



Official Gazette

Issue 3375 – Thursday 19 July 2018

Decree 30 of 2018 concerning the issuance of the personal data protection law

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain,

Having read:

- the Constitution
- The civil and commercial procedure law promulgated by legislative decree 12 of 1971, as amended
- Legislative decree 13 of 1972 concerning judicial fees, as amended
- Law 13 of 1975 concerning the regulation of retirement pensions and benefits of government employees, as amended
- The penal code promulgated by legislative decree 15 of 1976, as amended
- Legislative decree 7 of 1977 concerning statistics and census
- Legislative decree 9 of 1984 concerning the central population register, as amended by law 45 of 2006
- The law of evidence in civil and commercial matters promulgated by legislative decree 14 of 1996, as amended
- Legislative decree 28 of 2002 concerning online transactions, as amended
- The law of judicial authority promulgated by legislative decree 42 of 2002, as amended
- The code of criminal procedures promulgated by legislative decree 46 of 2002, as amended
- Legislative decree 47 of 2002 concerning the regulation of press, printing and publishing
- The communications law promulgated by legislative decree 48 of 2002, as amended by legislative decree 38 of 2017
- Law 7 of 2003 concerning trade secrets, as amended
- Law 7 of 2006 concerning the ratification of the Arab charter on human rights
- Law 46 of 2006 concerning identity cards
- Law 56 of 2006 approving the accession of the government of the Kingdom of Bahrain to the international covenant on civil and political rights
- The Central Bank of Bahrain and financial institutions law promulgated by law 64 of 2006
- Law 10 of 2007 approving the accession of the government of the Kingdom of Bahrain to the international covenant on economic, social and cultural rights
- The civil service law promulgated by legislative decree 48 of 2010, as amended by legislative decree 69 of 2014
- Law 60 of 2014 on information technology crimes



The Shura Council and the Council of Representatives have approved the following law, which we have ratified and promulgated:

Article 1

Personal data protection shall be governed by the provisions of the accompanying law.

Article 2

The provisions of this law shall not prejudice any rights prescribed under international conventions and treaties in force in the Kingdom of Bahrain.

Article 3

The board of directors of the Personal Data Protection Authority shall issue the necessary decisions for the implementation of the provisions of this law within a period not exceeding the first day of the month following six months from the date of its publication in the Official Gazette.

Article 4

The provisions of the accompanying law shall be implemented by the Prime Minister and ministers, each within his respective jurisdiction and capacity, and shall be effective as of the first day of the month following one year from the date of its publication in the Official Gazette.

King of the Kingdom of Bahrain

Hamad bin Isa Al Khalifa

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Chapter One: Processing provisions

Section One - Preliminary provisions

Article 1 - Definitions

In the application of the provisions of this law, the following terms and expressions have these meanings, unless the context requires otherwise:

Data or personal data: Any information of any form relating to an identified or identifiable individual, either directly or indirectly, particularly through his/her personal ID number or one or more of his/her physical, physiological, intellectual, cultural or economic characteristics or social identity.

To determine whether an individual is identifiable, all means used by, or that may be available to, the data manager or any other person should be considered.

Sensitive personal data: Any personal information that reveals, directly or indirectly, the individual's race, ethnicity, political or philosophical views, religious beliefs, union affiliation, criminal record or any data related to his/her health or sexual life.

Processing: Any operation or set of operations carried out on personal data by automated or non-automated means, such as collecting, recording, organising, grouping, storing, modifying, adjusting, retrieving, using or disclosing that data by transmitting, disseminating, transferring, making available, integrating, blocking, deleting or destroying it.

File system: Any set of personal data that cannot be processed by an automated device based on instructions given to it but that is arranged in such a way as to obtain information about the individuals the data belongs to.

Person: Any natural person or corporate entity, including any public entity.

Individual: Any natural person.

Data manager: The person who decides, solely or in association with others, the purposes and means of processing of certain personal data. Where such purposes and means are prescribed by law, the data manager is the person responsible for processing data.

Data processor: The person who processes the data for and on behalf of the data manager, not including whoever works for the data manager or data processor.

Data protection supervisor: The person approved by the authority according to article 10 of this law.

Data owner: The individual or subject of the data.

Third party: any person other than:

- (1) Data owner
- (2) Data manager
- (3) Data processor

- (4) Data protection supervisor
- (5) Any person working under the supervision of the data manager or data processor and authorised to process data on behalf of the data manager or data processor

Data receiver: Any person to whom personal data are disclosed, whether a third party or other, not including the person to whom data are disclosed to exercise a specific legal jurisdiction or perform a specific public duty.

Blocking: Annotation by any means on the stored data that prohibits any subsequent processing, except storage.

Direct marketing: Any communication by any means, through which a marketing or advertising material is directed to a specific person.

Minister: The Minister of Justice and Islamic Affairs or any other minister nominated by a decree.

Authority: The Personal Data Protection Authority (PDPA) established by virtue of article 27 of this law.

Board or board of directors: The PDPA's board of directors formed according to article 39 of this law.

Chairman of the board or chairman: the chairman of the PDPA's board of directors.

Chief executive officer (CEO): The PDPA's chief executive officer appointed according to article 43 of this law.

Appeal committee: The committee mentioned in clause 2 of article 34 of this law.

Investigation committee: The committee formed according to clause 5 of article 47 of this law.

Article 2 - Scope of application

- 1- The provisions of this law apply to:
 - a- Data processing using automated means, in whole or in part
 - b- Data processing using non-automated means, forming a part of a files system or intended to be a part of such system
- 2- The provisions of this law apply to:
 - a- Every natural person usually residing in the Kingdom of Bahrain or having a place of business there
 - b- Every corporate entity having a place of business in the Kingdom of Bahrain
 - c- Every natural person or corporate entity not usually residing in the Kingdom of Bahrain and not having a place of business there which processes data using means available in the Kingdom, unless the use of such means is to pass data through the Kingdom without any other purpose
- 3- Every corporate entity referred to in clause 2 (c) of this article shall appoint an authorised representative in the Kingdom to carry out its obligations prescribed under the provisions of this law and shall notify the PDPA immediately of that appointment and of any changes. Such appointment



shall not preclude the authority or others from taking any legal action against the data manager where the latter violates any of his above-mentioned obligations.

- 4- Notwithstanding the provisions of clause 1 of this article, the provisions of this law do not apply to:
 - a- Data processing carried out by an individual for purposes not exceeding personal or family matters
 - b- National security-related data processing carried out by the Ministry of Defence, the Ministry of Interior, the National Guard, the National Security Service or other security services
- 5- The provisions of this law shall not prejudice the necessary confidentiality requirements in the affairs of the Bahrain Defence Force.

Section Two - General rules for legitimacy of processing

Article 3 - Data quality controls

Personal data can be processed:

- 1- If fair and legitimate
- 2- If collected for a legitimate, specific and clear purpose and no processing is then carried out in a way that is inconsistent with the purpose of collection. The subsequent processing of data carried out for historical, statistical or scientific research purposes shall not be considered inconsistent with the purpose of collection, provided it is not carried out to support any decision or action concerning a specific individual
- 3- If sufficient, relevant and not excessive in view of the purpose of the collection or subsequent processing
- 4- If correct, accurate, and subject to updates whenever necessary
- 5- If it does not remain in a form allowing the identification of the data owner after the purpose for collecting or processing the data has been achieved. Data stored for longer periods for historical, statistical or scientific research purposes shall be kept in an anonymised, unattributable form. If this is not possible, the identity of the data owner must be encrypted.

Article 4 - General requirements for legitimate processing

The processing of personal data is prohibited without the consent of its owner, unless such processing is necessary to:

- 1- Implement a contract to which the data owner is a party
- 2- Conclude a contract at the data owner's request
- 3- Implement an obligation prescribed by law contrary to a contractual obligation or an order from a competent court or the public prosecution
- 4- Protect the vital interests of the data owner

- 5- Exercise the legitimate interests of the data manager or any third party to whom the data is disclosed, unless this conflicts with the fundamental rights and freedoms of the data owner.

