

This is a summary of the decision of the Commissioner.

IN THE MATTER OF:-

Complainant No.1 {Ex-employee of Respondent No.1}

Complainant No.2 {Ex-employee of Respondent No.1}

VERSUS

Respondent No.1 {A company represented by its Administrative and HR Officer}

Respondent No.2 {Security Guard of Respondent No.1}

Respondent No.3 {Security Guard of Respondent No.1}

Respondent No.4 {Employee of Respondent No.1}

On 17th June 2015, Complainants Nos.1 and 2 lodged an official complaint at the Data Protection Office against respondents on “clicking of photo without permission”.

The Data Protection Office opened an enquiry and informed Respondents Nos. 1, 2, 3 and 4 about the complaint. They were also requested to provide clarifications on the allegations made by the Complainants.

All the respondents declared in their individual statements that:

- i. Complainant No.1 was not authorised to be on the dump yard and on the pile of waste as this is a restricted area.
- ii. since the site camera was not operational, the Security Guards (Respondents Nos.2 and 3) were authorised to take pictures of any eye-catching incidents on the site as proof to management.

Furthermore, Respondent No.4 stated that being a foreman Complainant No.2 were allowed on the platform but not on the pile of waste. As per the company work contract section 13.0, unauthorised workers are prohibited from the reception platform. The company also specified that Complainant No.2 was given instructions to ensure that no one needs to be present on the platform unless authorised.

With regard to the statements and evidences adduced at this office, the Data Protection Commissioner has decided as follows:-

In view of the fact that Complainants were not authorised to access the dump yard which is a prohibited area as per the notice displayed by the company and no cameras were functional at the time, there is no doubt that Complainants' photos taken by security guards and used as evidence of illegal access solely for the purpose of the disciplinary committee were justified by management.

There is thus no offence committed under the Data Protection Act.