriage in the direct line, or related in the collateral line up to the third degree, or, by marriage, up to the second degree, even if the marriage which established the relationship by marriage no longer exists;
- in matters in which he or she, or a person with whom he or she is associated in order to jointly exercise the profession, or with whom he or she has common premises, is or has been appointed as an authorised representative or counsel of a party, or is or has been entitled to act as the legal representative of a party;
- in matters relating to any person for whom he or she is or was employed in return for remuneration, or for whom he or she is or was a member of the management board, the supervisory board, or a similar body.

#### b) Tasks of Arbitrators

The Arbitrator has the following tasks, in particular:

- To examine the admissibility of applications for proceedings in accordance with Section 4 in cooperation with the office
- To manage the conciliation procedure pursuant to Section 5
- To implement the conciliation procedure pursuant to Sections 6 and 7.

The office supports the Arbitrator in the performance of his or her duties.

### III. Conciliation procedure

#### § 3 Course of the procedure

- (1) The application for dispute settlement is to be submitted using the online form provided by the Dispute Settlement Body for this purpose. The form can be found on the Dispute Settlement Body's homepage and can alternatively be requested by email. It is possible to submit the required documents electronically in the formats \*.jpg, \*.png, \*.mp4, and \*.webm. The complainant will receive an individual, token-protected link from the Dispute Settlement Body with access to a protected data room.
- (2) The Complainant is obliged to provide the Dispute Settlement Body with his or her full name, email address, and postal address. The Dispute Settlement Body will check for obvious misrepresentations within the scope of its capacities and may make further proceedings dependent on proof of authentication.
- (3) A request for dispute settlement can also be made by the Complainant sending a structured petition to the Dispute Settlement Body's email inbox. A machine-readable XML template provided by the Dispute Settlement Body must be used for this purpose. In this case, following the submission of the XML template, the person submitting the petition will be sent a link to an online form by email, which must be completed for the purposes of a double opt-in procedure; implementation of the procedure is to be confirmed herein. The procedure will only be initiated once this confirmation has been provided.
- (4) The Complainant shall express his or her concerns briefly and clearly. The form provided must be used. The Dispute Settlement Body must deal with every request for dispute settlement within the scope of its capacities. It shall immediately confirm receipt of the request to initiate a complaint. It shall inform the Complainant within a reasonable period as to whether it will conduct dispute settlement proceedings and shall inform the parties involved of the further course of the proceedings, as well as:
  - a) that the proceedings will be conducted in accordance with the Rules of Procedure, and that the wording of these is available on the Dispute Settlement Body's website and will be provided in writing (electronic communications shall suffice) upon request;
  - b) that by participating in the dispute settlement procedure, the parties agree to the Dispute Settlement Body's Rules of Procedure;



- c) that the outcome of the dispute settlement proceedings may differ from the outcome of any court proceedings;
  - d) that the parties may be advised or represented in the dispute settlement proceedings by a lawyer or other person or institution, organisation or association authorised to provide legal services or representation pursuant to Art. 86 DSA, whereby evidence of the corresponding power of attorney must always be submitted electronically; and
  - e) of the costs of the proceedings.
- (5) The parties are given the right to be heard and the opportunity to comment. They may submit facts and assessments insofar as these are relevant.
- (6) The dispute settlement proceedings do not require a prior unsuccessful complaint by the applicant within the meaning of Art. 20 DSA to the Respondent.
- (7) The dispute settlement proceedings shall end if the applicant withdraws his or her application or objects to the further conduct of the procedure.
- (8) The online platform is intended for lodging all objections to the conduct of proceedings – in particular, complaints regarding the lack of jurisdiction, the existence of identical subject matter within the meaning of Art. 21 (2) DSA, the lack of material prerequisites pursuant to Art. 86 DSA, or a lack of power of representation – in full, in due time, and with substantiation of grounds in the context of the preliminary opinion. If this does not happen, these objections may be deemed to be excluded in the further proceedings (preclusion).
- (9) The language of the proceedings is dictated by the selection of the Complainant. If the proceedings concern illegal content of a Member State, the proceedings can, in principle, only be carried out in English or in the language of the Member State whose jurisdiction is affected. The online platform is to carry out the proceedings in the language of the proceedings within the meaning of this provision, i.e., must also submit all submissions in that language. The certification of the Dispute Settlement Body extends to the official languages defined in the appendix “Areas of activity”.
- (10) The Dispute Settlement Body maintains a website on which the Rules of Procedure and Schedule of Costs, as well as clear, comprehensible information on how to reach the Dispute Settlement Body, on its jurisdiction, on its recognition as a Dispute Settlement Body, and on the course of the dispute settlement proceedings, are published.