Article 5 - Requirements for processing of sensitive personal data

Processing sensitive personal data without the consent of its owner is prohibited unless:

- 1- Processing is required by the data manager to carry out his obligations and exercise his rights prescribed by the law for employment relationship reasons
- 2- Necessary to protect a person if the data owner – or his guardian or trustee - is not legally able to give his consent, provided a permit is obtained from the authority according to article 15 of this law.
- 3- The data is made available to the public by its owner
- 4- Necessary to exercise claims of legal rights or their defence, including all that is required by the preparation to this matter.
- 5- Necessary for the purposes of preventive medicine, medical diagnosis, provision of healthcare, treatment or management of healthcare services by a person licensed to exercise medical practices or legally bound to maintain confidentiality.
- 6- Carried out within the activities of associations, unions and other non-profit organisations, provided:
 - a- Processing remains within the limits of what is necessary for the purpose for which the association, union or organisation was established.
 - b- Processing is carried out on data related to members of such association, union, organisation or individuals who are in regular contact by virtue of the nature of its activity.
 - c- Data shall not be disclosed to any other person unless the data owner agrees.
- 7- Processing is carried out by a competent public entity to the extent required by the performance of the tasks entrusted to it under the law.
- 8- Necessary to ascertain equal opportunities or treatment of individuals who are of different races or ethnic origins, provided the appropriate guarantees of the rights and freedoms of data owners prescribed by the law are considered.

The board of directors shall determine the rules and procedures that data managers will follow.

Article 6 - Data processing for journalism, literature or arts

The provisions of articles 3, 4 and 5 of this law shall not apply to the processing of personal data carried out exclusively for the purposes of journalism, literature or art, provided that:

- a- The data are correct, accurate and subject to updates and correction
- b- Measures ensure the data are not used for any other purpose
- c- There is no prejudice to legislation regulating the press, printing and publishing.

Article 7 - Data processing for filing and prosecuting criminal proceedings and convictions

- 1- Processing data relating to the filing and prosecution of criminal proceedings and convictions shall be prohibited, except:
 - a- Processing carried out by any competent public entity to the extent required by the performance of the tasks entrusted to it under the law
 - b- Processing carried out by any corporate entity to the extent required by the achievement of its purposes prescribed by the law
 - c- Processing carried out by any person to the extent required by the initiation of litigation proceedings in the cases filed by or against it
 - d- Processing carried out by lawyers to the extent required by the exercise of their clients' business
 - e- Processing carried out for journalism or scientific research
- 2- The exceptions referred to in clause 1 of this article shall not prejudice the legally binding obligation concerning data confidentiality. The board of directors shall determine the rules and guarantees to be considered to preserve the confidentiality of this data.
- 3- The Public Prosecution, Military Court, Military Prosecution, the Ministry of Justice and the Ministry of Interior shall have the exclusive right to establish and maintain full records to register all criminal proceedings and issued convictions.

Article 8 - Security of processing

- 1- The data manager must apply technical and organisational measures capable of protecting data against unintentional or unauthorised destruction, accidental loss, unauthorised alteration, disclosure or access, or any other form of processing. These measures shall have to be capable of providing an appropriate level of security, subject to state-of-the-art technological protection methods and its costs, the nature of the data being processed, and the risks that may arise from this processing. Technical and organisational measures shall be written and accessible by the parties concerned, the authority, the data manager and the data processor.
- 2- The board of directors shall specify the terms and conditions that satisfy the technical and organisational measures referred to in clause 1 of this article. The decision may require specific activities by applying special security requirements when processing personal data.
- 3- Where the data processor is tasked with processing data, the data manager shall consider:
 - a- A data processor who provides sufficient guarantees regarding the technical and organisational measures that must be followed when processing data shall be selected. The data manager must take reasonable steps to verify compliance with these measures.
 - b- Processing must comply with a written contract between the data manager and the data processor which stipulates that:
 - (1) The data processor shall only process data in accordance with the data manager's instructions.

- (2) The data processor shall comply with the same security and confidentiality requirements prescribed for the data manager.

Article 9 - Confidentiality of processing

- 1- The data manager is prohibited from disclosing any personal data except with approval from the data owner or in implementation of a judicial order issued by a competent court, the Public Prosecution, an investigating judge or the Military Prosecution.
- 2- The data manager shall be prohibited from processing any personal data in violation of the provisions of this law. Any person with access to personal data is prohibited from processing that data except with approval from the manager of the data or in implementation of a judicial order issued by a competent court, investigating judge, the Public Prosecution or the Military Prosecution. The data cannot be used for their personal benefit or for the benefit of a third party. This prohibition remains in effect even after the work relationship or contract period ends.

Article 10 - Data protection supervisor

- 1- The data protection supervisor shall:
 - a- Help the data manager in exercising his/her rights and fulfilling his/her obligations prescribed in this law
 - b- Coordinate between the PDPA and the data manager with respect to the latter's application of the personal data processing provisions
 - c- Verify that the data manager has processed the data in accordance with the provisions of this law. If s/he has evidence of a violation, s/he must notify the data manager immediately so that the reasons for the violation can be eliminated or corrective procedures can be undertaken as soon as possible
 - d- Notify the PDPA of violations for which s/he has serious proof indicating that they have been committed if the data manager has not eliminated the reasons for said violation or undertaken the corrective procedures necessary to rectify them within ten days of notification
 - e- Maintain a register of the processing operations covered by article 14 of this law. The data manager must maintain this register if no data protection supervisor is appointed. This register shall, at a minimum, contain the data to be submitted in accordance with article 14. The data protection supervisor must provide the PDPA with an updated copy of this register once a month.
 - f- Perform his functions independently and impartially
- 2- The PDPA will create a register called the data protection supervisors register. To be accredited, a data protection supervisor has to be registered. The board of directors shall decide data protection supervisors' activities, specifying the terms and conditions required to be registered, registration procedures, effective periods, and renewal procedures.
- 3- A fee shall be assessed on applications for registration when registrations are approved and when renewed. The minister shall issue a decision setting fee categories, exemptions and refunds once



approved by the Council of Ministers.

- 4- The data manager may appoint a data protection supervisor. The board of directors may require specific categories of data managers to appoint data protection supervisors. Data managers must notify the PDPA of appointments within three business days.

Article 11 - Register data

- 1- Personal data listed in registers shall be publicly accessible to the extent necessary and for the purposes for which the registers have been created.
- 2- The board of directors shall specify the terms and conditions to be followed when creating the registers referred to in clause 1 of this article.

Section three - Transfer of personal data outside the kingdom

Article 12 - Transfer of personal data to countries and regions that provide a sufficient level of protection

The data manager shall be prohibited from transferring personal data outside the Kingdom except when:

- 1- The transfer is made to a country or region listed in a statement that the PDPA prepares and updates, listing countries and regions that the PDPA deems to have statutes or regulations in effect that provide sufficient personal data protection. This statement shall be published in the Official Gazette.
- 2- The transfer occurs after specific permission issued by the PDPA on a case-by-case basis if it deems that the data will be sufficiently protected. The PDPA's discretion shall be based on all circumstances surrounding the data transfer process, specifically:
 - a- The nature of the data to be transferred, the purpose of processing and the processing period
 - b- The country or region from which these data originate, their final destination and the personal data protection measures available in these countries or regions
 - c- The international agreements and relevant statutes in effect in the country or region to which the data will be transferred

This permission may be conditional or for a specific period of time.

