

This is a summary of the decision of the Commissioner.

By way of an email, the Data Protection Office received a complaint from Complainant alleging that:

1. Photographs of two pages of the attendance register of the institution have been circulated via WhatsApp on a particular date.
2. One of Complainant's employees (herein referred to as Employee 1) has reported the matter and stated that the wife of another employee (herein referred to as Employee 2) has sent her these photographs.
3. However, as per Complainant, Employee 2's wife never had access to the premises of the institution, so Complainant suspected that an employee from the office circulated these photographs.

Following the statement provided by Complainant, Employee 1 was convoked at this office for the recording of her statement and for enquiry purposes. Employee 1 was also requested to produce a copy of the WhatsApp conversation between her and Employee 2's wife.

Employee 1 came to this office on the date she was convoked and provided this office with a copy of the WhatsApp conversation. During the meeting, Employee 1 was informed that the document provided did not prove that Employee 2's wife has sent her the photographs as only the photographs of the attendance register was shown and not the name of the sender. She was thus requested to provide another copy of the WhatsApp conversation that indicates clearly that Employee 2's wife had sent her these photographs and to provide her statement as well. Employee 1 informed this office that she will send a reply via email through Complainant.

Since this office did not get any reply from Employee 1, a letter was issued to her to provide the required materials in order to proceed with the enquiry.

Due to the fact that Employee 1 did not reply to the letter sent to her, the Data Protection Office emailed Complainant to inform the latter that Employee 1 was requested to provide her statement and another copy of the WhatsApp conversation that proves that Employee 2's wife had sent her the photographs which she failed to produce. Complainant was, therefore, requested to inform this office if the institution wishes to go ahead with this complaint. In the affirmative, then to provide the following information within 21 days after receipt of this email otherwise the complaint will be closed.

1. A copy of the WhatsApp conversation that indicates clearly that Employee 2's wife had sent photographs of the two pages of the attendance register to Employee 1.
2. The Statement of Employee 1.
3. The contact details (address and telephone number) of Employee 2's wife.

Consequently, Complainant replied to this office stating that the Employee 1 does not work at the institution anymore and requested this office to provide the procedures on how to proceed with the complaint should the council decided to go ahead.

The Data Protection Office replied to Complainant informing the organisation to refer to the last paragraph of the previous email regarding the information to be provided in order to proceed with the complaint and to provide the contact details of Employee 1 for the purpose of the enquiry.

By way of an email, the Data Protection Office informed Complainant that the complaint is now closed since this office did not receive any reply from the institution on whether or not the institution wished to go ahead with this complaint within the required deadline.

The Data Protection Commissioner has decided as follows:-

Since no concrete evidence has been adduced by either party to this case to substantiate the allegations raised, this enquiry is closed and no breach of the Data Protection Act is found committed.