This is a summary of the decision of the Commissioner.

IN THE MATTER OF:-

Complainant {A member of an association}

VERSUS

Respondent {An association}

The Data Protection Office received a complaint from Complainant for alleged disclosure of his name as a long outstanding debtor on Respondent’s website.

This office opened an enquiry and asked justifications from Respondent in regard to the allegations made by Complainant. Respondent replied that reminders and letters were sent to the debtors, but unfortunately the members whose names appear on the website had failed or neglected to respond to its call. Respondent also put forward rules governing membership which empower it to process members' personal data, subject to the provisions of the Data Protection Act (DPA). To its interpretation, Respondent is exempted from application of sections 23 to 26 as its functions fall within the ambit of the exceptions set out in sections 48(a)(i),(iii) and sections 48(h) (i),(iii) of the DPA and is thus authorised to publish the names of the debtors as the publication was made to protect the interest of the public against the improper and unethical conduct of non-compliant members.

In reply to the above, Complainant argued that Respondent cannot rely on section 48 of the DPA to claim exemptions from sections 23 to 26, because in so doing it is considering him and others as dishonest persons, doing malpractice or other serious improper conduct, unfitness or incompetence or mismanagement in its administration thereby making adverse publicity and character assassination on his person and all persons whose name appear on the website as debtors. To Complainant’s view, the more effective way of dealing with non-payment of the renewal fee is to de-register the member.

Since there is no specific law or regulation which requires the Respondent to publish online/make public names of members who fail to renew their subscription, this office requested Respondent to put an end to the practice of publishing debtors’ names on its website. Respondent consequently informed this office that the list of registered members with outstanding fees has been removed from the website. This office, therefore, informed Complainant that Respondent has complied and has taken corrective measure.

**The Data Protection Commissioner has decided as follows:-**

As illustrated above, Respondent has cooperated with the office’s enquiry by removing the list of registered members with outstanding fees from its website. The enquiry is thus closed to the satisfaction of Complainant and no offence has been found committed under the Data Protection Act.