



OFFICE OF THE DATA PROTECTION COMMISSIONER

**When replying please quote
ODPC/C/11/9/(3)**

CA Center
P.O. Box 30920 - 00100
Nairobi

Email info@odpc.go.ke

18th August 2021

William Karoki

Partner
Prow & Co. Advocates
P.O.BOX 14448 - 00100
NAIROBI

Dear William

REQUEST FOR INVESTIGATION ON POTENTIAL DATA BREACH – RADISSON BLU HOTEL & RESIDENCE, NAIROBI ARBORETUM, NAIROBI ON AUGUST 3, 2021

Reference is made to your letter Ref No: PROW/2020/WK/852021 dated 5th August 2021 and received by this office on 5th August 2021. By your letter, your firm has requested that this Office investigate a potential data breach at the Radisson Blu Hotel and Residences. The Office is also in receipt of your Notification of Breach Form ("Form") filed through our online portal on 4 August 2021.

This Office refers you to section 27 of the Data Protection Act, 2019 ("Act") which states that "*a right conferred on a data subject may be exercised (c) in any other case, by a person duly authorised by the data subject.*" Therefore, a third party would be able to make a complaint if they have the requisite authority to do so. It is not clear from your letter, or the Form whether you are acting as an interested third party or on behalf of a data subject aggrieved by the potential breach. If it is the latter, please provide this Office with the necessary documentation giving your firm authority to act on behalf of an aggrieved data subject.

The above notwithstanding, the Act grants powers to the Data Commissioner to, *inter alia*, conduct "*investigations on own initiative, or on the basis of a complaint made by a data subject or a third party*". Therefore, this Office advises that it has taken note of the content of your aforementioned letter and the Form and will take appropriate action as prescribed under the Act.

In the meantime, should you require any clarification on this matter or wish to provide any further material for consideration by this Office, please contact Ms. Rose Mosero, Policy, Legal and Regulatory Advisor through email address, info@odpc.go.ke.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Immaculate Kassait', written in a cursive style.

Immaculate Kassait, MBS
DATA COMMISSIONER