

Rules of Procedure ("the Rules")

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1. PURPOSE

This document is a plain language explanation of the Impress Dispute Resolutions (IDR) Out-of-Court Dispute Settlement (ODS) Scheme rules. The formal legal rules of procedure can be found [here](#).

Anyone involved in a claim that is decided by IDR under the ODS Scheme agrees to these Rules.

2. CLAIMS WE INVESTIGATE

The ODS Scheme concerns illegal content claims between a claimant and an online platform, including:

- a) Data protection and privacy violations
- b) Illegal or harmful speech
- c) Intellectual property infringements
- d) Negative impacts on civic discourse or elections
- e) Non-consensual behaviours, including bullying or intimidation
- f) Acts of violence

A case decision-maker is appointed to the case. Neither the case administrator nor the online platform can change the Rules or any procedure within the Rules after a case decision-maker is appointed, unless the case decision-maker agrees to this.

3. ADMISSIBLE CLAIMS

Claimants submit requests through the IDR website, including these details:

- a) Personal details.
- b) A description of what the case is about.
- c) Particulars from the platform about the case.
- d) What led up to the complaint.
- e) Any harm or financial loss suffered.
- f) What the claimant would like to happen.

4. CONDITIONS FOR SUBMITTING A CLAIM

- a) All claims must fall within the Rules of the IDR ODS Scheme. Claimants are encouraged to have tried to resolve with the platform first.
- b) It must concern decisions taken by the platform about illegal content, specifically:
 - i) decisions whether or not to remove or disable access to or restrict visibility of the information;
 - ii) decisions whether or not to suspend or terminate the provision of the service, in whole or in part, to the recipients;
 - iii) decisions whether or not to suspend or terminate the recipients' account;
 - iv) decisions whether or not to suspend, terminate or otherwise restrict the ability to monetise information provided by the recipients.
- c) It must be connected to the European Union (EU). For example, the claimant should live inside the EU. Or if they live outside the EU, there must be proof of a substantial connection between the claim and the EU.
- d) It must be made against a relevant online platform.
- e) It must concern illegal content as defined by the national laws of the Republic of Ireland in relation to the [Digital Services Act](#) (DSA).

Examples of relevant issues include:

- Data protection and privacy violations
 - Illegal or harmful speech
 - Intellectual property infringements
 - Negative impacts on civic discourse or elections
 - Non-consensual behaviours, including bullying or intimidation
 - Acts of violence
- f) A complaint cannot be made if there is an ongoing legal.
- g) A complaint cannot be made if it has already been made to or resolved by another ODS body.
- h) The complaint must not relate to any existing order under Article 9 of the [Digital Services Act](#). Article 9 grants judicial and national authorities among EU member states the power to order online platforms to take action against illegal content.
- i) The complaint must not relate to an incident of criminal activity (see Article 18 under the [Digital Services Act](#)).
- j) It is helpful for us to know what harm happened. Sometimes the harm can be measured and this may be financial.
- k) It is helpful for us to know what actions the platform took.

5. AFTER A COMPLAINT IS SUBMITTED

An IDR case administrator will take a first look at the case to ensure all necessary information has been provided. Should we need more information, the claimant will be contacted within 24 hours. IDR will aim to accept or reject a complaint within three



days. We will write to the claimant if the matter does not fit within the Rules.

Parties must cooperate with IDR including providing all the information that we need. We will hold all that information securely in line with our privacy policy and information security policy.

6. CASE DECISION-MAKERS APPOINTMENT

The case starts when both parties agree and this agreement is received by IDR.

A case decision-maker is appointed from the IDR ODS Panel: a group of accredited, legally qualified decision-makers, who have expertise in this type of dispute.

Case decision-maker conduct is closely supervised by the [Chartered Institute of Arbitrators](#) (Ciarb).

7. LEGAL REPRESENTATION

You have the right to legal representation, but the ODS Scheme is set up so you don't need it.

If you choose to have legal support, be aware that the Scheme doesn't cover these costs – this would be your expense.

8. COST

There is no cost to submit a complaint.

Platforms are to pay the costs of complaints where the decision is against them. The final fee is calculated once the case decision-maker has made their finding. The fee is according to the fee schedule.

9. INVESTIGATION

The case decision-maker will investigate the complaint thoroughly. They will keep the claimant and online platform equally informed throughout and give time for responses to questions and comments.

10. STEP-BY-STEP GUIDE AFTER A COMPLAINT IS SUBMITTED

Step 1: IDR receives and organises the complaint, using email or other secure online comms to stay in touch.



