

FINE

Data Controller: Jon Peacock t/a Star-Delta Electrical Services
Registration No: 101178

1. The Data Protection Authority for the Bailiwick of Jersey (the **Authority**)¹ has issued a fine to Jon Peacock t/a Star-Delta Electrical Services (**Star-Delta**) in the sum of:

£ 4000.00 (four thousand pounds Sterling)².

Background

2. Following an investigation commenced on 20 December 2023 pursuant to Art.20 of the Data Protection Authority (Jersey) Law 2018 (**DPAJL 2018**), the Authority has determined that the Controller has contravened Art.6(1)(b) and (c), Art.8(1)(a) and (b), Art.9(1) of the Data Protection (Jersey) Law 2018 (the **DPJL 2018**).
3. An individual (the **Client**) complained to the Authority that Jon Peacock (a sole trader, operating under the registered business name, Star-Delta) had shared the Client's details (and their partner's) online.
4. There was a fee dispute between the parties about works carried out by Star-Delta at the Client's property. On 30 November 2023, Jon Peacock posted details of this dispute on a Facebook page wholly operated by him using information obtained by him from the Client's interactions with Star-Delta (the **Initial Facebook Post**).
5. That initial post included the name and photograph of the Client and that of his partner, the fact they had accessed services from the Star-Delta and the existence of the fee dispute. It was shared 831 times and generated 212 comments.
6. When the Authority told Star-Delta that a complaint had been received about the Initial Facebook Post it asked for the post to be deleted or at least taken offline whilst the Authority conducted initial enquiries. Star-Delta initially refused to remove the post, claiming that the Facebook page had nothing to do with the business and was not in its control.
7. The publishing of the Initial Facebook Post prompted third parties to make insulting comments about the Client and his partner (including calling them 'Scum' and 'Rats'), name their employer and identify their home address.

¹ The Authority is part of the Jersey Office of the Information Commissioner with responsibility for oversight of the Data Protection (Jersey) Law 2018 and the Data Protection Authority (Jersey) 2018)

² This is a Public Statement made by the Authority pursuant to Art.14 of the DPAJL 2018

8. Even though Star-Delta was on explicit notice of the Authority's formal investigation, during the period December 2023 to February 2024, Jon Peacock (posting under the guise of 'Low Level Banter') continued to post photographs of the Client and his partner (including their names). These posts often contained manipulated images and videos of the Client and/or his partner and usually contained insulting language about them.
9. Because Jon Peacock/Star-Delta denied having control over the relevant Facebook page, the Authority asked Meta Platforms Ireland Limited (**Meta**) to provide information about the ownership and administration of the relevant Facebook page. The information from Meta showed that Jon Peacock was the owner and administrator of the page and a Star-Delta email address was linked to the account. The Authority gave this information to Star-Delta and was not disputed.

The contraventions of the DPJL 2018

10. The Client gave personal information to Star-Delta so electrical works could be carried out at their home (name, address and nature of works). This was a contractual business relationship between the parties. There was no lawful basis (legitimate reason) for sharing the personal information of the Client and that of their partner on Facebook. By doing so Star-Delta contravened Art.8(1)(a) and Art.9(1) of the DPJL 2018.
11. The processing of the Client's information in this way was incompatible with the original purpose for which it was collected and contravened Art.8(1)(b) of the DPJL 2018.
12. During the investigation it also came to light that Star-Delta was not registered with the Authority as required by law (which is a criminal offence) and it had not paid its registration fee. This was a contravention of Art.6(1)(b) and Art.6(1)(c) of the DPJL 2018.

Reason for the fine

13. Administrative fines must:
 - a. be effective
 - b. be proportionate
 - c. have a deterrent effect
14. In deciding whether it was appropriate to issue an administrative fine in this case, the Authority gave weight to the following:

FINE

- a. Star-Delta pursued the Client and his partner on social media on purpose with the intention to name and shame them for disputing payment of a bill. Star-Delta found and manipulated images of the Client and their partner, such as attaching images of their faces to the bodies of rats, animating their photographs etc. This was a deliberate campaign initiated by Star-Delta to 'name and shame' the Client and his partner, rather than pursuing them through the Petty Debts Court in the usual way.
 - b. This was a targeted and deliberate attack on the Client and their partner.
 - c. Early in the investigation, the Authority asked Star-Delta to remove the posts about the Client and his partner. Not only did Star-Delta initially fail to cooperate with the Authority refusing to remove the posts, the behaviour increased.
 - d. The Client provided an impact statement outlining the very real distress that had been caused to them and their partner. Both received harassing and abusive messages via their personal Facebook and LinkedIn accounts following publication of the Initial Facebook Post. This caused distress and has had a continued negative impact on their lives.
15. Star-Delta was given the Authority's decision in draft and asked to provide views (representations) on the proposed fine (including on the amount and time in which to pay it). Unfortunately, Star-Delta refused to provide any information that would have allowed the Authority to consider the impact of the fine on its financial situation. Accordingly, the Authority concluded that the sum of £4,000 was appropriate and reasonable in the circumstances.
16. In addition to the fine, the Authority also issued a formal reprimand and made a number of orders pursuant to Art.25(3) of the DPAJL 2018. These included the completion of their registration, not re-publishing the offending posts and not publishing any new/additional posts about the Client and or their partner on any Social media platforms owned/operated by Star-Delta or in any way affiliated with it (including such operated by Jon Peacock).
17. Star-Delta had the right to appeal this fine, but did not do so.

Lessons Learned

18. Businesses (or any organisations) must not use personal information they have obtained for a legitimate business purpose in an unlawful way. Information should only be used for the purposes for which it was given.

It is not acceptable to use that information to publicly shame clients on Facebook (or any other social media platform) as a means of prompting payment or otherwise settling a fee dispute. Proper avenues are open to businesses to pursue debt related matters e.g. the Petty Debts Court or Royal Court of Jersey.

18. The Authority has already indicated that any vindictive behaviour by businesses towards their clients will be viewed as a significant aggravating factor. Any business tempted to behave in a similar way should note that the Authority will have no hesitation in issuing an administrative fine if appropriate.

19. All businesses in Jersey, including sole traders, must register with the Authority and pay the relevant registration fee. It is a legal requirement and if they refuse to do so, they will be referred to HM Attorney General.

More Information

More information about how we regulate and enforce the DPJL 2018 can be found in our Regulatory Action and Enforcement Policy [here](#).

