

This is a summary of the decision of the Commissioner.

The Data Protection Office received a complaint from Complainant against Respondent (an organisation) regarding the processing of biometric data. Complainant declared that:

1. No written and informed consent was sought from Complainant to collect his/her personal fingerprint biometric data.
2. Complainant has not been informed of the following at the time of collection of data,:
 - that his/her fingerprint data was being collected;
 - for which purpose it was collected;
 - whether the supply of his/her fingerprint data was mandatory or a voluntary act;
 - of the consequence(s) if Complainant refused to provide the data;
 - whether the data would be processed; and
 - whether Complainant could request for the destruction of the data.
3. Complainant also requested to be informed on
 - the use of his/her fingerprint for attendance purposes until this matter is looked upon and solved; and
 - the storage and permanent deletion of his/her fingerprint at the organisation, as well as any potential privacy issues.”

This office requested Respondent to provide a statement on the above allegations.

Complainant was advised that this office has started investigation on the complaint and that a decision would be taken at the end of the enquiry. Complainant was also informed that he/she may inform Respondent that Complainant has filed a complaint at this office and the matter is pending.

The human resource department of Respondent informed this office that the registration of fingerprints for the electronic attendance system is subject to the consent of employees as per the Data Protection Act. For those who refuse to give their consent, manual attendance register is to be used.

Consequently, this office contacted Respondent to provide an alternative method such as the manual Attendance Register for recording Complainant's attendance and to delete any fingerprint data collected for attendance purpose for Complainant.

Respondent informed this office that Complainant has already resigned and his/her fingerprint data has been deleted. Complainant was requested to be present at Respondent's premise to test on the fingerprint machine.

During the site visit, it was observed that the fingerprint machine did not recognise Complainant's fingerprint. Subsequently, this office informed Complainant that the enquiry would be closed by a said date unless Complainant notifies the Data Protection Office of any issues in writing.

Complainant has not sent any issues to this office within the prescribed time delay provided by this office.

The Data Protection Commissioner has decided as follows:-

As described above, this office has successfully concluded this enquiry and thus no offence has been found committed in breach of the Data Protection Act.