



OFFICE OF THE DATA PROTECTION COMMISSIONER

ODPC COMPLAINT NO. 1480 OF 2025

WALTER KISANGI CHANGILWA.....COMPLAINANT

-VERSUS-

LAJOVI COMPUTERS.....RESPONDENT

DETERMINATION

(Pursuant to Section 8(1)(f) and 56 of the Data Protection Act, 2019 and Regulation 14 of the Data Protection (Complaints Handling Procedure and Enforcement) Regulations, 2021)

A. INTRODUCTION

1. The Complainant lodged a complaint with the Office on 18th October 2025. He avers that the Respondent publicly exposed a document containing his confidential personal data.

B. LEGAL BASIS

2. Article 31(c) and (d) of the Constitution of Kenya provides for the right to privacy. Consequently, as an effort to further guarantee the same, the Data Protection Act, 2019 (hereinafter known as 'the Act') was enacted.
3. The Office of the Data Protection Commissioner (hereinafter as 'this Office' and/or 'the Office') was established pursuant to Section 5 of the Act and is mandated with the responsibility of regulating the processing of personal data; ensuring that the processing of personal data of a data subject is guided by the principles set out in Section 25 of the Act; protecting the privacy of individuals; establishing the legal and institutional mechanism to protect personal data and providing data subjects with rights and remedies to protect their personal data from processing that is not in accordance with the Act.

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4. Section 8(1)(f) of the Act provides that the Office can receive and investigate any complaint by any person on infringements of the rights under the Act. Furthermore, Section 56(1) of the Act provides that a data subject who is aggrieved by a decision of any person under the Act may lodge a complaint with the Data Commissioner in accordance with the Act.
5. This determination is premised on the provisions of Regulation 14 of the Data Protection (Complaints Handling Procedure and Enforcement) Regulations, 2021 (hereinafter as 'the Enforcement Regulations') which states that the Data Commissioner shall, upon the conclusion of the investigations, make a determination based on the findings of the investigations.

C. BACKGROUND OF THE COMPLAINT

6. This Office received a complaint from the Complainant on 18th October 2025. The complaint was lodged pursuant to Section 56 of the Act and Regulation 4 of the Enforcement Regulations by the Complainant, who was an aggrieved data subject.
7. Pursuant to Regulation 11 of the Enforcement Regulations, the Office notified the Respondent of the complaint filed against them *vide* a letter dated 23rd October, 2025 and referenced ODPC/CIE/CON/2/1 (769). In the Notification of the Complaint, the Respondent was informed that if the allegations by the Complainant were true, they were in violation of various provisions of the Act. Further, the Respondent was asked to provide this Office with the following:
 - a. A response to the allegations made against them by the Complainant;
 - b. Any relevant materials or evidence in support of their response above;
 - c. How they obtained the document containing the Complainant's personal data;
 - d. The legal basis relied upon to share the Complainant's personal data;
 - e. Whether the Complainant was notified, and consented to the publishing of his personal data;

- f. The mitigation measures adopted or being adopted to address the complaint to the satisfaction of the Complainant; and
 - g. Any other relevant information they wish the Office to consider.
8. On 25th October 2025, the Respondent submitted to the Office a Response to the Notification of Complaint.
9. Upon receipt of the correspondences and documents, investigations were conducted as required by Regulation 13(1) of the Complaints Handling Procedures, 2021.
10. This determination is therefore a result of analysis of the complaint as received and investigations conducted by the Office.

D. NATURE OF THE COMPLAINT

11. It is the Complainant's assertion that the Respondent publicly exposed a document containing his confidential personal data.

E. SUMMARY OF RELEVANT FACTS AND EVIDENCE ADDUCED

i. THE COMPLAINANT'S CASE

12. The Complainant stated that without his knowledge or consent, the Respondent had unlawfully accessed, leaked and publicly exposed his highly confidential personal and official information online.
13. The Complainant stated that the data that was leaked online includes his Full Official name, National ID number, KRA Pin number, Email Addresses, Phone Number, Vehicle Details, and Personal Signature.

ii. THE RESPONDENT'S RESPONSE

14. The Respondent submitted a response to the notification dated 25th October 2025 in which they averred as follows;
15. They acknowledged that the Complainant's personal data may have been inadvertently included in a document that was briefly accessible online. This was entirely unintentional and not done with any malicious or negligent intent. The document had been edited before uploading, but the changes appear not to have

been saved correctly. Once the issue was brought to their attention, they took immediate action to remove the content and secure their systems.

