

This is a summary of the decision of the Commissioner

The Data Protection Office received a complaint from the Complainant against the Respondent alleging that:

1. Being a former employee of the Respondent, the Complainant's personal attendance record was accessed by a former staff member who had already resigned and was no longer authorised to access such information.
2. The Complainant stated that action should be taken against the Respondent and one of its senior officers for potential complicity in the disclosure of personal data to an unauthorised person. The Complainant also indicated that his correspondence had been wrongly addressed within the Respondent's organisation and further expressed concerns about the manner in which the matter was handled.
3. The Complainant alleged that the information was provided by the former staff member to an external investigative authority, in a statement given under the seal of the Respondent and certified as a "true copy" of the extract of his daily attendance record. The Complainant was subsequently confronted with the extract by the authority to confirm the accuracy of his recorded attendance times.
4. The Complainant added that the same attendance extract was submitted by the former staff member in her defence during a related case, which also involved allegations based on a fabricated and altered digital screenshot. According to the Complainant, technical verification confirmed that this evidence was false.

The complaint was referred to a Law Firm for advice. The Firm noted there was no evidence of unauthorised disclosure, emphasising that attendance records are employment-related information lawfully collected under internal policies. Security measures in the Data Protection Compliance Manual were referenced and further details of the allegation were requested.

Following the Complainant's statement, the Data Protection Office asked the Respondent to confirm:

- Whether disclosure of attendance records was made to the Police or any other party.

The Law Firm confirmed:

- The Police obtained the document from the Respondent as a necessary and proportionate measure for investigating the complaint.
- No third-party submission of the document was involved.

The Complainant opposed closing the complaint initially. The Police later confirmed that attendance records were officially requested during the investigation of a case reported under the ICT Act. Both Complainant and Respondent were informed that the records were used solely for enquiry purposes.

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).