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THE DATA PROTECTION ACT

THE DATA PROTECTION (DATA CONTROLLER REGISTRATION)
REGULATIONS, 2024

In exercise of the power conferred on the Information Commissioner by section 16(3) and (4) of the Data Protection Act, 2020, and every other power hereunto enabling, the following Regulations are hereby made with the approval of the Minister:—

1. These Regulations may be cited as the Data Protection (Data Controller Registration) Regulations, 2024.

2. In these Regulations—

“Register” means the register of data controllers, required to be maintained under section 17 of the Act;

“registration” means registration for the purposes of section 15 of the Act.

3.—(1) Pursuant to section 16(2)(i) of the Act, the following information about a data controller shall be provided as part of the registration particulars of that data controller for the purposes of section 16(1) of the Act—

- (a) where the data controller uses a trade name in addition to the name by which that data controller is registered under any law, that trade name;
- (b) the principal place of business of the data controller, if different from the data controller's registered office;
- (c) the primary telephone numbers of the data controller's registered office and, if the data controller has a principal place of business different from the registered office, the primary telephone numbers of that principal place of business;
- (d) if the data controller is required under section 20 of the Act to appoint a data protection officer, the email address and telephone number of the data protection officer;
- (e) if the data controller is required under section 3(2) of the Act to appoint a data controller representative, the email address and telephone number of the data controller representative;
- (f) if the data controller is not required to appoint a data protection officer or data controller representative, the name, address, email address, telephone number, and other relevant contact information of an officer of the data controller authorised to represent the data controller;
- (g) the registration number assigned to the data controller in any case where the data controller's business requires the data controller to be registered under any law;
- (h) the data controller's registration number assigned (if any) under section 17D of the Revenue Administration Act (commonly known as a taxpayer registration number) or, if the data controller operates in a jurisdiction outside of Jamaica, the number (or other form of designation) assigned (if any) to the data controller for tax purposes in that jurisdiction;
- (i) the number of locations at which the data controller operates its business and, where any of those locations is outside of Jamaica, the name of the State or territory where the business is operated;
- (j) the estimated number of data subjects whose personal data the data controller reasonably believes (as at the date of the application) that it processes, will process, or will be likely to process, on a yearly basis;
- (k) where the data controller acts jointly or in common with one or more other data controllers to determine the purpose for which any personal data is processed, the name, address and other relevant contact information of the other data controllers;

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- (l) where any data processors carry out the processing of personal data on behalf of the data controller—
 - (A) the estimated number of such data processors; and
 - (B) if the operations of any such data processor are located outside of Jamaica, the name of the State or territory where the data processor operates;
 - (m) an identification of the specific conditions, from the conditions listed in section 23(1) of the Act (conditions for processing personal data in accordance with the first standard, which requires that personal data must be processed fairly and lawfully), that have been met in order for the personal data processed by the data controller to be processed fairly and lawfully;
 - (n) a statement as to whether any sensitive personal data is being or will be processed by the data controller and, if so—
 - (i) a general description of that personal data; and
 - (ii) an identification of the specific conditions, from the conditions listed in section 24(1) of the Act (conditions for processing sensitive personal data in accordance with the first standard, which requires that sensitive personal data must be processed fairly and lawfully), that have been met in order for the sensitive personal data processed by the data controller to be processed fairly and lawfully; and
 - (o) a statement as to whether personal data processed by the data controller will be processed solely by automatic means for the purposes of decision-making.

(2) A data controller shall have regard to guidelines published by the Commissioner in respect of the supporting documents that will be considered satisfactory to establish the registration particulars required to be provided under section 16(2) of the Act, and the Commissioner may require the data controller to furnish to the Commissioner any additional information that the Commissioner requires to establish those particulars.

(3) The registration particulars required to be provided under section 16(2) of the Act shall be submitted in the form and manner specified in regulation 4—

- (a) for the purposes of first registration; and
- (b) thereafter, annually for so long as the entity concerned remains a data controller, on or before the 1st day of December in each year.

(4) A data controller shall promptly, but in any event within fourteen days after the change, notify the Commissioner of any change in the registration particulars required to be submitted under section 16(2) of the Act, in relation to that data controller, in the form and manner required for the submission of the original particulars (disregarding the requirement for the payment of the fee, if that fee has already been paid).

4.—(1) The registration particulars required to be submitted by a data controller under section 16(2) of the Act shall be submitted by completing the electronic form provided on the official website of the office of the Information Commissioner and submitting the form on that website.

(2) A form submitted pursuant to paragraph (1) shall be accompanied by proof of payment of the applicable fee specified in the Schedule, in any case where the payment is made by means other than through the official website of the office of the Information Commissioner.

(3) If, upon an application for registration, the Commissioner requires further information to clarify or complete any of the particulars required under section 16(2) of the Act for the registration of a data controller, the Commissioner may, by notice in writing given to the data controller, require the data controller to provide the information.

(4) Where in any case any information is not submitted in the form and manner required by these Regulations for the registration of a data controller, the Commissioner is not obligated to process the registration of the data controller until the provisions of these Regulations are complied with.

5. The Commissioner shall cause the registration fee paid in respect of an application for registration to be refunded in any of the following circumstances—

- (a) in the event of the withdrawal of the application for registration;
- (b) in the event that, on considering the application, the Commissioner determines that the registration of the applicant is not necessary by virtue of an order made under section 15(2) of the Act.

6.—(1) The Register shall be maintained in an electronic format that facilitates convenient access by the public to the information contained in the Register.

(2) The Register—

- (a) shall include—
 - (i) the registration particulars submitted by data controllers;
 - (ii) the registration number of the data controller; and
 - (iii) the date of registration of the data controller;
- (b) may include such other information, as the Commissioner considers fit to include, relating to the registration and state of compliance with the Act, in respect of each data controller.

7. The fees specified in Column 2 of the Schedule shall apply in relation to the respective matters specified in Column 1 of the Schedule and shall be paid to the Collector of Taxes, or to the Commissioner in the manner directed on the official website of the Information Commissioner.

SCHEDULE	(Regulations 4(2) and 7)
Column 1	Column 2
1. First time registration as a data controller—	
(a) where the data controller is a company or a public authority	\$25,000.00
(b) where the data controller is a partnership	\$15,000.00
(c) where the data controller is a sole trader or an individual	\$ 7,500.00
2. Registration fee payable in respect of each year after the year of first registration—	
(a) where the data controller is a company or a public authority	\$15,000.00
(b) where the data controller is a partnership	\$10,000.00
(c) where the data controller is a sole trader or an individual	\$ 5,000.00
3. Fee for certified copy of the particulars contained in an entry made in the Register	\$500.00 base fee and an additional fee of \$100.00 per page

Dated this 1st day of March, 2024.

C. BARCLAY,
Information Commissioner.

ANDREW HOLNESS,
Prime Minister.