

## **This is a summary of the decision of the Commissioner.**

The Data Protection Office received a complaint from Complainant against Respondent (a company) regarding the processing of biometric data. In his statement, Complainant declared that

- No explanation was given to any Data Subject about the processing of their biometric data which was obtained without the consent of the employees
- The data was being processed and used against the employees.
- The name of the Data Controller was not in the official list of Registered Data Controllers.

This office requested Respondent to take the fingerprint of only those employees who had given their consent and to use any other appropriate alternative method for the others.

In his statement, Respondent stated that

- All employees had provided their consent for the fingerprint attendance system.
- Employees had provided their fingerprint anew with the implementation of Enterprise Resource Planning (ERP) System which was being used for attendance and the calculation of overtime and other allowances.
- Employees and the Unions were informed about the operation of the fingerprint attendance system in an Information Note.
- An understanding was reached with the Employees Union on the continued operation of the system pending any court's decision of the use of the fingerprints.
- Employees Union was duly informed about the registration of Data Controller and Data Processor with the Data Protection Office and about the safeguards in place to protect the privacy of the employees.

Respondent therefore disputed all the allegations made by Complainant. Respondent also informed that consenting employees would be invited to confirm their consent in writing and currently all employees had provided their consent. Respondent would also provide an alternative method of recording attendance in case employees were no longer willing to continue with such system.

Afterwards, this office received a letter from Complainant to request a status on the investigation and on whether the Unions would be informed about the closure of the enquiry. The Data Protection Office has thus informed Complainant about the statement provided by Respondent and to provide his views on this matter.

Up to now Complainant has not replied to any of the three correspondences sent to him regarding his views on the statement of Respondent.

In light of the above, the enquiry is closed since Complainant has not responded so far. However, the enquiry revealed that measures in place are to the satisfaction of this office.