

## ENFORCEMENT NOTICE

<b>Reference Number</b>	<b>DPC/ENF/0033 AD</b>	<b>Date of Issue</b>
<b>Respondent</b>	Judas Iscariot, son of Simon (Tribe of Judah)	14th Nisan, 33 AD
<b>Data Subject</b>	Jesus of Nazareth, son of Joseph (also known as the Christ)	<b>Classification: CRITICAL</b>
<b>Third Party Recipients</b>	The Chief Priests (Caiaphas and associates)  The Sanhedrin  The Roman occupation authorities under Pontius Pilate	

### A. Background and Jurisdiction

1. The Data Protection Commission ("the Commission") is established under the Data Protection Act ("the Act") and is charged with the oversight, enforcement, and promotion of data protection rights in Kenya.
2. This Enforcement Notice is issued following a complaint lodged with the Commission and subsequent investigation conducted under the Act. The Commission has considered all material evidence, including eyewitness accounts recorded in four independent manuscripts (Matthew, Mark, Luke, and John), which the Commission accepts as satisfactory documentary evidence, notwithstanding their variance on certain peripheral details.
3. The Respondent, Judas Iscariot, at all material times acted as a member of the Data Subject's inner circle, having been appointed as one of twelve disciples entrusted with privileged access to the Data Subject's personal data, including his itinerary, known associates, preferred locations, and physical characteristics. In data protection terms, the Respondent was a data processor operating under the instructions of the Data Subject as data controller.
4. The Commission notes that while this matter predates the entry into force of the Act by some two thousand years, the Commission considers that the principles violated are so fundamental as to be timeless and has accordingly proceeded on that basis. Objections to jurisdiction on grounds of retroactivity will not be entertained.

## B. Findings of Fact

5. On the night of 14th Nisan, the Respondent attended a meeting with the Chief Priests at which he agreed to disclose the location and identity of the Data Subject in exchange for thirty (30) pieces of silver. No privacy impact assessment was conducted. No data sharing agreement was concluded. No notification was given to the Data Subject.
6. The Respondent led a cohort of soldiers and officials to the Garden of Gethsemane, where the Data Subject was known to pray information that the Respondent held by virtue of his processor role. This constitutes disclosure of location data derived from the Respondent's privileged access.
7. To identify the Data Subject to the receiving parties, the Respondent employed a pre-arranged signal: a deliberate kiss. The Commission finds that a kiss, in this context, constituted the use of a personal biometric marker a physical gesture uniquely associated with the Data Subject and employed as an identification mechanism and therefore constitutes biometric data within the meaning of Section 2 of the Act.
8. The thirty (30) pieces of silver received by the Respondent represent direct consideration paid for the disclosure of personal data. The Commission finds this constitutes the sale of personal data contrary to Section 30 of the Act.
9. The Commission observes, in mitigation and without sympathy, that the Respondent subsequently experienced significant remorse, returned the thirty pieces of silver, and took steps to permanently deregister himself as a data processor. The Commission does not consider these post-breach actions to diminish the severity of the original violations.

## C. Schedule of Violations

The Commission finds the following violations established on the evidence:

COUNT	PROVISION	PARTICULARS OF VIOLATION	FINDING
Count I	S.25 and S.31	Disclosure of the Data Subject's location data (habitual movements, regular frequenting of the Garden of Gethsemane, known assembly points) to third parties without a lawful basis and without the consent of the Data Subject.	Confirmed. No lawful basis identified. No consent. No legitimate interest assessment. Disclosure made for personal financial gain.
Count II	S.44	Processing of biometric data, specifically, the use of a deliberate kiss (a unique physical gesture serving as a biometric marker) to single out and identify the Data Subject to hostile third parties in low-light conditions.	Confirmed. Biometric identification without consent. Special category data processed unlawfully. Aggravated by the premeditated and deceptive nature of the act.
Count III	S.37 and S.72	Commercial sale of personal data: the Respondent received thirty (30) pieces of silver as direct consideration for the disclosure of the Data Subject's personal	Confirmed. Constitutes an offence under S.72. The Commission notes this is among the earliest documented cases of monetisation of personal data.