Article 13 - Exceptions

- 1- As an exception to the provisions of article 12 of this law, the data manager may transfer personal data outside the Kingdom to a country or region that does not provide a sufficient level of protection for the data if:
 - a- The data owner has consented to that transfer
 - b- The data to be transferred has been extracted from a register that was created in accordance with the law for the purpose of providing information to the public, regardless of whether this register is publicly accessible or restricted to the parties concerned in accordance with specific terms and conditions. In this instance, access to this information requires that the terms and conditions



prescribed for access to the register shall be satisfied

c- This transfer is necessary to:

- (1) Execute a contract between the data owner and the data manager or to undertake preceding steps at the data owner's request to conclude a contract
- (2) Execute or conclude a contract between the data manager and a third party for the data owner's benefit
- (3) Protect the data owner's vital interests
- (4) Fulfil a non-contractual obligation imposed by the law, or an order issued by a competent court, the public prosecution, an investigating judge or the military prosecution
- (5) Prepare, execute or defend a legal claim

2- Without prejudice to the provisions of clause 1 of this article, the PDPA may authorise the transfer of personal data, or a set thereof, to a country or region that does not have a sufficient level of protection in accordance with the requirements of article 12 of this law if the data manager provides sufficient guarantees regarding the protection of privacy as well as individuals' basic rights and liberties. In particular, these guarantees may be made pursuant to a contract to which the data manager is a party. In such case, the PDPA shall require the satisfaction of certain conditions for granting the authorisation.

Section four - Notices and authorisations

Article 14 - Notifying the PDPA

- 1- The data manager must notify the PDPA before beginning an automatic and complete or partial data processing procedure or set of procedures intended to achieve a single purpose or several interrelated purposes. The data manager shall be exempt from providing this notice if:
 - a- Processing solely to maintain a register in accordance with the law and to provide information to the public, regardless of whether viewing this register is available to everyone or limited to the parties concerned
 - b- Processing data within the course of activities of all types of associations, syndicates and other non-profit entities
 - c- An employer processes his/her/its employees' data to the extent necessary for the employer to fulfil his/her/its tasks and obligations, organise his/her/its affairs, exercise his/her/its rights, and protect the rights of his/her/its employees
 - d- A data protection supervisor is appointed
- 2- The notice referenced in clause 1 of this article must be comply with the rules and procedures to be specified by the board of directors. The notice must contain:
 - a- The name and address of the data manager and the data processor, if any.

- b- The purpose of the processing.
 - c- A description of the data and the categories of data owners, as well as data recipients and their categories.
 - d- Any intended data transfer to a country or region outside the Kingdom
 - e- A statement enabling the PDPA to evaluate the suitability of the available measures to satisfy the security requirements referred to in article 8 of this law.
- 3- The board of directors may decide to limit the obligation referenced in clause 1 of this article to the provision of a simplified notice where it is likely, due to the nature of the data being processed, that there will be no effect on the data owners' legally prescribed rights and liberties. The simplified notice shall be submitted in accordance with the rules and procedures to be specified and shall contain:
- a- The purpose of the processing.
 - b- The data to be processed or the categories of these data
 - c- The categories of owners of the data to be processed as well as the recipients of these data or their categories
 - d- The period during which the data may be stored
 - e- The information that shall be included in the notice
- 4- The PDPA may, within ten business days of the receipt of the notice referenced in clauses 1 or 3 of this article, ask the data manager to remedy any deficiency in a notice's data. The applicant must then refrain from processing the data until the deficiency has been remedied.
- 5- The notices referenced in clauses 1 or 3 of this article shall be recorded in the register referenced in article 16 of this law as soon as they are received. However, if the PDPA asks the data manager in accordance with clause 4 of this article to remedy any deficiency in a notice's data, the PDPA must issue a decision, with underlying reasons, removing the deficient notice from the register. The PDPA must notify the data manager of this decision as soon as it is issued.
- 6- The data manager must notify the PDPA of any change to notified information within thirty days.

Article 15 - Prior authorisation

- 1- Certain processing without prior written authorisation from the PDPA is prohibited:
- a- Automatic processing of sensitive personal data in the instances referenced in clause 2 of article 5 of this law
 - b- Automatic processing of biometric data (biometrics) used for identification purposes
 - c- Automatic processing of genetic data, except for treatment provided by physicians and specialists at a licensed medical establishment and necessary for preventative or diagnostic medicine or for the provision of treatment or health care
 - d- Automatic processing that entails the connection of personal data files in the possession of two or



more data managers and being processed for different purposes

- e- Visual recordings to be used for monitoring purposes
- 2- Applications for prior authorisation shall be submitted and decided upon in accordance with the rules and procedures to be issued by the board of directors. The authorisation application shall have to contain the data required in the notice that shall be submitted in accordance with article 14 of this law. The PDPA may, within five business days from the receipt of the application, ask the data manager to remedy any deficiency in the application's data and the applicant must remedy the deficiency within five business days. Otherwise, the PDPA will decide on the application based upon the information set forth.
- 3- The PDAP shall grant authorisation if the application fulfils the terms and conditions set out by the board of directors. The PDPA must decide on the application and notify the party concerned of the result within thirty days of submission. If the data manager does not receive a response from the PDPA within that time, the request should be regarded as rejected.

Article 16 - The register

- 1- The PDPA shall maintain a "notices and authorisations register" to record:
 - a- The notices referenced in clause 1 of article 14 of this law, including all data set forth in clauses 1 (a) to (d) of this article
 - b- The notices subject to the simplified procedures in accordance with the provisions of clause 1 of article 13 of this law, including all data set forth in clauses 3 (a) to (d) of this article
 - c- The responses that the authority may issue to the notices referenced in clauses 1 (a) and (b) of this article
 - d- The notices that the authority may receive from the data managers regarding the changes that may occur to the data in the notices referenced in clauses 1 (a) and (b) of this article
 - e- Prior authorisation applications submitted in accordance with the provisions of article 15 of this law as well as data in the law and decisions issued by the PDPA
 - f- Any other data related to the notices and authorisations the PDPA deems should be recorded
- 2- The PDPA shall have to continuously update data in the register in a manner that reflects any changes.
- 3- Any person may ask the PDPA, using free forms prepared for that purpose, to view the notices and authorisations register during official business hours and in the presence of the PDPA employee in charge of the register.
- 4- Any person may ask the PDPA, using the forms prepared for that purpose and after paying the prescribed fee, to obtain excerpts from the notices and authorisations register or a negative certificate indicating that a particular matter is not listed. The minister shall set the fee once approved by the Council of Ministers.



Section five - Rights of data owners

Article 17 - Information of which the data owner shall be aware

- 1- Where data is directly obtained from the data owner, the data manager must - upon registration - inform the data owner of:
 - a- The full name of the data manager, field of activity or profession, and address
 - b- The purposes for which the data is to be processed
 - c- Any other necessary information, in accordance with the circumstances of each case, to ensure that processing is fair to the data owner, including:
 - (1) The names or categories of the recipients of the data
 - (2) A statement indicating whether the response to any of the questions posed to the data owner is mandatory or optional, and, when necessary, an explanation about the consequences that arise from failing to respond
 - (3) A statement that the data owner has the right to be notified, if requested, of the data pertaining to him in full and to rectify these data
 - (4) A statement indicating whether the data will be used for direct marketing purposes
 - (5) Any other information necessary for the data owner to exercise his rights prescribed under the provisions of this law
- 2- Where the data is not obtained from the data owner directly, the data manager must - within five days of registration starting - inform the data owner of:
 - a- The information referred to in clause 1 of this article
 - b- The purposes for which the data is collected
 - c- Any other necessary information, in accordance with the circumstances of each case, to ensure that processing is fair to the data owner, including:
 - (1) The information referred to in clause 1 (c) of this article
 - (2) The categories of the data
 - (3) The source of the data, with the exception of cases where maintaining professional secrets as prescribed by law requires that the source must not be disclosed
- 3- The provision of clause 2 of this article does not apply:
 - a- If the processing of the data is made for historical, statistical or scientific research purposes, and informing the data owner of the data referred to is not possible or requires the exertion of cumbersome, extraordinary efforts. The board of directors will specify requirements and conditions for these instances
 - b- If data is processed to fulfil an obligation arising from the law, as opposed to a contractual

obligation, or an order from a competent court, the public prosecution, an investigating judge or the military prosecution

- 4- The data owner's failure to exercise his right prescribed under the provision of either clause 1 of this article or article 20 shall not result in the loss of any of the rights prescribed in his interest in accordance with the provisions of this chapter.

