

This is a summary of the decision of the Commissioner.

By way of an email, the Data Protection Office received a complaint from Complainant against Respondent alleging that:

1. There was disclosure of her personal information by his employer and ex-employer
2. She was not consulted before disclosing her personal information

Following the statement provided by Complainant, the Data Protection Office requested the following clarifications by email from Complainant in order for this office to initiate an enquiry with Respondent:

1. When did she joined the current employment?
2. Did she inform the current employer on the personal information disclosed in question, on her CV or the letter of application or others?

Furthermore, a letter was sent to both the employer and the ex-employer respectively requesting them to provide their views on the alleged complaint and to provide justifications.

By way of a letter, the ex-employee stated:

“Can you provide a copy of the complaint lodged at the Data Protection Office?

According to the complaint, what personal information has been provided to? Who, according to the complaint, asked for such information from? Who, according to the complaints, disclosed ‘personal information’ to? What personal data has therefore supposedly been disclosed and by whom?”

On the other hand, the employee also provided his response as follows:

“2. You wish to note that.....

- 3. We wish to further inform you that we did not receive a letter fromregarding an alleged disclosure of personal information and we sought advice thereon from SLO.*
- 4. SLO advice has been that section 3 (4) (a) of the Data Protection Act stipulated that “this Act shall not apply to the exchange of information between Ministries, Government departments and public sector agencies where such information is required on a need to know basis.*
- 5. As regards your letter and complaint regarding the alleged disclosure of information by, we are unable to situate what information that is referring to and based on which she had lodged a complaint.*
- 6. We would therefore appreciate if further information could be provided thereto for us to submit a reply, if it so requires.”*

The Data Protection Commissioner has decided as follows: -

In view of the above, the enquiry has not disclosed the commission of an offence under the DPA and is closed to the satisfaction of all parties under section 6 of the Data Protection Act 2017 (DPA).