

This is a summary of the decision of the DPC

A complaint was lodged at the Data Protection Office (DPO) concerning the alleged disclosure of personal data to a third party. The Complainant claimed that, following financial difficulties due to COVID-19, they had defaulted on loan repayments. When attempts to reach them by phone failed, a recovery agent allegedly contacted a third party with the same surname, disclosed details of the Complainant's financial situation, and asked that the message be relayed. The Complainant argued that this disclosure was a serious breach of confidentiality, causing psychological distress and emphasized that the Respondent had alternative means of contact such as email or courier.

The DPO requested further details of the third party involved (name, address, contact information) to verify the claim. The Complainant, however, stated they were not on good terms with the third party and could not provide contact details. Instead, they asked the DPO to rely on call records held by the Respondent.

The Respondent later admitted that, after several unsuccessful attempts to reach the Complainant, an officer contacted a relative and conveyed that legal action might be taken if payments were not regularized. The Respondent acknowledged this amounted to an unlawful disclosure of personal data without consent. They informed DPO that training had been provided to staff on the Data Protection Act, corrective measures had been taken and the employee responsible has resigned.

The DPO communicated the Respondent's response to the Complainant, clarifying that without the third party's identity or testimony, the case could not be referred to the police. The Complainant was advised of alternative legal remedies but did not provide additional evidence or follow up.

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).