

Can't furnish employee's bank statement in court case

In a judgement delivered today by the Adjudicating Officer of Maharashtra, it was observed that an employer cannot get an employee or ex-employee's bank statement and furnish it in any court case, by the Information Technology (IT) Act, 2000.

"This is a landmark judgement that will prevent misuse of an individual's bank statement. The judgement has ruled that this amounts to Data Theft of Sensitive Personal Information under Section 43 (b) Read with Section 66 of the Information Technology (IT) Act, 2000," said cyber law expert and advocate Prashant Mali, who argued the case.

The judgement pertained to a case where the complainant, Amit Patwardhan, was an employee of Rud India Chains and later left the company to join a rival firm, Heko Chains. Rud India claimed he took away company secrets and was getting gratification from Heko Chains to lure away customers even when he was employed by them. Rud India filed a civil suit to claim damages for this theft of trade secrets. Patwardhan came to the forum and alleged his bank statement was filed by the company as evidence in the court case and that it was obtained by hacking into the bank system.

The bank concerned, Bank of Baroda, too said it had no knowledge about how the bank statements were obtained by the company and that the bank did not have a policy of giving out such information, without customer approval.

In response, Maharashtra Government IT secretary Rajesh Aggarwal, serving as the adjudicating officer said while the bank denied involvement, it had done nothing on its own to find how this occurred. "This speaks volumes about the apathy of the bank regarding the privacy of its customers' sensitive data," further pointed the adjudicating officer in the judgement delivered. However, as they are not a party to the case, the bank has not been held liable.

The Adjudicating Officer also said that here, the IT Act came into play, since the bank statement had not come from physical records of the bank, but from its electronic records. Hence, the respondents were held guilty of violating Section 43 (b) of IT Act, read with section 66. While no punishment has been imposed, the respondents have been held guilty of violating the privacy of Patwardhan.

Punishment was not imposed, as the adjudicating officer observed that perusal of the entire record before the Officer per prima facie showed the complainant was disloyal.

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