

This is a summary of the decision of the Commissioner.

IN THE MATTER OF:-

Complainant

VERSUS

Respondent No.1 {A Company}

Respondent No.2 {An Organisation}

The Data Protection Office received a complaint from Complainant to retrieve a copy of his contract from Respondent No.1 and to retrieve his personal data (attendance sheet and contract) from Respondent No.2.

Complainant was convened at the Data Protection Office to provide some clarifications on the statement made in the declaration form and for enquiry purposes. The latter provided a new statement where he requested the Data Protection Office to retrieve a copy of his contract and also requested this office to confirm with Respondent No.1 that his personal data was not being used for refund at Respondent No.2. He also stated that he now has no complaint against Respondent No.2.

Subsequently, this office wrote a letter to Respondent No.1 to request them to provide a copy of the original contract of Complainant to him and to confirm whether they were allowed to use the contract and/or personal data of Complainant for refund at Respondent No.2.

The Data Protection Office received the statement of Respondent No.1 stating that Complainant joined the company as a trainee and that it was clearly mentioned to all trainees including Complainant that before being employed, they would first have to go for two weeks training. Respondent No.1 also mentioned that they do not offer contract of employment while on training period. However, Complainant's performance was not to the required level and due to his attitude problem, Respondent No.1 had no other alternatives than to stop Complainant's training session. Respondent No.1 also pointed out that they did not register any course with Respondent No.2 as they were not eligible.

This office wrote to Respondent No.2 to inform the organisation on the complaint. Respondent No.2 was requested to inform this office on whether Respondent No.1 has used Complainant's personal data for refund at Respondent No.2.

The Data Protection Office received a reply from Respondent No.2 with the following clarifications:

1. Respondent No.1 submitted a training application form for a course whereby the name and id of Complainant were provided.
2. A copy of his contract was not submitted to Respondent No.2.

Consequently, this office wrote to Respondent No.1 to inform the company that an enquiry was conducted with Respondent No.2. Respondent No.1 was thus required to confirm whether:

1. They had submitted a training application form to Respondent No.2 for the mentioned course containing the name and ID of Complainant.
2. Respondent No.1 was allowed to submit the application form for the mentioned course to Respondent No.2.

By way of a letter, Respondent No.1 replied to the above stating that they had indeed sent a training application form to Respondent No.2, but did not send any form for a request for grant for Complainant.

Further enquiry has revealed that Respondent No.2 did not receive any application for grant refund for the mentioned course for Complainant from Respondent No.1.

The Data Protection Commissioner has decided as follows:-

Based on the facts above, there is no evidence to suggest a breach of the Data Protection Act may have occurred. The enquiry is thus closed.