

Data protection brief | Rights of data subjects

Kingdom of Bahrain | 28 April 2021



Bahrain's Personal Data Protection Authority (PDPA), established under the auspices of the Ministry of Justice, Islamic Affairs and Awqaf, published three draft executive resolutions on its official website (pdp.gov.bh) on 26 April 2021 in regards to the implementation of Bahrain's personal data protection law (the PDPL). In this brief, we highlight key findings from our analysis of the draft on the rights of data subjects:

- When collecting and processing personal data (either directly or indirectly), data managers must:
 1. Inform data owners of the mandatory information required and why it is being processed
 2. Inform data owners when data is being processed or when it requires an update
 3. Inform data owners of their right to consent – and withdraw that consent - to data processing
 4. Provide data owners with the ability to object to direct marketing
 5. Halt processing that may damage - materially or morally - data owners or others
- Data managers are required to obtain data owners' explicit consent before processing personal and/or sensitive data collected:
 1. Manually – such as forms, questionnaires or phone calls
 2. Electronically – such as through websites, mobile apps, cookies (tracking, analytical, statistical and marketing)
 3. Through digital platforms which allow third parties to track users' cookies
- Consent means data owners:
 1. Don't object to the processing of their personal data
 2. Are aware of the data manager and their reasons for processing
 3. Understand that they can withdraw consent or object to methods of data processing at any time
- Prior consent:
 1. Is not required when logging-in or browsing websites which utilise "cookies walls"
 2. Should be based on a data owner's free will and must not be a condition to utilise a service
- Consent should be updated where data processing operations change. Where processing is linked to a specified purpose, activity or contractual obligation, its term is fixed. Otherwise, consent is considered open-ended.
- Data managers should act on withdrawal of consent requests within 10 days.
- Where withdrawal of consent processes are fully automated, data managers are required to cease processing data within one working day.

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