

This is a summary of the decision of the Commissioner

The Data Protection Office received a complaint from Complainant against Respondent (the organisation processing visa applications in Mauritius) alleging that following a spouse's visa application to join her husband in another country, Respondent has incorrectly sent a significant amount of confidential personal and financial information to an unknown number of third parties without their consent.

Complainant also stated that one of those third party individuals was due to receive their own documents back from Respondent and that Respondent has sent her personal data as well as those of her husband incorrectly to that individual.

Complainant provided as proof to this office the original complaint sent via the online contact form on Respondent's website and the exchange of communications by email from both parties concerned.

Following the statement provided by Complainant, the Data Protection Office requested Complainant to provide concrete evidence(e.g. copy of the receipt for posting the documents back to Mauritius from the other country(the country where the other individual who has wrongly received Complainant's document resides) to substantiate the allegations made in the complaint before this office initiates an enquiry with Respondent. Complainant provided a copy of the receipt by email.

Subsequently, a letter was issued to Respondent informing the organisation on the allegations made by Complainant. Respondent was also required to provide clarifications on the allegations made by Complainant and on queries asked by this office.

The Data Protection Office received a reply from Respondent stating that Respondent is an official service provider for the other Country's Visas and Immigration Service (hereinafter referred to as VIS) for the provision of visa and

passport application services. When collecting personal data from visa applicants, Respondent operates as a data processor on behalf of VIS, the data controller. Respondent also informed this office that:

1. They were made aware of the data breach incident described in the letter when the Complainant sent a complaint via the Contact us page on its website in February. Following this complaint, a thorough investigation was duly conducted, with full involvement of VIS
2. This was an isolated incident and they do not expect any similar issue to arise again since VIS and Respondent have recently introduced a new system to fully digitalize the visa application process. All supporting documents for a visa application are now scanned and transferred electronically, removing the need for physical transfer of such documents.
3. VIS and Respondent offer their sincere apologies to Complainant and her husband for this unfortunate incident.

By way of an email, this office requested additional clarifications from Respondent to which Respondent replied as follows:

1. Respondent notified the incident to the data controller (VIS). VIS has confirmed that they have reported this incident to their central team in the Country concerned accordingly.
2. The outcome of the investigation conducted concluded that this was an isolated incident that unfortunately occurred due to a human error in the process followed at the time. Since this incident occurred, the process for submitting documentation with a visa application has changed. The processes are now digitised providing more security as documents are no longer couriered to applicants with their decisions. They sincerely regret the inconvenience caused in this case. VIS and Respondent take the protection of applicants' data extremely seriously.
3. In regards to compensation, Respondent will ask the Complainant to provide receipted evidence of any costs incurred and forward any claim to VIS so that it can be considered.

Through an email, the Data Protection Office informed Complainant of the reply made by Respondent.

Complainant provided the below reply to this office:

“Thank you for your e-mail and thank you for pursuing this issue on our behalf. Since your office made contact we have finally started receiving communications from Respondent and VIS. We are currently discussing compensation with VIS for this error. We have also requested further details from Respondent regarding how the error occurred as they have been vague and non-transparent regarding any details of their investigation.

As advised, we will respond with any outstanding issues before the closing date of the enquiry if applicable, otherwise, we understand that the enquiry will be closed on that date.

I would like to thank you again for your repeated e-mails to Respondent to follow-up on this issue on our behalf.”

Complainant did not provide any further allegations to this office.

The Data Protection Commissioner has decided as follows:-

In view of the above, I am of the view that this enquiry has been conducted successfully to the satisfaction of all parties concerned relating to the applicability of the Data Protection Act within the Mauritian context. The enquiry is thus closed.