- (11) The Dispute Settlement Body has fully demonstrated the necessary expertise for the application and enforcement of the general terms and conditions and is certified for all types of content on online platforms. However, in accordance with the annex “Areas of activity”, it excludes certain areas of illegal content and certain types of online platforms from its scope of examination. In the event of disputes about jurisdiction, the online platform is to provide the Dispute Settlement Body with all necessary data points and content to enable a preliminary examination.

#### **§ 4 Admissibility of the application**

- (1) An application to initiate a conciliation procedure shall be rejected as inadmissible if:
- a) the dispute has already been settled; or
  - b) the dispute lies outside the area of activity of the Dispute Settlement Body.
- (2) The Dispute Settlement Body will also reject the initiation of proceedings as inadmissible if:
- a) a court has already made a decision on the merits of the dispute or the dispute is pending before a court, unless the court orders the proceedings to be suspended in view of the proceedings before the Dispute Settlement Body; or
  - b) the Dispute Settlement Body suspends the acceptance of further proceedings in the event of a work overload (“Temporary Suspension”). In such a case, the Dispute Settlement Body shall publish an easily visible notice on its website. A Temporary Suspension can be limited with respect to subject matter or otherwise. The Dispute Settlement Body shall immediately inform the Digital Services Coordinator of the measure and its intended duration; or
  - c) there is evidence of malice on the part of the applicant. This is regularly the case if a user deliberately and repeatedly disseminates clearly illegal content in order to impose the costs of the proceedings on the Respondent.
- (3) If the request to initiate and conduct dispute settlement proceedings is rejected, the Complainant will be informed of this in writing (electronic communications shall suffice), with the reasons being stated.
- (4) The Arbitrator may reject the further conduct of dispute settlement proceedings as inadmissible for the reasons listed in Section 4 (1) to (2) if the reason for rejection only arises or becomes known during the proceedings. The parties shall be notified of the inadmissibility

of the proceedings in writing (electronic communications shall suffice), with the reasons being stated.

## **§ 5 Conciliation procedure**

- (1) The conciliation procedure is technologically processed by the dispute settlement office and checked for completeness, any evidence of incorrect decisions, and comparability of the available information and reasons with previous cases. The Dispute Settlement Body can request additional information on the facts and circumstances from the Complainant if this seems necessary.
- (2) If the application is complete according to the file, the Dispute Settlement Body will transmit it electronically to the online platform. The online platform should always provide the Dispute Settlement Body with all necessary data points and content for the preliminary examination and decision and thereby enable a comprehensive examination of the dispute. The period for this is seven days and may be extended by fourteen days upon justified request.
  - a) The Dispute Settlement Body may grant the online platform the opportunity to reach an amicable agreement with the Complainant. This requires that the online platform reverses the (non-)measure taken ("Immediate Remedy"). The Immediate Remedy may be declared electronically by the online platform to the Dispute Settlement Body within one week. The declaration must include substantiated evidence that the decision has been reversed. The statement of reasons and the evidence will be sent to the Complainant. The proceedings will be terminated subject to the fees set out in Section 3 (3) of the Schedule of Costs and a simplified decision ("Immediate Remedy"). If the online platform does not grant any Immediate Remedy or provide corresponding evidence, the Dispute Settlement Body shall decide and issue a reasoned decision.
  - b) In cases of Art. 21 (2) sentence 2 DSA, providers of online platforms may refuse to cooperate with the Dispute Settlement Body if a dispute concerning the same information and the same grounds for the alleged illegality of the content or its alleged incompatibility with the general terms and conditions has already been settled by another dispute settlement body ("Refusal"). Such a Refusal may be reported and proven to the Dispute Settlement Body within one week, substantiated, with the facts of the case and the decision being stated. An Arbitrator shall examine the requirements for such a Refusal. He or she is free

to exercise his or her discretion. If the conditions for Refusal are not recognised under Art. 21 (2) sentence 2 DSA (“Unfounded Complaint of Refusal”), this must be briefly justified in the decision. Reference is made to Section 3 (8).

- c) The online platform can send the Dispute Settlement Body a reasoned opinion (“Response”) electronically within one week of the application being submitted. If the platform takes a position with respect to subject matter, and the opinion contains information that makes a new response by the complainant seem appropriate, the Response will be sent to the Complainant immediately. This is the case, for example, if the platform cites new facts or reasons for its decision. The Complainant then has three days to reply. As far as possible, the forms provided should be used for the Response and Reply. It is possible to submit the required relevant documents electronically in the formats \*.jpg, \*.png, \*.mp4, \*.webm, and \*.pdf (machine-readable). The parties will receive an individual, token-protected link from the Dispute Settlement Body with access to a protected data room.