COUNT	PROVISION	PARTICULARS OF VIOLATION	FINDING
		data, including location, identity, and movements.	
<b>Count IV</b>	S.25	Failure to process data fairly, lawfully, and transparently. No privacy notice served on the Data Subject. No data sharing agreement concluded with the Chief Priests or the Roman occupation authorities.	Confirmed. No transparency. No notice. No agreement. The Respondent relied on darkness both literal and metaphorical to conceal the disclosure.
<b>Count V</b>	S.41 and S.43	Breach of confidentiality and security obligations by a data processor. The Respondent, having held information in a processor capacity (member of the inner circle, entrusted with itinerary and movements), weaponised that access against the Data Subject.	Confirmed. This is among the most egregious processor breaches on record, exceeded in severity only by the consequences it caused.
<b>Count VI</b>	S.26 and S.36	Failure to notify the Data Subject of the intended disclosure. No exercise of the Data Subject's rights was facilitated not the right to object, the right to restrict processing, nor the right to be informed.	Confirmed. The Data Subject was given no opportunity to exercise any right whatsoever. He learned of the disclosure only upon arrest.

#### D. Aggravating Factors

10. The Commission has identified the following aggravating factors, which it has considered in arriving at the determination below:
- (a) Position of trust: the Respondent held a position of intimate and sustained trust over a period of approximately three (3) years. He was entrusted with data precisely because he was expected not to misuse it.
  - (b) Premeditation: the breach was not accidental. The Respondent attended a planning meeting, negotiated a price, and executed the disclosure with deliberate precision. This is as far from an inadvertent breach as it is possible to be.
  - (c) Severity of harm: the Commission is constrained to note that the direct consequence of this data breach was the arrest, conviction, and crucifixion of the Data Subject. Section 59 of the Act directs the Commission to consider harm caused. The Commission considers this factor satisfied in the extreme.
  - (d) Biometric exploitation: the use of a personal physical gesture, the kiss, as a covert identification mechanism represents a particularly invasive form of biometric processing, deployed against the Data Subject without any knowledge or consent whatsoever.

- (e) Commercial motivation: the Respondent was motivated purely by financial gain. The Commission finds no evidence of any other purpose, legitimate interest, or public benefit that could have justified the processing.
- (f) Conduct in darkness: the breach was deliberately executed at night, which the Commission regards as an attempt to circumvent transparency obligations and evade detection — a further aggravating consideration.

### E. Determination and Penalties

11. Having regard to all the above, the Commission finds the Respondent guilty of all six (6) counts of breach of the Data Protection Act and makes the following determination:

HEAD OF PENALTY	DETERMINATION
<b>Monetary Penalty</b>	Thirty (30) pieces of silver ordered returned in full to the estate of the Data Subject, with interest at the statutory rate for the intervening two millennia. Note: enforcement of this order is pending identification of a solvent successor authority.
<b>Formal Reprimand</b>	The most severe reprimand in the history of the office is hereby issued. The Respondent is directed to desist from all further processing of personal data, effective immediately and for all eternity.
<b>Registration as Infringer</b>	The Respondent shall be entered in the Register of Data Protection Infringers and shall remain therein without prospect of removal. Future processing activities are permanently prohibited.
<b>Reputational Note</b>	The Commission observes that the reputational consequences of this breach have already been administered with considerable efficiency by history itself, rendering further orders on this point largely ceremonial.

### F. Directions to Third-Party Recipients

12. The Commission further directs as follows in respect of the third-party recipients of the disclosed data:

(a) The Chief Priests and the Sanhedrin are directed to confirm, in writing within thirty (30) days, the grounds upon which they received and processed the personal data of the Data Subject without a lawful basis.

(b) Pontius Pilate is directed to confirm, within the same period, whether a data protection impact assessment was conducted prior to the trial and execution of the Data Subject. The Commission anticipates the answer will be no.

(c) The Commission notes that each of the foregoing recipients washed their hands of the matter. The Commission advises that this procedure, while perhaps personally cathartic, does not satisfy data breach notification obligations under Section 44 of the Act.

### **G. Right of Appeal**

13. The Respondent has the right to appeal this decision to the High Court of Kenya within thirty (30) days of service of this Notice, pursuant to Section 64 of the Act.
14. The Commission notes that the Respondent has already exercised what appears to be a self-administered and final remedy and accordingly considers the practical window for appeal to be limited. The Commission nevertheless includes this notice for the sake of procedural completeness.
15. Any appeal must be filed with the Data Division of the High Court and served on the Commission at the address below. Appeals lodged with the Sanhedrin, the Roman Senate, or any other authority not established under the Constitution of Kenya will not be accepted.