

What do you need to do?

Law No. 30 of 2018 on the Personal Data Protection Law (PDPL)



When does it come into force?

1 August 2019



What are the key obligations?

- Process data fairly and lawfully
- Collect personal data for legitimate, specific and clear purposes
- Ensure that data is adequate, relevant and not excessive as to the purpose for which it was collected
- Notification to data protection regulator and prior approval in some cases
- Have an "independent and neutral" data protection supervisor
- Not transfer data outside Bahrain unless conditions are met
- Contractual requirements for third party processors

Data cannot be processed without the consent of the relevant individual (data subject) unless it falls within one of the five grounds for processing in Article 4 of the Law. Businesses subject to the law will need to consider the basis on which they process personal data to ensure compliance.

More stringent rules apply to the processing of "sensitive personal data" (i.e. personal data that directly or indirectly reveals racial or ethnic origin, political or philosophical views, religious beliefs, trade union membership, criminal record, health or sexual condition).



How will the law be enforced and what are the punishments for breach?

- **Criminal offences** – may attract fines of up to **BD 20,000** (USD 53,200) or imprisonment for up to one year
- **Administrative fines for other offences** – may be imposed on a scale up to **BD 20,000** (USD 53,200) for one-off fines or daily penalties of up to **BD 1,000** (USD 2,650), which may be increased for repeat offences
- **Negative publicity** – statements concerning established violations may be published
- **Compensation** – business will also be liable to pay compensation to individuals for damage suffered due to any processing of their personal data in breach of the Law



What data is protected?

Any data relating to an identified or identifiable individual.

Data subjects will have rights of access to personal data and to information concerning the processing of their personal data, as well as the right to object to processing for direct marketing or automated decision making.



Who is affected?

- Businesses inside and outside Bahrain, including:
 - Any business processing personal data in Bahrain
 - Non-Bahraini businesses operating data centres or using third party data processors in Bahrain



What should organisations do now?

Compliance cannot be achieved overnight and will require more than just a review of legal documentation. IT systems, business processes, personnel awareness and training are all relevant and important parts of compliance. The Law will become effective from 1 August 2019, but any organisations that are involved in processing personal data in Bahrain (directly or via third parties) should start conducting an assessment of their processing activities at the earliest opportunity in order to understand the implications of the Law and to implement appropriate compliance measures.

We recommend:

1. Internal audit to identify data flows, categories and types of data processed, relevant third party agreements, current organisational compliance and awareness
2. Production of "gap" analysis
3. Design of future operating model
4. Implementation of operating model
5. Process for continuing compliance review

KEY CONTACTS



Dino Wilkinson

Partner
+971 2 494 3595
dino.wilkinson@clydeco.com



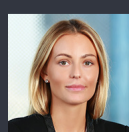
Ben Gibson

Senior Associate
+971 4 384 4591
ben.gibson@clydeco.com



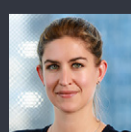
Rachel Moylan

Senior Associate
+971 2 494 3534
rachel.moylan@clydeco.com



Eleonore Kressner

Associate
+971 2 494 3532
eleonore.kressner@clydeco.com



Masha Ooijevaar

Associate
+971 4 384 4117
masha.ooijevaar@clydeco.com