

This is a summary of the decision of the Commissioner.

IN THE MATTER OF:-

Complainant

VERSUS

Respondent No.1 {A Company}

Respondent No.2 {Ex-Husband of Complainant}

Respondent No.3 {Ex-Employee of Respondent No.1}

The Data Protection Office received a complaint from Complainant against Respondent No. 1 and another company regarding disclosure of her personal information to Respondent No.2.

This office opened an enquiry and informed Respondent No. 1 and the other company about the complaint. They were also requested to provide their respective statements based on the allegations made by Complainant and to confirm whether any disclosure had taken place.

The Data Protection Office received the statement of Respondent No.1 stating that they had received a complaint from Complainant in 2014 and that they requested for more information from Complainant so that they can investigate into the matter and take necessary actions. However, they did not hear from Complainant since then and it was only by way of the letter sent by the Data Protection Office and a Viber message from Complainant in 2015 that Complainant reiterated that her information has been disclosed. Respondent No.1 also mentioned that they considered this as a serious matter and invited Complainant once again to forthwith provide them with any information she has about the alleged disclosure so that appropriate actions can be taken at their end.

The other company denied the allegations made by Complainant. Furthermore, the company stated that in compliance with existing legislations, they do not disclose personal information of any of its customers unless a Judge's Order has been provided by the party requesting for such information

Complainant was convened at this office for further enquiry. She stated that she wanted to be informed of the reasons of dismissal of Respondent No.3 and whether the latter had access to her information between specified periods mentioned.

Subsequently, this office wrote to Respondent No.1 to provide clarifications on the above allegations.

By way of a letter, Respondent No.1 replied to this office as follows:

- *“Respondent No.1 did not dismiss Respondent No.3. The latter left on his own volition.*
- *Respondent No.3 in his capacity of the post assigned to him had access to such information. However, we are not in a position to confirm whether such information has been disclosed to a third party.”*

A meeting was scheduled with Respondent No.2 where the latter provided the following declaration:

1. Respondent No. 2 described how he could have access to such information during their marital life.
2. Respondent No.2 also declared that he did not contact anyone from Respondent No.1 and he did not know anyone of the surname of Respondent No.3. However, he has a friend working at Respondent No.1 which his wife knew very well as the said friend used to help her whenever facing a problem with Respondent No.1.
3. He has never stated to Complainant that she is the cause of dismissal of Respondent No.3.

This office also scheduled a meeting with Respondent No.3 where the latter stated that:

1. he did not disclose any information to Respondent No.2.
2. he had access to customer information but these are strictly confidential.
3. such information can be given only by the head office of Respondent No.1 if a client has brought his ID Card.
4. he was not dismissed by Respondent No.1 and that he left Respondent No.1 since he has got a better offer.

Further enquiry with Respondent No.1 has revealed that Respondent No.3 had accessed the account of Complainant on two dates during the mentioned period.

The Data Protection Commissioner has decided as follows:-

The enquiry has revealed that Respondent No.3 had accessed the account of Complainant. However, there is no evidence on record to demonstrate that personal information belonging to Complainant have been unlawfully disclosed to Respondent No.2 in contravention of section 29 of the Data Protection Act.

Furthermore, Respondent No.1 bears the obligation under sections 27 (1) & (2) of the Data Protection Act to strengthen its existing security and organisational framework in order to ensure that no employee has unauthorised access to personal information belonging to clients, in particular, the procedures for accessing clients' account to a minimum acceptable level in relation to its purpose(s) by the customer facing agents so as to prevent any potential harm or prejudice occurring to the information in their custody. Subject to corrective measures being implemented, the enquiry is thus closed.