Article 18 - Application by the data owner to be notified of the processing of his personal data

- 1- The data manager must, based on an application by the data owner together with proof of identity, notify the applicant free of charge within fifteen business days if the data manager is processing the applicant's personal data. If any data is being processed, the data manager must notify the data owner of:
 - a- The data subject to processing, in full
 - b- Any information given or available to the data manager about the data source, with the exception of cases where the law obliges confidentiality
 - c- The reason for processing the data
 - d- The names or categories of the recipients of the data
 - e- If a decision is to be made based solely on this data in a way that affects the personal and direct interests of the data owner, how it will be used must be stated in a way that is clear to the ordinary person without infringing on any the method's intellectual property rights or trade secrets.
- 2- The data manager may, within ten days of receiving an application based on clause 1 of this article, notify the applicant of deficiencies in his application.
- 3- The data manager may not accept applications referred to in clause 1 of this article if the application does not fulfil the condition of compliance with the requirements of clause 2 of this article and the grace period has passed. He has the right to reject the same if it entails an arbitrary use by the data owner of his right to know. In such case, the data manager shall notify the applicant, within a maximum deadline of fifteen business days from the date of such application, that the application has not been accepted or rejected, as the case may be, and the reasons for the same.
- 4- In the event that the application referred to in clause 1 is rejected or the period specified for responding to the same expires, without the data owner having received any notice about what has occurred with regard to his application, the data owner shall have the right to submit a complaint to the authority against the data manager.

Article 19 - Notifying data owners they have the right to object to direct marketing

- 1- The data manager shall, where it is expected that retained personal data will be used for direct marketing purposes (including personal data made available to the public by law), notify the data owner that he has the right to object, free of charge, to direct marketing.

This is an unofficial English translation of Bahrain's personal data protection law. The Arabic version of the law was released on 12 July 2018. This translation may be periodically updated so we recommend you check to see if an updated version has been released. Any omissions or errors in this unofficial English translation are inadvertent. This document is provided for information purposes only. You should seek appropriate professional advice from an advisor before making any decision relating to your particular circumstances.

Article 20 - The right to object to processing for direct marketing purposes

- 1- The data manager must, within ten business days of receiving an application from the data owner together with proof of identity, refrain from processing any of the applicant's personal data for direct marketing purposes.
- 2- The data manager must notify the data owner, free of charge, within ten business days of receiving the application whether:
 - a- The application has been responded to
 - b- The application has been partially responded to, explaining why and the extent of the response
 - c- The application has been rejected – with a reason

If the data owner does not accept what has occurred to the application, or the period referred to expires without the data owner having received any notice about his application, the data owner can file a complaint to the PDPA against the data manager.

Article 21 - The right to object to processing that causes harm or distress to the data owner or others

- 1- The data manager must, within ten business days of receiving an application from the data owner together with reasons for the application and proof of identity, refrain completely from processing any of the applicant's personal data, for a specific purpose or in a specified manner, if:
 - a- The processing for such purpose or in that manner causes substantial and unwarranted harm or distress to the data owner or others
 - b- There are reasonable grounds to believe that the processing for such purpose or in that manner will cause substantial and unwarranted harm or distress to the data owner or others
- 2- The provision of clause 1 of this article does not apply if the data owner has agreed to the processing or when the cases stipulated in clauses 1-4 of article 4 of this law are available. In any other instances, a resolution to determine the same shall be issued by the board of directors.
- 3- The provisions of clause 2 of article 2 apply to any application submitted in accordance with the provisions of this article.

Article 22 - The right to object to decisions made based on automated processing

- 1- Where a decision is taken based only on the automated processing of personal data to evaluate the data owner in terms of performance at work, financial position, level of efficiency for borrowing, behaviour or trustworthiness, the data owner may request that another method is used that does not only rely on automated processing. The person who takes the decision must respond to this request at no charge. The board of directors shall issue a resolution to determine the procedures for submitting and deciding requests.
- 2- The provision prescribed in favour of the data owner in accordance with clause 1 of this article shall not apply in instances where the decision is taken in the context of the conclusion or execution of a



contract with the data owner, provided that all measures ensuring that rights are secured are taken. This includes giving the opportunity for the data owner's point of view to be heard.

Article 23 - The right to demand rectification, blocking or erasure

- 1- The data owner may apply to the data manager, with proof of identity, to rectify, block or erase personal data, as the case may be, if its processing contravenes the provisions of this law and, in particular, if the data is incorrect, incomplete or out of date, or if its processing is illegal. The data manager, unless he has a legally acceptable justification, must respond to the application, free of charge, within ten business days of receiving the application.
- 2- The provision of clause 1 of this article does not apply to publicly accessible registers, if the law by which the register has been created requires specific procedures for rectification, blocking or erasure.
- 3- Data that has been blocked based on the provision of clause 1 of this article may be processed only with the approval of the data owner or for the purposes of evidence or to protect the rights of a third party.
- 4- The provisions of clause 2 of article 20 apply to any application submitted in accordance with the provisions of this article.
- 5- The data manager must, within fifteen days of his response (full or partial) to an application submitted to him based on the provision of clause 1 of this article, notify any third party to whom he disclosed that data about the rectification, block or erasure that occurred as a result of the application referred to, unless this is not possible or cannot be realised.

Article 24 - Approval of the data owner

- 1- For data owner's approval to be deemed valid:
 - a- It must be issued by a fully eligible person
 - b- It must be written, explicit, and clear and specify the processing of specific data
 - c- It must be issued based on the free will and consent of the data owner after the data owner is fully informed about the purpose or purposes of the processing of the data, and informed, when necessary, of the consequences that arise from any failure to grant approval
 - d- If the data owner is wholly or partially incompetent, the approval of the guardian, executor or custodian shall be considered within the limits prescribed by law, and in accordance with the conditions referred to in clause 1 (b) and (c) of this article
 - e- The data owner may, pursuant to a notice issued to the data manager, at any time withdraw approval for the processing of personal data. The board of directors shall determine withdrawal procedures and decisions by the data manager.

Article 25 - Submission of complaints

Any stakeholder may submit a complaint to the authority, if he has reason to believe that the provisions of this law have been violated or that any person is processing personal data in contravention of its

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provisions.

A resolution issued by the board of directors, which specifies the procedures and rules for submitting complaints and ruling on them, shall apply to all complaints submitted in accordance with the provisions of this law.

Article 26 - Submission of applications, notices, objections and complaints and the exchange of correspondence

Subject to the provisions of legislative decree 28 of 2002 concerning online transactions, applications, notices, objections and complaints may be submitted and correspondence may be exchanged by using any of the electronic means to be specified by a resolution of the board of directors.

Chapter two - Data protection authority

Section one - General provisions

Article 27 - Establishment and logo of the authority

- 1- A public authority known as the personal data protection authority (PDPA) shall be established and it shall have a legal personality and enjoy financial and administrative independence. It shall be subject to the control of the minister.
- 2- A decree shall be issued to determine the administrative body that will assume the responsibility of the duties and powers prescribed for the PDPA pursuant to the provisions of this law, until such time that the financial provision for the PDPA is set aside in the state's general budget and a decree is issued to form its board of directors. The decree will determine a member of the administrative body referred to which shall be responsible for the duties and powers prescribed under this law for the board of directors, the chairman of the board and the chief executive.
- 3- The PDPA shall have a logo and a resolution of the board of directors shall be issued to determine its form and state the ways it may be used. The authority shall have the exclusive right to use its logo and prevent others from using it or using any code or badge identical or similar to it.

