

This is a summary of the decision of the Commissioner.

A complaint was lodged at this office on 20th August 2015 regarding unlawful use of photographic image of Complainant. Complainant, an ex-employee of Respondent alleged that Respondent is displaying unlawfully her photographic image (taken to show the cultural diversity of the organisation of Respondent) on its computer device on the reception desk, which is in the direct view of the general public. She further stated that:

- “(i) Respondent has no right to continuously, unfairly and unlawfully make use of her personal data without her consent, in such a way so as to broadcast a multicultural image of its business.
- (ii) Following her termination, Respondent ought to have deleted her picture and not to further process her personal data without her consent.
- (iii) She insists that the said picture to be deleted straightaway and a sum of Rs 50,000 in the form of compensation to be paid to her.”

This office opened an enquiry and wrote to Complainant on 25th August 2015. She was informed that this office does not have the power to institute civil proceedings and that for moral damage and compensation, she will need to seek a lawyer and lodge a civil case to the concerned court. She was also informed that if she wishes to continue with the complaint at this office for the said picture to be deleted, she must lodge an official complaint by filling the complaint form.

On 22nd September 2015, a meeting was scheduled with Complainant whereby she was informed of the procedures to lodge the official complaint. Complainant informed this office that her husband is a lawyer and after consultation with him, she will inform this office on whether to proceed with the complaint. Since then, the Data Protection Office did not receive any correspondence from Complainant though several reminders were sent to her.

Before closing the complaint, this office wrote to Respondent on 07th January 2016 to have its views on the allegation made by Complainant. On 11th January 2016, Respondent replied as follows:-

- A group of picture of staff dress in traditional clothes was taken for the purpose of being displayed on Customer Service Feedback Terminals place at the customer counters of Respondent's offices.
- Respondent received a letter on 20th August 2015 from Complainant whereby she averred that Respondent has been using her image without her consent after her employment terminated.
- Complainant was informed that her image was used with her consent to portray cultural diversity of the organisation and following her request, the organisation has removed her picture on electronic device used to collect feedback from the public.

In view of the above, this office closed enquiry due to lack of collaboration from Complainant. However, Respondent's cooperation has led to a successful conclusion of the enquiry conducted by this office so far in view of the fact that the picture of complainant has been removed from the public viewing electronic device.