- (3) The Dispute Settlement Body shall notify the parties as soon as the relevant deadlines for the provision of data points and content and for the opinion have expired (“Receipt of the Complete Complaint File”) and a decision is pending. If, despite its obligation to cooperate in accordance with Art. 21 (2) DSA in conjunction with Art. 2 sentence 2 of this provision, the platform fails to provide the necessary information and data points on time, then a decision may be made during the further course of the proceedings after the submission from the Complainant. The complexity of the procedure will then be determined by the Preliminary Examiner and also serves to determine the staggered costs in accordance with the scale of fees. The Preliminary Examiner classifies a procedure as “average” if it corresponds in nature and scope to a typical, regularly occurring procedure of the Dispute Settlement Body. If the case deviates from this – for instance, due to particular simplicity or particular complexity – it is classified as a “simple” or “complex” procedure. The Preliminary Examiner is free to make this classification. A simple procedure regularly exists if the content to be reviewed in the procedure is obviously justified or obviously unfounded. A complex procedure exists, in particular:
  - a) a) if the rights of several parties need to be reviewed; or
  - b) If unlawful content or fundamental rights are reviewed; or
  - c) in the event of proceedings pursuant to Art. 20 (1) b), c) and d) DSA; or

d) in the event of extensive facts and circumstances of the case (e.g., longer videos which form the basis for the decision).

- (4) As a rule, Receipt of the Complete Complaint File is to be assumed if the parties have had the opportunity to comment in accordance with this provision. With this notification, the full obligation to pay the processing fees in accordance with the Schedule of Costs arises as a rule.
- (5) Once the deadlines for submitting opinions have expired, the Preliminary Examiner concludes the preliminary proceedings and forwards the proceedings to the office. The office then allocates the proceedings to the Arbitrators on a random basis. Proceedings involving allegedly illegal posts may only be assigned to Arbitrators with the appropriate qualifications. It must also be ensured that the Arbitrator has the necessary language skills. In exceptional cases, the dispute arbitrator may determine a different level of complexity per Section 5 (3). Grounds for this must be briefly stated.
- (6) The Dispute Settlement Body is committed to an efficient exchange of data and a comprehensive understanding of the application and enforcement of the terms and conditions in question of the specific online platform; among other things, this is intended to enable it to recognise and understand obvious errors in the application and enforcement of specific standards.

## **§ 6 Procedural regulations**

- (1) The Arbitrators examine the complaints assigned to them independently and on their own responsibility. They may request additional statements. The statements must be submitted electronically within one week. Upon justified request, the deadline may be extended by a further week if this appears appropriate.
- (2) The conciliation procedure takes place exclusively in electronic form.
- (3) The Arbitrator must freely decide whether a factual allegation is to be regarded as true or not true, taking into account the entire content of the proceedings, and is also free to form his or her own opinion in other respects. The reasons that guided the Arbitrator must be stated in the decision. There shall be no taking of evidence or oral discussion.
- (4) The Dispute Settlement Body will contact the online platforms and will endeavour to ensure structured and efficient data transfer. It will endeavour to set up interfaces (APIs) for efficient

electronic transmission of the relevant data and counterstatements that are material to the decision. This is intended to minimise the costs and personnel expenses of the Dispute Settlement Body and make the procedures of any specific online platform more efficient and cost-effective. The Dispute Settlement Body will ensure compliance with data protection regulations. In the event of a complete electronic data transfer, the Dispute Settlement Body can set a permanently reduced basic fee for a specific online platform in accordance with Section 2 (6) of the Schedule of Costs. Any contractual arrangement with providers of online platforms or third parties regarding fees outside of the Rules of Procedure and Schedule of Costs is invalid.

- (5) If the data for carrying out a procedure in accordance with Section 5 (2) needs to be requested manually from the online platform and no sufficient electronic interface is provided, a submission fee according to Section 2 (5) of the cost regulations may be levied.
- (6) The Dispute Settlement Body is to ensure that complaints are processed quickly. The duration of the procedure is generally a maximum of 90 days after receipt of the complaint. The Dispute Settlement Body shall notify the parties involved of the start and end of the 90-day period. The Dispute Settlement Body may extend this period by a maximum of 90 days in the event of particularly complex or difficult disputes or with the consent of the parties involved. It shall inform the parties of the extension of the deadline.