Article 28 - Control by the minister of the authority's functions

- 1- The PDPA shall submit regular reports to the minister about its activity and progress. These reports shall, in particular, include its achievements and specify impediments to its performance, if any; their causes; and the solutions that have been adopted to avoid them. The minister may request the PDPA to provide him with details, information, documents, minutes, registers or reports which enable him to control the authority's functions.
- 2- Without prejudice to the independence that the authority enjoys to exercise its duties and powers in accordance with the provisions of this law, the minister shall assume the responsibility of monitoring the level of compliance by the authority with the provisions of this law and the state's policy in the field of the authority's function, and the level of the exercise of its duties in a competent and efficient manner, within the limits of the financial provisions available to it.
- 3- If the minister finds that there is a conflict between the authority's function and the provisions of the law or the state's policy in the authority's function, or that it is not carrying out its duties in a competent and efficient manner, he shall have the right to object and notify the board of directors of his opinion. If the board insists on its opinion, the matter shall be presented to the Council of Ministers to resolve the dispute within thirty days of the matter being presented.

Article 29 - The authority's budget and financial resources

- 1- The PDPA shall have a separate budget. The authority's financial year shall commence with the commencement of the state's financial year and end when it ends.
- 2- The authority's financial resources consist of:
 - a- The provisions allocated to it in the state's general budget

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- b- Gifts and subsidies, in a manner that does not conflict with the authority's objectives, subject to the prior approval of the Council of Ministers
- c- The proceeds from the fees referred to in clause 3 of article 10, clause 4 of article 16 and clause 1 of article 36 of this law
- d- The proceeds from fines referred to in clauses 1 (b) and 1 (c) of article 55 of this law.
- e- Funds obtained by the authority by carrying on its activities related to its objectives.

Article 30 - Duties and powers of the authority

The authority shall directly assume the responsibility of all the duties and powers necessary to protect personal data. In doing so, it has the right to:

- 1- Acquaint data managers and the public with the rights and obligations prescribed by the provisions of this law
- 2- Monitor compliance with the provisions of this law
- 3- Control and inspect the actions of data managers processing personal data to verify that they have complied with this law's provisions and to encourage them to develop systems that ensure the protection of such data in a way that is consistent with the provision of this law
- 4- Receive and consider notices in accordance with article 14 of this law
- 5- Grant prior licences in accordance with article 15 of this law
- 6- Approve data protection supervisors in accordance with article 10 of this law
- 7- Control and inspect the actions of data protection supervisors to verify that they have complied with the provisions of this law
- 8- Receive notifications and complaints relating to contraventions of this law, examine them, and ascertain their seriousness
- 9- Investigate serious notifications and complaints relating to contraventions of this law and violations that it discovers itself or that are referred to it by the minister and investigate in accordance with the provisions of section one of chapter three of this law
- 10- Arrange training and educational courses and programs with the aim of creating awareness about the provisions of this law, spreading the culture of protection of personal data, conducting and supporting research and studies in this field, and working to benefit from their conclusions
- 11- Study legislation relevant to the protection of personal data and recommend amendments thereto in a manner consistent with the internationally recognised standards in this regard
- 12- Express an opinion on the draft laws of relevance to the protection of personal data
- 13- Represent the Kingdom at international conferences, on the basis that it is the competent body for the protection of personal data

- 14- Cooperate with similar authorities in respect of matters that are of common concern
- 15- Carry out other duties and powers stipulated in this law

Article 31 - Exercise of duties and powers and conducting consultations

- 1- The authority shall exercise its powers and duties in an efficient, effective, transparent, impartial and appropriate manner that shall be in line with the state's general policy pertaining to the authority's field of operation.

Article 32 - Conflicts of interest

- 1- A member of the board of directors shall, when the board is considering any matter in which such member has a direct or indirect interest that conflicts with the requirements of his post, disclose the same in writing when he comes to know that the board intends to consider such matter. Such member shall not attend the board's discussion with regard to that matter or vote thereon.
- 2- The chief executive or any of the authority's employees shall be prohibited from having any direct or indirect interest in the authority's field of operation that conflicts with the requirements of the position. They shall immediately notify in writing of any interest that arises in their favour in this regard during the period they occupy such position at the authority.
- 3- The notice referred to above shall be given to the board by the chief executive. With respect to the other employees of the authority, the notice shall be given to the chief executive. The authority shall maintain a conflict of interests register in which any of the interests referred to in paragraphs 1 and 2 of this article shall be included, by stating the name and post or position of the person concerned, the details of such interest, and any decisions issued or procedures taken by the authority with regard to that matter.

Access to the conflict of interests register, obtaining extracts from it or a negative certificate of the non-inclusion of any specific matter shall be made in accordance with the provisions stipulated in clauses 3 and 4 of article 16 of this law.

Article 33 - The authority's annual reports

- 1- The authority shall prepare an annual report approved by the board of directors about its activity and work progress during the previous financial year. This shall in particular include its achievements and specify the impediments to its performance that it faced, if any, the solutions that have been adopted to avoid them, any suggestions the authority deems that they will ensure the strengthening of maintaining protection of personal data, and any other matters that the authority or the minister wish to include in the annual report.
- 2- The annual report shall be published in full together with a copy of the authority's final audited accounts for the same financial year, within a maximum of four months after the end of the financial year, by the means specified by the board of directors, which ensure that access to the same is available to the public. A summary of the annual report and a summary of the final accounts referred to, as soon as they are approved by the board of directors, shall be published in the Official Gazette

and at least two local daily newspapers, one of which is issued in Arabic and the other in English.

Article 34 - Appeal against authority's decisions

- 1- Every interested party shall, after paying the due fees, have the right to appeal against the decision rendered by the authority in accordance with the provisions of the law within thirty days from the date of being informed of such decision.
- 2- A committee called "appeal committee" shall be established under the authority and shall be entrusted with adjudication of the filed appeals pursuant to clause 1 of this article. Such committee shall be formed by a decision from the minister, every three years, and shall consist of three judges from the high civil court of appeal to be delegated by the supreme judicial council, in addition to its specialist. The committee shall be chaired by the most senior judge.
- 3- Committee's member, other than judges, shall take the following oath before the chairman of the committee: "I swear by Almighty God that I will carry out my mission sincerely and honestly and respect the laws and regulations of the Kingdom". The committee member, other than judges, shall participate in the deliberation of the appeal without having the right of voting with respect to the decisions issued by the committee. A clerk from among the authority's staff shall attend the meetings of the committee and all other evidence procedures in order to draw up the necessary transcripts, and shall sign the same together with the chairman of the committee. The said transcripts and all other papers shall be kept by the clerk. The appeal committee shall have all powers vested with the high civil court of appeal within the scope of its jurisdiction.
- 4- The decisions of the committee shall be reasoned and reached by majority vote; however, if there is no majority and the opinions are divided into more than two different opinions, another judge shall be delegated and shall have the casting vote. Such delegation shall be made in accordance with clause 2 of this article. Writ of execution shall be affixed to such decisions by the clerks of the high civil court of appeal, and thereafter shall have the force of a decision issued by the high civil court of appeal. The execution judge shall undertake all formalities pertaining to the execution of the decision pursuant to the provisions of the civil and commercial procedure law. The final decision of the appeals committee may be challenged before the court of cassation in accordance with the procedures prescribed in this regard.
- 5- The rules prescribed in the civil and commercial procedure law promulgated by legislative decree 12 of 1971, without violating the nature of the committee's duty and the provisions of this article, shall apply to the rules of procedure of the committee as well as to the proceedings of appeal, hearing the same before it and means of notifying the concerned parties of its decisions. The details of the foregoing as well as the rules of remunerations of the committee's member other than judges shall be determined by a regulation issued by the minister of justice after consultation with the authority.
- 6- Due fees of appeals presented to the appeals committee, rules of assessment of such fees, exemption and delay of the same shall be governed with the provisions prescribed by law of judicial fees in relation to cases filed before courts.