16.They stated that they retained internal account history and system records showing the document was promptly taken down/deleted upon discovery.

17.The Respondent stated that the document was provided to them by a client as part of a routine printing service.

18.They stated that there was no deliberate or lawful basis for public disclosure of the Complainant's personal data. The exposure was accidental and occurred due to an internal oversight during document uploading. Measures have since been implemented to prevent recurrence.

19.They further stated that the Complainant was not notified nor consented, as the exposure was unintentional. Upon realizing the incident, they immediately took corrective action and are now cooperating fully with the ODPC to resolve the issue.

20.The Respondent expressed their sincere regret to both the Complainant and the ODPC for this incident. They are committed to full compliance with the Data Protection Act, 2019, and to taking all reasonable steps to ensure personal data is safeguarded moving forward.

F. ISSUES FOR DETERMINATION

21.In light of the above, the following issues fall for determination by this Office:

- i. Whether there was unauthorized disclosure of the Complainant's personal data.
- ii. Whether the Complainant is entitled to any remedies under the Act and the attendant, Regulations.

I. WHETHER THERE WAS UNAUTHORISED DISCLOSURE OF THE COMPLAINANT'S PERSONAL DATA.

22.Section 2 of the Act defines personal data as information relating to an identified or identifiable natural person.

23. Section 2 also defines personal data breach as breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed.

24. Section 25 states, every data controller or data processor shall ensure that personal data is —

- (a) processed in accordance with the right to privacy of the data subject;*
- (b) processed lawfully, fairly and in a transparent manner in relation to any data subject;*
- (c) collected for explicit, specified and legitimate purposes and not further processed in a manner incompatible with those purposes;*
- (d) adequate, relevant, limited to what is necessary in relation to the purposes for which it is processed;*
- (e) collected only where a valid explanation is provided whenever information relating to family or private affairs is required;*

25. The Complainant alleges that the Respondent intentionally and willfully disclosed his personal data to the public without a lawful basis.

26. The Respondent acknowledged that the Complainant's personal data may have been inadvertently included in a document that was briefly accessible online. This was entirely unintentional and not done with any malicious or negligent intent.

27. They stated that there was no deliberate or lawful basis for public disclosure of the Complainant's personal data. The exposure was accidental and occurred due to an internal oversight during document uploading.

28. In view of the foregoing, and based on the evidence adduced, the Office finds that the Respondent caused a data breach by unlawfully disclosing the Complainant's personal data to the public.

II. WHETHER THE COMPLAINANT IS ENTITLED TO ANY REMEDIES UNDER THE ACT AND THE ATTENDANT REGULATIONS.

29. Pursuant to Regulation 14(2) of the Enforcement Regulations, a determination shall state the remedy to which the Complainant is entitled. Further, the remedies are provided for in Regulation 14(3) of the Enforcement Regulations.
30. The Complainant requested this Office to issue an award of compensation. Section 65 of the Act provides that a person who suffers damage by reason of a contravention of a requirement of the Act is entitled to compensation for that damage from the data controller. The Section indicates that damage included financial loss and damage not involving financial loss, including distress.
31. Further, Regulation 14 (3) (e) of the Enforcement Regulations provides that the Data Commissioner may make an order for compensation to the data subject by the Respondent.
32. In considering whether to issue compensation, this Office takes into consideration the fact that there was unauthorized disclosure of the Complainant's personal data by the Respondent, though inadvertent.
33. In this context, the Respondent is hereby ordered to pay the Complainant nominal compensation in the amount of **Kenya Shillings Twenty Thousand (Kshs. 20,000)**.

G. FINAL DETERMINATION

34. The Data Commissioner therefore makes the following final determination: -

- i. The Respondent is hereby found liable.
- ii. The Respondent to pay the Complainant a sum of **Kenya Shillings Twenty Thousand (KES 20,000)** as nominal compensation.
- iii. Parties have the right to appeal this determination to the High Court of Kenya within thirty (30) days.

DATED at NAIROBI this 16th day of December 2025.


IMMACULATE KASSAIT, SC, MBS
DATA COMMISSIONER