

This is a summary of the decision of the DPC.

IN THE MATTER OF:-

Complainant {A customer}

VERSUS

Respondent {The owner of a restaurant}

A complaint was lodged at the Data Protection Office whereby Complainant alleged that Respondent had used her mobile number for a purpose other than business i.e. for sending her defamatory and insulting text messages. This office therefore requested Respondent to clarify on Complainant's declaration.

In his statement, Respondent declared that he never used Complainant's personal data for a purpose other than business nor did he disclose any personal information concerning her. However, based on the copy of text messages that Complainant provided in her statement as evidence, it was clear that these messages were sent for a purpose other than business.

Thus, additional clarifications were again sought from Respondent. Respondent replied that he had misunderstood the content of the correspondence from this office and as per his understanding, Complainant meant that he had shared her mobile phone number with third parties. Respondent consequently admitted that given Complainant's payment delay and negative reviews, he indeed sent these messages to Complainant on her mobile phone. He also stated that he was unaware of his obligations under the Data Protection Act and was ready to seek apology from Complainant.

Complainant finally agreed with Respondent's step and requested that the latter send his apologies in writing on her postal address.

Subsequently, Complainant was asked to confirm to this office in writing if Respondent had taken the required corrective measures.

This office then received a reply from Complainant whereby the latter confirmed that Respondent had apologised and so, requested to withdraw the complaint.

The Data Protection Commissioner decided as follows:-

Based on the above enquiry, I am of the view that this enquiry can be closed to the satisfaction of all parties concerned. Thus, no offence is found to be committed under the Data Protection Act.