Article 35 - Authority's staff

- 1- Adequate number of experienced and competent staff in all domains of the authority shall be appointed and shall be assisted by adequate number of administrative staff and other regular staff.
- 2- In the event that no specific provision has been provided in the authority's staff affairs regulations, the provisions of the civil service law promulgated by legislative decree 48 of 2010 as well as the provisions of law 13 of 1975 concerning the regulation of retirement pensions and benefits of government employees shall apply to the authority's staff.

Article 36 – Inspection

- 1- Inspectors delegated by the chief executive from among the authority's staff or others to carry out inspection and ensure compliance with the provisions of this law shall have the following powers:
 - a- Entering the places relevant to the competence of the authority for the purpose of examining and inspecting them and perusing and reproducing the records, books, documents and statements located therein
 - b- Hearing the statements of employees suspected to be in connection with the subject matter of investigation at the places set out in paragraph 1 (a) of this article.
- 2- Inspectors appointed by the minister of justice in agreement with the minister shall have the capacity of judicial officers in relation to the crimes prescribed in this law when being committed in their areas of competence and as relevant to the performance of their duties.
- 3- Inspectors indicated in clauses 1-2 of this article may not enter residential places without having authorisation from the public prosecution.

Article 37 - Maintenance of confidentiality of information and documents

- 1- The authority and its staff shall not disclose any information or documents presented for the purpose of this law except as otherwise explicitly permitted by the relevant party of such information or documents or its legal representative, as the case may be.
- 2- Clause 1 of this article shall not apply to:
 - a- Information and documents which were available to the public at the time of disclosure
 - b- Disclosure of information or documents in a form of summarised or compiled information so that they cannot be linked or attributed to a certain person
- 3- Notwithstanding clause 1 of this article, the authority may disclose the said information and documents if the disclosure:
 - a- Enables any person acting on behalf of the authority to perform a duty in accordance with the provisions of this law, provided that such person maintains the confidentiality of information and documents he may receive or peruse
 - b- Is made to an experienced and competent person whose advisory opinion is sought by the

authority, provided that such person maintains the confidentiality of information and documents he may receive or peruse

- c- Is made as part of its cooperation with the counterpart authorities in other countries in relation to the matter of common interest in accordance with the provisions of clause 14 of article 30 hereof
- d- Is made in execution of judicial order issued by a competent court, the investigating judge, the public prosecution or the military prosecution
- e- Is made in implementation of provisions of the law or the international treaties to which the Kingdom is a party

Article 38 - Notifying the Central Bank of Bahrain

The chief executive shall notify the governor of the Central Bank of Bahrain with any inspection intended by the authority in accordance with the provisions of this law in relation to the activities of the financial institutions subject to the control of the Central Bank of Bahrain. The governor may delegate bank's employees as he may deem appropriate to attend the inspection and record his notes.

Section two - Board of directors

Article 39 - Formation

- 1- The authority shall have a board of directors to be formed, under a decree, and consist of seven members including the chairman of the board of directors as follows:
 - a- A member nominated by the council of ministers
 - b- A member nominated by University of Bahrain from among the faculty members, provided that he holds a degree no less than an associate professor specialised in a field corresponding to the nature of authority's duty
 - c- A member nominated by the Telecommunications Regulatory Authority, from among the occupiers of top positions
 - d- A member nominated by the Central Bank of Bahrain, from among the occupiers of top positions
 - e- A member nominated by Bahrain Chamber of Commerce & Industry
 - f- A member nominated by the body representing the wider spectrum of business owners in the financial institutions sector as may be determined by the minister after consultation with the governor of the Central Bank of Bahrain
 - G. Member nominated by the body representing the wider spectrum of IT specialists as may be determined by the minister.
- 2- If any of the bodies referred to in sub-clauses e-g of clause 1 of this article fails to nominate a representative within thirty days of being notified, the board of directors may be formed under nomination by the minister of a member from the category of the body that fails to make its nomination.

- 3- The minister may not serve as a board member.
- 4- The decree forming the board shall state the person who will assume the position of the chairman of the board of directors. Membership period shall be four years renewable once, however, the membership period of the board chairman and three board members of the first board of directors shall be four years, and the membership period of the remaining board members shall be three years; and the decree forming the board shall state the membership period of each of them.
- 5- The board of directors shall elect board vice-chairman to replace the chairman in case of his absence, inability, or office vacancy. The vice-chairman shall continue in his position until the end of his membership period.
- 6- If the position of a board member becomes vacant for any reason, a replacement thereof shall be appointed using the same method and manner indicated under clause 1 and 2 of this article. The new member shall resume the membership period of the former member. If the said membership period is less than one year, it may be renewed for two successive periods.
- 7- Board member may not be removed from office prior to the end of his membership period except in the event of gross violation of his duties or inability to assume such duties, or his failure to observe the requirements of honesty and good behaviour. Removal shall be effected by a decree under a recommendation passed by the majority of the board of directors.
- 8- Remuneration of the board chairman and board members shall be fixed by a decree.

Article 40 - Duties and powers

- 1- The board of directors is the authority entrusted with laying down the policy of the authority and shall supervise its affairs and take whatever necessary to enable it to perform its duties and powers; and shall in particular:
 - a- Issue regulations and resolutions; and take the necessary arrangements to implement the provisions of this law
 - b- Approve the organisational structure and issue bylaws organising the authority's staff affairs including the procedures and rules of appointment, promotion, relocation, determination of salaries and rewards, disciplinary rules and other relevant affairs; without being bound to the provisions of the civil service law; rules of conduct that shall be observed as well as the instances, and the cases, conditions and rules of disclosure of financial liability
 - c- Approve the draft annual budget of the authority and its audited final account
 - d- Accept the financial resources indicated under paragraph 2 (b) of article 29
 - e- Study the periodical reports presented by the chief executive on business conduct of the authority and decide whatever necessary in this respect
 - f- Assume any other duties and powers as prescribed by the provisions of this law
 - g- The board of directors may delegate one or more committees formed from among its members,



the board chairman, a board member, or the chief executive to assume certain duties with the exception of issuance of regulations and resolutions which fall within the competence of the board of directors as prescribed in this law.

Article 41 - Meetings

- 1- The board of directors shall hold at least four ordinary meetings every year; and the board chairman may call for an extraordinary meeting at any time.
- 2- The chairman of the board of directors shall call the board for an extraordinary meeting to be held within fifteen days from the date of receiving a written reasoned request from the minister or at least two board members or the chief executive. In all cases, the notice of the meeting call shall state the purpose thereof and shall be attached with the agenda of the meeting.
- 3- The chief executive shall attend the meetings of the board of directors except in the cases specified in the bylaws; and shall not have the right of voting in the deliberations. The board may invite any experienced or concerned parties to attend its meetings and hear their discussions and opinions, provided that none of them has the right of voting in the deliberations.
- 4- The board of directors shall appoint a secretary who shall prepare the agendas of the board meetings and draw up the minutes of meetings, keep the relevant documents and records, and carry out any other tasks assigned to him by the board as relevant to the nature of business of the authority.

Article 42 - Quorum and voting

The meeting of the board of directors shall be deemed valid if attended by the majority of its members including the board chairman or vice-chairman. The resolutions of the board shall be passed by the majority of the attending votes unless in the cases requiring special majority according to this law or its implementing regulations or decrees. In the event of tie of votes, the meeting chairman's side shall prevail.

