



- b. that the third party is the complainant's brother, and he was included in the email because his policy and the complainant's policy were processed simultaneously due to their relationship, resulting in consecutive policy numbers;
  - c. that the email contained minimal information, specifically the policy number and the premium amount;
  - d. that this communication procedure had been followed previously without any objections from the complainant, leading the controller to consider it a valid method for communicating about the complainant's policy; and
  - e. that the complainant did not request the controller to update or correct the contact information used for such correspondence.
3. The Commissioner examined the submissions presented by the controller, which stated that the third party was involved because the complainant's and the third party's policies "*were processed simultaneously due to their relationship*". Consequently, in accordance with article 58(1)(e) of the Regulation, the Commissioner asked the controller to clarify whether the policies of the complainant and the third party were separate policies and to provide evidence to substantiate their position.
4. On the 15<sup>th</sup> of January 2024, the controller asserted that the third party acted as a guarantor for a loan taken by the complainant and submitted to the Commissioner a sanction letter issued by the bank which outlines that the third party is guaranteeing the loan amount taken by the complainant. Moreover, the controller confirmed that the complainant and the third party have two separate policies.

## **LEGAL ANALYSIS AND DECISION**

5. The complainant alleged that the controller unnecessarily shared his insurance policy with a third party without his consent.
6. The principle of lawfulness, fairness and transparency established under article 5(1)(a) of the Regulation, which is one of the data protection principles that constitutes the essence of the fundamental right to data protection, requires, *inter alia*, that every data processing operation has a lawful ground for processing. In this regard, article 6(1) of the Regulation stipulates what

may constitute such a legal basis, taking also into consideration all the other core principles for processing personal data as set forth in article 5 of the Regulation.

7. The controller explained that the disclosure occurred because both policies were issued simultaneously. During the course of the investigation, the Commissioner established that the email subject to the complaint only contained the complainant's full name and the premium amount due.
8. Furthermore, the Commissioner noted that this incident was an isolated and unintentional mistake, and not the result of intentional action by the controller. The incident does not pose a serious risk to the rights and freedoms of the complainant, particularly given that the sole recipient of this information was his brother, who acted also as a guarantor for the loan facility.

**Based on the preceding considerations, the Commissioner hereby decides that the controller failed to demonstrate that the disclosure of the complainant's personal data is justified on a lawful basis and, consequently concludes that the controller infringed article 6(1) of the Regulation.**

**In terms of article 58(2)(b) of the Regulation, the Commissioner is hereby serving the controller with a reprimand and warned that in the event of a similar infringement, the Commissioner shall take the appropriate corrective action.**

Ian                      Digitally signed  
DEGUARA            by Ian DEGUARA  
(Signature)         (Signature)  
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**Ian Deguara**  
**Information and Data Protection Commissioner**

**Right of Appeal**

The parties are hereby being informed that in terms of article 26(1) of the Data Protection Act (Cap. 586 of the Laws of Malta), any person to whom a legally binding decision of the Commissioner is addressed, shall have the right to appeal to the Information and Data Protection Appeals Tribunal within twenty (20) days from the service of the said decision as provided in article 23 thereof.

An appeal to the Tribunal shall be made in writing and addressed to:

The Secretary  
Information and Data Protection Appeals Tribunal  
158, Merchants Street  
Valletta.