Step 2: A case decision-maker is appointed.

Step 3: The case decision-maker will think about what information they need to complete their work. They might ask for more information or outside help. They might also indicate how long the investigation could take.

Step 4: Once the case decision-maker is happy that the complaint is valid, they can ask the claimant:

- a) to repeat their complaint and any other comments, and ask for evidence to support the complaint;
- b) what they hope to receive from the online platform. For example, reversing the decision, an apology or sometimes even payment (though this is unlikely); and,
- c) for documents or other information that has not already been provided.
- d) The case decision-maker can also ask the online platform:
- e) how much they agree with the claimant;
- f) their reasons for denying any part of the complaint; and
- g) for documents or other evidence if the online platform presents a different
- h) version of what happened.

Step 5: One of IDR's main aims is to provide a fair, low-cost alternative to going to court. Should either the claimant or online platform think that costs have, or may become excessive, they may ask the case decision-maker:

- a) for information about the costs;
- b) whether or not the case needs a hearing (including a remote online hearing);
- c) to limit the length and number of documents to be considered; and
- d) to limit the length of evidence and submissions at any hearing, to try and make sure all the investigation's costs are proportionate.

Step 6: Information and documents provided by the claimant and/or online platform can usually be shared with the other party.

Any information that one party refuses to share with the other will generally not be accepted. However, in some cases, the case decision-maker may accept information in confidence where they think the dispute may still be fairly resolved.

11. CONFIDENTIALITY OBLIGATIONS FOR ALL PARTIES

The claimant and online platform are required to keep all information that is shared with them during the investigation in confidence and not disclose it or share it further without the consent of the case decision-maker. There might be some exceptions to this rule, such as a legal reason to share the information, or that the information is already public.



All information must be kept in a secure place to prevent unauthorised access.

12. TIMESCALES FOR COMPLETION

The case decision-maker will try to make sure everything is completed within three months of their appointment. In exceptional cases (for example the most complex or where there is hearing), the process will be completed within six months.

There may be instances where the case decision-maker grants an extension.

In some circumstances, the case decision-maker might decide the claimant's complaint is not particularly strong but that it still passes the rejection guidelines (see "Default and striking out" below). If that happens, they will weigh up whether they can still fairly make a decision about the complaint.

13. SETTLING A DISPUTE

This can be explored between the claimant and online platform.

14. DEFAULT AND STRIKING OUT

If a claimant or online platform doesn't follow the case decision-maker's instructions, the case decision-maker can reach either a "default judgment" or strike out the complaint, bringing it to a close. They can strike out all or part of a claim when:

- a) part of the claim is set out with no good reason only after a claimant has provided the case decision-maker with information (see "After a complaint is submitted" above);
- b) the complaint is not reasonable;
- c) the complaint is an abuse of IDR's processes;
- d) the complaint is trivial compared to the time and cost needed to manage it;
- e) the claim is made in bad faith;
- f) the claim is otherwise frivolous or vexatious; or
- g) the nature of the claim means it can only be resolved by a court or is significantly better suited for a court.

If part or all a complaint is struck out, the claimant can still go to court.

15. HEARING

In exceptional cases, the case decision-maker can decide to hold a hearing. If so they will decide:



- a) where it will be held (e.g. in public, private or online);
- b) how it will be conducted;
- c) whether witnesses can attend or be questioned (either by the case decision-maker or another party);
- d) time limits on spoken submissions, examination or cross-examination of witnesses.

The case decision-maker can decide to send in writing:

- a) submissions for a hearing to be held by or on behalf of any party;
- b) questions intended to be put to any witness;
- c) answers by any witness to identified questions.

16. THE OUTCOME

All decisions will be in writing, dated, and signed by the case decision-maker with reasons provided.

The decision will be final and non-binding and you cannot appeal it.

Data from the case will be kept for reporting to the regulator.

As part of their decision, the case decision-maker may say:

- a) in extraordinary circumstances, where there is proof of financial harm, that the claimant should receive damages up to a maximum of €25,000 (which could be different if agreed by both parties, though it's important to note the platform is not required to follow this decision);
- b) that a summary of the decision is published, in a form agreed by all parties.

17. MONITORING COMPLAINTS DATA

IDR will log all decisions and review complaints outcomes to ensure they are fair and independent.

IDR will report annually on its activities to the regulator setting out the number of disputes received, the outcome, how long it took, and any themes or observations about how the Scheme is working.

IDR will respond to any other requests by the regulator.

