

Data protection brief | Measures required to protect data

Kingdom of Bahrain | 11 August 2021



Bahrain's Personal Data Protection Authority (PDPA), established under the auspices of the Ministry of Justice, Islamic Affairs and Awqaf, published five draft executive resolutions on its official website (pdp.gov.bh) on 1 August 2021 regarding the implementation of Bahrain's personal data protection law (the PDPL).

States, countries and territories with adequate legislative and regulatory protection for personal data:

The PDPA's whitelist of 43 countries that data managers can transfer data to without obtaining prior authorisation include:

- EU member states (GDPR)
- The USA
- The UK
- Canada
- New Zealand
- Switzerland
- Argentina
- Japan

Rules and procedures governing submission of complaints relating to personal data protection:

Under the PDPL, data subjects can lodge formal complaints against data controllers, data processes and data protection guardians. Complaints must include:

- The complainant's name, address and contact information
- The defendant's name, address and contact information
- Reason(s) for the complaint
- Supporting evidence

Data subjects may file complaints if data controllers:

- Reject a data subject's request to be notified that their personal data is being processed

- Fail to respond to a personal data notification within 15 working days
- Reject a data subject's objection to processing data for direct marketing purposes
- Fail to respond to a direct marketing notification within 15 working days
- Automate processing decisions according to work performance, financial standing, credit worthiness, reliability or data subject conduct

The PDPA is required to process complaints within 45 days and to notify all parties of its decision.

Data processing rules and procedures:

Data controllers must notify the PDPA on new and existing processing activities, in addition to:

- Information on data controllers and data processors
- Reason(s) for processing data
- Types of data and categories of data subjects and recipients
- Transfers of data outside Bahrain
- Information that allows the PDPA to assess the appropriateness of data security measures

Data controllers must - using a form on the PDPA's website - obtain prior approval from the PDPA for certain data processing. The PDPA can give data managers up to 10 days to update requests where necessary.

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Sensitive data processing procedures

Data controllers are required to obtain consent from data subjects prior to processing their sensitive personal data, unless that processing is:

- Necessary for employment-related purposes
- Of data which data subjects have made publicly available
- Necessary to pursue legal claims, or for healthcare or treatment purposes
- To identify the existence - or absence - of equal opportunity and treatment

Data controllers are also required to acquire authorisation from the PDPA before processing sensitive data.

- Data controllers (and data processors working on their behalf) must set guidelines for processing and protecting sensitive data, in addition to recording sensitive data processes, processing purposes and associated risks.

Public directories:

Where data controllers want to create a register of personal data and make it publicly accessible, they must:

- Explain to data subjects why the register is being created, what data will be published and how
- Ensure data is collected for a specific, explicit and legitimate purpose
- Enable data subjects to amend their data in the register at any time
- Ensure the register does not contain any sensitive personal data

What should you do now?

With Bahrain one of a limited number of jurisdictions in the world with a personal data protection law, Bahraini businesses should carefully consider the impact of the PDPL on their operations. Keypoint's personal data protection team is well-placed to advise you on the PDPL, having worked with public and private sector organisations across most economic sectors. Contact a member of our team for more information.

Contact us:



Srikant Ranganathan
Senior director | IT consulting
srikant.ranganathan@keypoint.com
+973 1720 6827



Ajit Kushwaha
Lead | Data protection
ajit.kushwaha@keypoint.com
+973 1710 3494



Omar Rayan
SME | Data protection
omar.rayan@keypoint.com
+973 1710 3497

Disclaimer: The information in this document is based on an unofficial translation of executive decisions published for consultation on the PDPA's website; our understanding of Bahrain's personal data protection law (the PDPL); and general data protection principles. It is provided for information purposes only. Any omissions or errors are inadvertent. This document should not be relied upon when making decisions. Seek appropriate professional advice from a data protection advisor before making any decision relating to your particular circumstances.