

This is a summary of the decision of the Commissioner.

IN THE MATTER OF:-

Complainant {An ex-manager of Respondent 2}

VERSUS

Respondent 1 {A written press}

and

Respondent 2 {A company}

The Data Protection Office received an official complaint from Complainant regarding the publication of alleged confidential notes in an article of Respondent 1's newspaper. It was reported that a handwritten note of Complainant bearing his signature which was written in the personal file of another ex-employee of Respondent 2, was published in the newspaper article. In this context, this office initiated an investigation and requested clarifications from both Respondents 1 and 2. Respondent 1 did not give any reply. But, a phone discussion with the lawyer of Respondent 1 revealed that the article was published in the public interest. On the other hand, Respondent 2 replied that an internal inquiry failed to yield any result as to how Respondent 1 came into possession of such information. However, Respondent 2 informed this office that copies of documents, including copy of the handwritten note were submitted to a government agency for inquiry purposes. This office also sought the statement of the government agency on this matter, where the latter stated that it did not disclose any information to Respondent 1. Subsequently, this office carried out a site visit at Respondent 2 to secure the statements of officers who accessed the personal file of that ex-employee containing the confidential notes. All the officers declared that they did not disclose any information to Respondent 1. This office informed Complainant that the enquiry did not reveal exactly where the disclosure could have occurred and asked for his views, but Complainant did not respond. As a result, this office contacted Complainant by phone to inform him that he has not provided this office with any views. Complainant replied that the complaint file can be closed.

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

In view of the above and the thorough enquiry carried out by this office to ascertain the source of the alleged leakage of personal data to the press, no evidence was found by this office to conclude a breach of the Data Protection Act and as confirmed by Complainant, the enquiry is closed.

However, Respondents are reminded of their obligations under Part IV of the Data Protection Act and in particular, Respondent 1 under section 49 of the mentioned Act, bears the duty to ascertain and verify that the publication of personal data is reasonably for public interest purposes and that the exemption under section 49(2) applies to only certain sections of the Act.