

Ministry of Justice, Islamic Affairs and Waqf

Order No. (44) of 2022

Regarding the rules and procedures for submitting notifications and prior authorization requests to the Personal Data Protection Authority and deciding upon it

Minister of Justice, Islamic Affairs and Waqf:

After reviewing Law No. (30) of 2018 issuing the Personal Data Protection Law articles (14) and (15) 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 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, the following words and phrases shall have the meanings set forth, unless the context requires otherwise:

Law: Personal Data Protection Law issued by Law No. (30) of 2018.

Register: The notifications and Authorizations Register stipulated in Article (16) of the Law.

Data Protection Impact Assessment: Data Protection Impact Assessment referred to in Order No. (43) of 2022 Regarding the conditions to be met in the technical and organizational measures that guarantee protection of data.

Article (2)
Notifying the Authority

Without prejudice to the exemptions stipulated in paragraph (1) of Article 14 of the Law, the Data Controller shall notify the Authority prior any wholly or partially automated processing operation, or set of operations, intended to serve a single purpose or several related purposes.

The notification shall be submitted by the prescribed form on the Authority's website, including the information set forth in Paragraph (2) of Article (14) of the Law.

The Authority shall within ten working days of receipt of notification, inform the Data Controller to complete any deficiency in a notification within a period not exceeding fifteen days from date of request. The applicant shall stop the processing until notification is deemed complete.

The notification does not waive the Data Controller's obligation to obtain the Data Subject's consent according to the cases stipulated in the Law.

Article (3)
Prior authorization request

It is prohibited to process any of the operations stipulated in paragraph (1) of Article (15) of the Law without obtaining the Authority's prior written authorization.

The Data Controller shall submit the prior authorization request on the prescribed form on the authority's website, by including the information set forth in Paragraph (2) of Article (14) of the Law.

The Authority may, within five working days, of receipt of request, instruct the Data Controller to complete any deficiency in the request, the applicant shall complete such deficiency within the following five working days, or else, the Authority shall make its decision in consideration of the information given.

Article (4)
Deciding on the prior authorization request

The Authority shall grant the authorization where the request satisfies the prescribed requirements. The Authority must decide on the request for

authorization and notify the Data Controller of the decision within thirty days of submission thereof. If the Data Controller does not receive a reply within the aforementioned period, it is deemed as an implied rejection.

Obtaining prior authorization to process data does not waive the Data Controller's obligation to obtain the Data Subject's consent according to the cases stipulated in the Law.

Article (5) **Obligations of the authorized person to process**

The person authorized to process the data is obliged to comply with the following:

- 1- Transparency during processing, including informing Data Subjects of how the data is being processed.
- 2- That the processing is not excessive in relation to the purpose for which it was collected.
- 3- Restricting processing operations to authorized persons only.
- 4- Enabling Data Subjects to access their processed data, upon their request, and according to the conditions stipulated in the Law.

Article (6) **Additional requirements**

When submitting the prior authorization request concerning automatic processing of biometric data and processing data by means of visual recording, and used for surveillance purposes, Data Protection Impact Assessment shall be undertaken.

The prior authorization request must also include a statement on how to implement the following matters:

- 1- Transparency during processing, including informing Data Subjects of processing that is done by means of visual recording.

2- That the processing is not excessive in relation to the purpose for which it was collected.

3- Mechanisms that restricts access to images and videos obtained by means of visual recording or biometric data to authorized persons only.

4- Means to enable Data Subjects to access their personal data processed by visual recording upon their request.

Article (7)

Notification regarding changes to data

The Data Controller shall notify the Authority of any change that occurs to the data stipulated in the notification or prior authorization request, which the authority received, within thirty days from the date of the change.

The changes to the data shall be submitted on the prescribed form on the authority's website, including a clear statement of the aspects of the change.

Article (8)

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