Section three - Chief executive

Article 43 - Appointment, remuneration, and office vacancy

- 1- The authority shall have a chief executive appointed by a decree for a three-year term upon the recommendation of the board of directors. The chief executive may only be reappointed for two successive terms for three years each.
- 2- The board of directors shall decide the remuneration of the chief executive, including other bonuses and benefits.
- 3- If the position of the chief executive's office is vacant for any reason, a replacement shall be appointed by means of the same method and manner set out in clause 1 of this article.
- 4- The board of directors may issue a resolution to appoint a deputy chief executive who shall replace the chief executive in his absence, inability or office vacancy. The deputy chief executive shall assume the duties assigned to him by the board of directors or the chief executive. The resolution appointing the deputy chief executive shall be published in the Official Gazette.



- 5- In the event of the vacancy of the chief executive's position and the failure to appoint a replacement or deputy chief executive, the board of directors shall resolve to designate the chairman or his nominee from among the directors or authority's staff to carry out the duties of the chief executive on an interim basis. Such resolution shall be published in the Official Gazette.

Article 44 - Duties and powers

- 1- The chief executive shall represent the authority before the courts and in its relations with other parties, be accountable to the board of directors for the technical, administrative and financial performance of the authority, and assume all powers of the authority except for the powers vested with the board of directors pursuant to the provisions of this law; and shall, in particular:
 - a- Manage the authority, direct its affairs and supervise the conduct of its business and employees
 - b- Implement the resolutions of the board of directors
 - c- Prepare the authority's draft budget and a report thereon and submit both to the board of directors at least two months before the end of the financial year
 - d- Prepare the authority's final account and a report thereon and submit both to the board of directors within two months of the end of the authority's financial year
 - e- Prepare an annual report on the authority's activities, as set out in article 33 hereof, during the past financial year and submit such report, accompanied by a copy of the authority's audited accounts for the same financial year, to the board of directors for approval within a maximum of three months of the date of the end of the financial year
 - f- Prepare a draft of the authority's organisational structure and present it to the board of directors for approval
 - g- Prepare and present to the board of directors regular quarterly reports on the authority's activities, the progress of its business and particularly its achievements pursuant to the set plans and programs, as well as the performance impediments, if any, and solutions proposed to avoid them, unless the board of directors decides on a shorter period for submission of such reports
 - h- Exercise other duties and powers vested with the chief executive under the provisions of this law
- 2- The chief executive may delegate in writing any employee of the authority to exercise some of his duties so as to ensure that the authority's business is performed in the appropriate manner.

Article 45 - Resignation

The chief executive may resign from his office via a written request submitted by him to the board of directors at least three months prior to the resignation date set therein. The board of directors shall issue the resolution accepting the resignation.

Article 46 - Relieve from office

- 1- The chief executive may be relieved of his office prior to the expiry of his term if he violates his job duties or fails to fulfil his duties efficiently and effectively, or violates the duty of integrity and good

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conduct. Relief shall be made by a decree based on a recommendation from the board of directors that is made by the majority of its members.

- 2- The board of directors shall enable the chief executive to express his defences prior to the recommendation of relieving him of his office and record such defences in a separate transcript. In the event of issuing a recommendation to relieve the chief executive, the latter shall continue to fulfil his duties and exercise his powers until a decree relieving him of his office is issued. However, if the recommendation of relieving of his office is made as a result of failure to observe the duty of integrity and good conduct, the board of directors shall pass a resolution ceasing his work.

Chapter three - Accountability of the data manager and data supervisor

Section one - Accountability by the authority

Article 47 - Initiation of the investigation

- 1- The authority may conduct an investigation on its own, upon the request of the minister or according to the serious reports or complaints received thereby, in order to verify whether or not the data manager or data protection supervisor has committed a violation of any provision of this law. Also, the authority may conduct an investigation if any serious evidence is available thereto leading it to believe that the violation is about to occur.
- 2- The authority shall, before initiating the investigation procedures, notify the concerned data manager or data protection supervisor, as the case may be, of the reasons leading it to believe that the violation has occurred or is about to occur. Such notification shall include the evidence and information available to the authority about the violation. However, under a resolution issued by the chairman, the first stages of investigation as determined by the resolution may be conducted without addressing any notification in case serious evidences are available under which truth may not be reached or investigation may be hindered, and the authority shall address the notification once the mentioned reasons do not exist anymore.
- 3- The concerned data manager or data protection manager shall have the right to reply to the notice within seven business days as of the date of receipt thereof, and the reply shall include his defence and notes, and shall be accompanied with the documents and papers available thereto as well as any evidence supporting his point of view.
- 4- The authority may, after studying the reply to the notification, order to close the case or initiate the investigation procedures, and shall notify the concerned parties with the order issued thereby in either case.
- 5- The authority shall initiate the investigation by itself or constitute, for that purpose, a tripartite committee of experienced individuals from or out of the authority, or assign any qualified individual to do so.

Article 48 - Investigation procedures

- 1- The investigation committee may, in case of initiating the investigation procedures, request any interested party to provide it with the data, information and clarifications necessary for conducting the investigation as well as the documents related to the subject matter, within the period specified thereto.
- 2- The concerned parties, appearing in the investigation sessions, shall always have the right to be accompanied with lawyers in the sessions, and the lawyer may speak whenever authorised by the investigation committee to do so.
- 3- The investigation committee may address to the concerned parties, appearing in the investigation, any

questions to inquire about the subject matter and request them to reply verbally or in writing within a period specified thereby for that purpose.

- 4- The investigation committee shall give a fair chance to the concerned parties in the investigation to defend their interests within the period specified for the investigation, and shall, for that purpose, hold hearing sessions to discuss with the concerned parties and their witnesses, and allow them to submit their opinions, arguments and defence.
- 5- The investigation committee shall establish the necessary reports to prove the procedures taken thereby and everything happening in the sessions.
- 6- In case of failure to provide the investigation committee with the data, information, clarifications and documents necessary for the investigation within the period specified thereby or in case of inadequacy thereof, the committee may complete the investigation and conclude the results according to the data, information, clarifications and documents available thereto.
- 7- The board of directors may issue a resolution determining additional controls and procedures to meet the requirements of justice and equity in regards to the initiation of the investigation.

Article 49 - Request others for data, information and documents

- 1- The investigation committee may, if serious evidences are available thereto leading it to think that the data, information or documents relating to the subject matter of the investigation, are in possession of others or saved in a computer under his control, order that person to provide these data, information or documents within the period specified thereby, or allow the investigation committee or its representative to have access to the computer in order to disclose such data, information or documents. In case of failure to execute the mentioned order, the investigation committee may, through the authority, request an order on motion from the supreme court ordering the mentioned holder to execute that order. The court may urgently issue the order without summoning the holder who may object to the order before the court which issued it within eight days from its issuance date. The court may confirm, amend or revoke the order, and may issue its substantiated decision in this case, after reviewing the papers and hearing the statement of the holder if possible.
- 2- The provisions of clause 1 of this article do not apply to the papers and documents which the concerned individual in the investigation may have delivered to his lawyer or a consultant in order to perform the mission entrusted to them, nor to the correspondence exchanged between them in this regard.

Article 50 - Appointing authorised individuals in the capacity of judicial officers

The investigation committee may, in order to achieve its work, appoint any of the judicial officers indicated in article 36 of this law in order to perform any of the missions which they are authorised to perform.

Article 51 - Hearing witnesses

- 1- Without prejudice to the provisions of articles 65-68 of the evidence law in the civil and commercial articles issued by legislative decree 14 of 1996, and under article 119 of the criminal procedure law



issued by legislative decree 46 of 2002, the committee may hear the testimony of any witnesses deemed thereby to be heard. The investigation committee shall hear the testimony of the witnesses who are requested by the concerned parties in the investigation to be heard, unless it deems it useless to hear them.

