

## **Ministry of Justice, Islamic Affairs and Waqf**

### **Order No. (45) of 2022**

#### **Regarding the rules and procedures for processing sensitive personal data**

Minister of Justice, Islamic Affairs and Waqf:

After reviewing Law No. (30) of 2018 issuing the Personal Data Protection Law, in particular, Article (5) therein,

And Decree No. (78) of 2019 Determining the Administrative Entity to Assume the Duties and Powers of Personal Data Protection Authority,

And Order No. (43) of 2022 specifying the requirements that shall be met in the technical and organizational measures to ensure the protection of personal data,

And Order No. (44) of 2022 regarding the rules and procedures for submitting notifications and prior authorization requests to the Personal Data Protection Authority to process data and deciding upon it,

And upon the submission of the Undersecretary of Justice and Islamic Affairs,

#### **The following has been decided upon:**

##### **Article (1) Definitions**

When implementing the provisions of this Order, the words and expressions therein shall have the meanings stipulated in the Personal Data Protection Law issued by Law No. (30) of 2018, unless the context requires otherwise.

##### **Article (2) Processing sensitive personal data**

Without prejudice to the provisions stipulated in Articles (3) and (4) of Order No. (44) of 2022 regarding the rules and procedures for submitting notifications and prior authorization requests to the Personal Data Protection Authority to process

data and deciding upon it, it is prohibited to process sensitive personal data without the Data Subject's consent.

However, the Data Controller may directly process sensitive personal data without the consent of the Data Subject if one of the cases set forth in Article (5) of the Law is present.

### **Article (3)**

If the Controller is unable to obtain the Data Subject's consent according to Article (24) of the Law in the case set forth in Paragraph (2) of Article (5) of the Law, he shall obtain prior authorization request from the Authority, by specifically including the information stipulated in Paragraph (2) of Article (14) on the prescribed form on the Authority's website. The Authority shall decide on the request in accordance with the procedures stipulated in Article (15) of the Law.

### **Article (4) Processing Rules**

The Data Controller shall comply with the below rules while processing any sensitive personal data;

1- Processing shall be carried out within the permitted framework and scope of the Data Subject's consent, or within the scope of the authorization issued by the Authority, and it is not permissible in any case to process sensitive personal data for any other purpose.

2- Implementing technical measures with a high level of security that ensures protection against illegal processing, breach of privacy, and prevents damage, loss, leakage and replication of data, taking into account the requirements that shall be met in the technical and organizational measures to ensure the protection of personal data stipulated in Order No. (43) of 2022.

3- Not to keep the data for a period exceeding the period specified by the Data Subject upon giving his consent, or for the period specified in the authorization issued by the Authority, or according to the periods stipulated in the rules and regulations to which the Controller's activity is subject to -as the case may be-.

**Article (5)**  
**Entry into force**

The Undersecretary of Justice and Islamic Affairs shall implement the provisions of this Order, and it shall come into effect on the next day following the date of publication in the Official Gazette.

**Minister of Justice, Islamic Affairs and Waqf**  
**Khalid bin Ali bin Abdulla Al Khalifa**

**Issued on: 14 Sha'ban 1443 AH**

**Corresponding to: Thursday, March 17, 2022 AD**