DIFC

INDIVIDUAL RIGHTS AND REMEDIES

Commissioner of Data Protection

DIFC ◈

CONTENTS

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1. Introduction

The Dubai International Financial Centre and/or its affiliates and entities (collectively "DIFC", "DIFCA") values individuals' security and privacy. DIFC has its own Data Protection Law, DIFC Law No. 5 of 2020 (the "DP Law"), and may for certain types of Personal Data processing also apply the laws from other jurisdictions.

The defined terms used herein have the same meaning as the defined terms in the DP Law.

If you require further information or clarification about anything provided in this guidance document or any other guidance referenced herein, please contact the DIFC Commissioner of Data Protection (the **Commissioner**) either via the DIFC switchboard, via email at commissioner@dp.difc.ae or via regular mail sent to the DIFC main office. Also, you may wish to refer to the DIFC Online Data Protection Policy.

2. Scope

Due to DIFC's historical reliance on UK and EU data protection and privacy principles and the interpretation thereof by the UK authorities, from a common law perspective, this guidance should be read in conjunction with those existing UK and EU laws and guidance on the same topic, with which the DP Law is also aligned.

*Please note that **this guidance expresses no opinion on lawfulness of specific business activities, does not have the force of law, and is not intended to constitute legal advice**. Please contact legal counsel for assistance in determining your data protection and privacy policies in respect of the issues under discussion to ensure compliance with the applicable laws and regulations. The Commissioner does not make any warranty or assume any legal liability for the accuracy or completeness of the information herein as it may apply to the particular circumstances of an individual or a firm.*

3. Purpose

Parts 5 and 6 of the DP Law provide the ethics-based obligations for data management, affording individuals whose data fuel any business the opportunity to have some say in what happens to their Personal Data they have very kindly provided for legitimate business purposes. Every DIFC registered entity that collects and maintains Personal Data must comply with these requirements.

The following table captures the places in the DP Law where individual rights are set out, what the Controller or Processor obligations are, and what remedies are available where the DP Law is contravened. In some cases only portions of the relevant information from the DP Law is set out in the table below, and where particular attention should be paid, the wording is highlighted.

Document Control No.	Document Classification:	Document Updated on:	Date / Frequency of Review:	05/07/2022 15:38	Page
DIFC-DP-GL-13	**Public**	**08 July 2022**	**Annual**	Uncontrolled copy if printed	**5 of 24**
Rev. 02					

4. Accountability

This section of the rights and remedies table addresses data subjects' rights to information or actions undertaken by a Controller or Processor that holds them accountable for ethical and safe processing of Personal Data. Throughout, it is clear that these rights impose on the Controller or Processor accountability obligations such as conducting impact assessments, applying privacy and security enhancing technology, and providing information in a transparent way.

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
22	**Cessation of Processing: if Data Subject exercises rights, Controller or Processor must meet certain obligations regarding the request**	(1) All Personal Data, including Personal Data held by Processors is: (a) securely and **permanently deleted**; (b) **anonymised** so that the data is no longer Personal Data and no Data Subject can be identified from the data including where the data is lost, damaged or accidentally released; (c) **pseudonymised**; (d) **securely encrypted**; or (2) Where a Controller is unable to ensure that Personal Data is securely and permanently deleted, anonymised, pseudonynmised or securely encrypted, the Personal Data must be **archived in a manner that ensures the data is put beyond further use**. [See 22(3)] (5) A Controller or Processor seeking to rely on Articles 22(4)(b) or 22(4)(c) **shall conduct a data protection impact assessment** in accordance with Article 20 before doing so. Any Processing of Personal Data in accordance with Article 22(4) must be limited to the extent necessary for such purposes. [See 22(4)(b) and (c)] (6) A Controller or Processor **shall have a policy and process for managing Personal Data that is subject to Article 22(4) when the grounds for retention no longer apply**, and shall securely and permanently delete, anonymise, pseudonymise, encrypt Personal Data or to put it beyond further use when such grounds no longer apply.	59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following: (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction. 59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1). 60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner. 60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively. 64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage. 64(2) Any Controller involved in Processing that infringes this Law shall be liable for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller.	**Article 59, Directions** **Article 60, Lodging Complaints and Mediation** **Article 64, Compensation** **Article 65, General Exemptions**

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
			64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject. 64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court. Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	