Where the investigation committee deems that action of the witness involves crime, it shall establish a memorandum in this respect which the executive officer shall submit under a letter issued thereby to the public prosecution.

Article 52 - Termination of the investigation procedures

The investigation committee shall establish a substantiated report of the results concluded thereby, and shall submit it along with the full investigation file to the executive officer within a period not exceeding six months as of the date when the investigation procedures are initiated. Under a decision of the executive officer, upon the request of the investigation committee, this period may be extended before termination thereof for additional period(s) not exceeding six months in total in the cases where delay is caused due to reasons out of control of this committee.

Article 53 - Notification of interested parties

The executive officer shall undertake, within three business days as of the date when he receives the report indicated in article 52 of this law, to notify the interested parties thereof and deliver to them a copy of the report with its enclosures.

The interested parties may, within a period not exceeding thirty days as of the date when they receive the report and its enclosures, deposit at the office of the executive officer a memorandum including the data and notes commenting to the report, along with the documents in support thereof. In the case when the investigation is completed based upon a complaint and the complainant uses his right to comment to the report, the complainant shall deliver to the defendant, before expiry of the mentioned period and through the office of the executive officer, a copy of the comment and documents in support thereof. In this case, the defendant shall deposit with the authority a memorandum including his notes to this comment within similar period(s).

Article 54 - Acting in the investigation

The executive officer shall undertake to submit the report along with his opinion to the board of directors in the first session following the expiry of the periods stipulated in article 53, paragraph 3, of this law. The board of directors shall issue a substantiated decision to reserve the investigation or lack of proof to the occurrence of the violation in regards to which the investigation was conducted against the data manager, to take any of the measures stipulated in article 55 of this law when proving the violation, or to submit the matter once again to the investigation committee to conduct more tracing and research and to complete the investigation.

Article 55 - Measures that may be taken when a violation is proven

- 1- Without prejudice to the civil or criminal liability, when a violation is proven, the board of directors shall order the offender to stop the violation and remove reasons and effects thereof immediately or

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during a period of time specified by the board. In case of failure to comply with that assignment within the specified period, the board of directors may issue a substantiated decision to:

- a- Withdraw the previous statement issued by the authority according to the provision of article 15 of this law where the violation is related to this statement
 - b- Impose a penalty calculated on a daily basis to urge the offender to stop the violation and remove its reasons or effects, not exceeding one thousand dinars/day when committing the violation for the first time and two thousand dinar/day when committing another violation within three years as of the date when a decision was issued against him for the previous violation
 - c- Imposing an administrative penalty not exceeding twenty thousand dinars.
- 2- In both cases stipulated in clauses 1 (b) and (c) of this article, upon assessment of the penalty, the seriousness of the violation shall be taken into consideration as well as the error committed by the offender and the benefits earned thereby, in addition to the damage incurred to the data owner in consequence thereof. Penalty shall be collected in the specified means to collect the amounts owed to the state, having the same preference level that is specified to the custom taxes payable to the public treasury.
 - 3- The authority may, based upon the decision of the board of directors, publish a statement about the violation that is proved to have been committed by the data manager or data protection supervisor being in the method and means specified by the decision in line with the seriousness of the violation, provided that publication shall not made until the period of appeal to the authority's decision has expired by proving the violation or issuing a final judgment proving violation, as the case may be.
 - 4- In case the board of directors deems that the investigation concluded a crime, it shall submit the papers to the public prosecution.

Article 56 - Emergencies

- 1- In emergencies and upon the request of the interested party, if there are strong evidences leading to think that continuous process of data in a certain way is likely to lead to specific and obvious breach of the applicant's rights and freedoms as legally specified which may not be repaired later on, the executive officer may issue a substantiated decision to:
 - a- Temporarily suspend the data process in full or in part
 - b- Temporarily withhold the data in full or in part
- 2- The executive officer shall issue the decision in either case stipulated in clauses 1 (a) and 1 (b) of this article, after reviewing the papers and hearing the statements of both the interested party and the concerned data manager, and giving them the chance to submit their opinions, arguments, documents or papers in their possession in addition to any evidence in support of their points of view. All the foregoing shall be done within the deadlines and according to the procedures specified under a decision of the board of directors.
- 3- The authority or the interested party may issue an order to petition from the supreme civil court to



execute any decision issued according to the provisions of clause 1 of this article. The court may urgently issue the order without summoning the data manager, and the data manager may object to the order before the court which issued it within eight days of issuance thereof. The court may confirm, amend or revoke the order.

- 4- In case a decision is issued according to the provision of clause 1 of this article, the executive officer shall, within seven business days as of the date when the decision was issued, submit any violation discovered by him to investigation under the provisions of chapter 1 of the third title of this law.

Section two - Civil liability

Article 57 - Compensation

Without prejudice to the provisions of the civil law, any person, who incurred a damage arising from processing his personal data by the data manager or violating the provisions of this law by the data protection supervisor, shall have the right to compel the data manager or data protection supervisor, as the case may be, to pay compensation repairing the damage.

Section three - Criminal liability

Article 58 - Penalties

Without prejudice to any more severe penalty imposed by any other law:

- 1- A sentence of imprisonment for a period not exceeding one year and/or a fine of not less than one thousand dinar and not exceeding twenty thousand dinars shall be imposed to any person who:
 - a- Processes sensitive personal data in violation of article 5 of this law
 - b- Transfers personal data outside the kingdom to a country or region in violation of the provision of articles 12 or 13 of this law
 - c- Processes personal data without notifying the authority in violation of the provision of clause 1 of article 14 of this law
 - d- Fails to notify the authority of any change made to the data of which he has notified the authority in application of the provision of clause 1 of article 14 of this law in violation of the provision of clause 6 of the same article
 - e- Processes personal data without prior authorisation from the authority in violation of the provision of article 15 of this law
 - f- Submits to the authority or the data owner false or misleading data to the contrary of what is established in the records, data or documents available at his disposal
 - g- Withholds from the authority any data, information, records or documents which he should provide the authority therewith or enable it to review them in order to perform its missions specified under this law
 - h- Causes to hinder or suspend the work of the authority's inspectors or any investigation which the authority is going to make

- i- Discloses any data or information which he is allowed to have access to due to his job or which he used for his own benefit or for the benefit of others unreasonably and in violation of the provisions of this law
- 2- A penalty not less than three thousand dinar and not exceeding twenty thousand dinars shall be imposed to any person who violates a provision of clauses 1-2 of article 32 of this law. Where a conviction is issued, the court may order confiscation of the amounts collected from the crime.
- 3- A sentence of imprisonment for a period not exceeding one month and/ or a fine not less than one hundred dinars and not exceeding five hundred dinars shall be imposed to any person who unlawfully uses the authority's logo, symbol or any similar or identical sign.

Article 59 - Liability of the corporate entity

Without prejudice to the criminal liability of the physical person, the corporate entity shall be sentenced to pay a fine as specified for the crime in case of any of the crimes stipulated in article (58) of this law, if it is committed in his name, for his account or for his benefit in consequence of an act, omission, approval, concealment or serious default by any member of the corporate entity's board of directors or any other authorised director in that corporate entity or by a person acting in this capacity.

Article 60 - Conciliation

The board of directors or its representative may approve conciliation, in case other than recidivism, in any of the crimes stipulated in clauses 1 (c), (d) and (e) of article 58 of this law, being in any case of the claim before issuing a final judgment therein against payment of the minimum fine specified within seven days as of the date of approving conciliation.

For the conciliation to be completed, the criminal claim shall expire for the crime, subject of conciliation, without prejudice to the right of the damaged party in compensation in case it was required.