## **§ 7     Assessment standard**

- (1) The Dispute Settlement Body shall make its decisions in accordance with applicable law and using the general terms and conditions of the respective platforms as a benchmark.
- (2) In exceptional cases, each Arbitrator may engage external experts with special expertise (fully qualified lawyers) for leading decisions of particular importance or that are likely to experience repetition, if this appears necessary or appropriate in the matter at hand. The sequence of fees set out in Section 2 (6) of the Schedule of Costs requires the consent of the online platform provider in question. The increased processing fee is then paid in full to the relevant experts and is cost-neutral for the Dispute Settlement Body. A leading decision shall be made by a panel, consisting of at least three experts, which must always be odd-numbered. The decision is made by majority vote. The composition of the panel in a specific procedure is only published by name if all experts involved agree to this in writing. The office supports the panel. The Dispute Settlement Body can also access the panel without consent. In such a case, the costs are to be borne by the body.

## **§ 8 Termination of proceedings**

- (1) The conciliation procedure ends as a result of:
  - a) withdrawal of the application;
  - b) determination of inadmissibility pursuant to Section 4;
  - c) Immediate Remedy and agreement in the proceedings pursuant to Section 5 (2) a); or
  - d) Acknowledgement of Refusal pursuant to Section 5 (2) b); or
  - e) upon the decision of the Arbitrator pursuant to Section 6 (3).
- (2) The decision must be accompanied by a statement of reasons setting out the facts on which it is based and the legal assessment. It is not binding for the parties involved. A decision is issued in the name of the Dispute Settlement Body. It does not need to be signed. The dispute settlement procedure ends with the decision.
- (3) The online platform is to inform the Dispute Settlement Body within one week of receiving the decision as to whether it recognises it and shall implement it. The Dispute Settlement Body shall inform the Complainant of this recognition.

## **IV. Costs of the proceedings**

### **§ 9 Fees**

Pursuant to Art. 21 (5) DSA, the costs of the conciliation procedure shall in principle be borne by the Respondent in accordance with the Dispute Settlement Body's Schedule of Costs. The Digital Services Coordinator must be informed immediately of any changes to the Schedule of Costs.

## **V. Confidentiality & data protection**

### **§ 10 Confidentiality**

Subject to statutory obligations, the Arbitrator and the employees of the office are obliged to maintain confidentiality regarding all circumstances concerning the parties of which they become aware during the course of the proceedings.

### **§ 11 Data protection**

- (1) The Dispute Settlement Body undertakes to protect and respect the privacy of all parties who use its services as well as the security of their personal data. The processing of personal data is carried out in accordance with the applicable data protection laws.
- (2) Personal data is only collected, used, and passed on by the Dispute Settlement Body if this is permitted by law or if the Complainant consents to the collection of data. The personal data that is usually collected includes, for example, name, age, address, email address, and usage behaviour in connection with the dispute settlement.
- (3) The Dispute Settlement Body uses personal data solely for the purpose of conducting the dispute settlement procedure, communicating with the parties, improving its services, and fulfilling legal obligations. Data will only be passed on to third parties if this is necessary for the dispute settlement procedure or is required by law, or if the parties have given their consent.
- (4) The parties involved have the right to obtain information about their personal data stored by the Dispute Settlement Body at any time, to request its rectification or erasure or the restriction of processing, and to object to processing. They also have the right to data portability.
- (5) The Dispute Settlement Body takes technical and organisational security measures to protect personal data against accidental or unlawful destruction, loss, alteration, or unauthorised disclosure or access.
- (6) The data protection information will be made available to the parties involved when the dispute settlement procedure is initiated. Changes to the data protection provisions will be published on the website of the Dispute Settlement Body and communicated to the parties involved.



- (7) For questions and concerns regarding data protection, a data protection officer is available, who can be contacted via the contact details provided on the Dispute Settlement Body's website.
- (8) The Dispute Settlement Body only retains personal data for as long as is necessary for the purposes for which it was collected or to comply with statutory retention periods.
- (9) Persons whose data is processed have the right to complain to a supervisory authority about the processing of their data by the Dispute Settlement Body.

## **§ 12 Database and evaluation**

- (1) The Dispute Settlement Body aims to create a database of decisions that is as transparent as possible and regularly publishes current mediation recommendations of general interest on its website. The mediation recommendations are only published with the mention of personal data with the consent of the Complainant, otherwise, always in anonymised form.
- (2) The Dispute Settlement Body shall report at least annually on its activities to the Digital Services Coordinator that authorised it, indicating at least the number of disputes it has received, information on the outcome of those disputes, the average duration of the dispute settlement, and any shortcomings or difficulties. It shall provide additional information at the request of the Digital Services Coordinator. The Dispute Settlement Body is free to inform the public about its activities, including beyond these reporting obligations.