29	To be Informed **[where Personal Data is obtained directly from the Data Subject]**: at the time of collection of Personal Data from a Controller, a Data Subject has the **right to be informed of all the details of the intended processing activities in a concise, transparent, intelligible and easily accessible form, through clear and plain language**	(1) To enable the Data Subject's assessment of the implications of the provision of his/her Personal Data, a Controller **shall provide a Data Subject from whom it collects Personal Data with at least the following information in a concise, transparent, intelligible and easily accessible form, using clear and plain language, at the time of collection**:
		(a) the identity and contact details of the Controller;
		(b) the contact details of the DPO, if applicable;
		(c) the purposes of the Processing, as well as its lawful basis under this law;
		(d) if the Controller's lawful basis for the Processing is legitimate interests or compliance with any Applicable Law to which the Controller is subject, the Controller shall state clearly what those legitimate interests or compliance obligations are;
		(e) the categories of Personal Data relating to the Data Subject that are being processed;
		(f) the recipients or categories of recipients of the Personal Data;
		(g) where applicable, the fact that the Controller intends to transfer Personal Data to a Third Country or International Organisation, or in the case of transfers referred to in Articles 27(1)(a), 27(2)(b) or 27(3)(b), reference to the appropriate or suitable safeguards and the means by which to obtain a copy of them or where they have been made available; and
		(h) any further information in so far as such is necessary, having regard to the specific circumstances in which the Personal Data is collected, to ensure fair and transparent Processing in respect of the Data Subject, including:
		  (i) the period for which the Personal Data will be stored, or if that is not possible, the criteria used to determine that period;
		
		  (ii) the existence of the right to request from the Controller access to and rectification or erasure of Personal Data or restriction of
			31(3) A Controller may comply with the requirements under Articles 29 and 30, to the extent that the required information is contained within publicly available policies maintained by the Controller, by clearly directing the Data Subject to such policies. Such policies must be written in a concise, transparent, intelligible and easily accessible form, using clear and plain language. The Controller may include within such policies links directing the Data Subject to additional information about the Processing.
			
			59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following:
			  (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or
			  (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction.
			
			59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1).
			
			60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner.
			
			60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively.
			
			64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to
				Article 31, Nature of Processing Information
				
				Article 59, Directions
				
				Article 60, Lodging Complaints and Mediation
				
				Article 64, Compensation
				
				Article 65, General Exemptions

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)

		Processing concerning the Data Subject or to object to Processing as well as the right to data portability;
		
		(iii) where the Processing is based on the Data Subject's consent, the existence of the right to withdraw consent at any time, without affecting the lawfulness of Processing based on consent before its withdrawal;
		
		(iv) the right to lodge a complaint with the Commissioner;
		
		(v) whether the Personal Data is obtained pursuant to a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the Data Subject is obliged to provide the Personal Data and the possible consequences of failure to provide such data;
		
		(vi) if applicable, the existence of automated decision-making, including Profiling, and meaningful information about the logic involved, as well as the significance and the possible outcomes of such Processing for the Data Subject;
		
		(vii) whether replies to questions are obligatory or voluntary, as well as the possible consequences of failure to reply;
		
		(viii) whether the Personal Data will be used for direct marketing purposes; and
		
		(ix) if the Controller intends to Process Personal Data in a manner that will restrict or prevent the Data Subject from exercising his rights to request rectification or erasure of Personal Data in accordance with Article 33, or to object to the Processing of the Personal Data in accordance with Article 34. In such cases, the Controller shall:
		  (1) include a clear and explicit explanation of the expected impact on such rights; and
		  (2) satisfy itself that the Data Subject understands and acknowledges the extent of any such restrictions.
		
		(2) Article 29(1) shall not require a Controller to provide information the Data Subject already has.
			the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage.
			
			64(2) Any Controller involved in Processing that infringes this Law shall be liable for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller.
			
			64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject.
			
			64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court.
			
			Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	

30	To be Informed [**where Personal Data has not been obtained directly from the Data Subject**]: at the time of collection of Personal Data from a Controller, a Data Subject	(1) A Controller **shall provide a Data Subject with at least the following information**:
		  (a) the identity and contact details of the Controller;
		
		  (b) the contact details of the DPO, if applicable;
			30 Where the Controller has not provided the information, Article 30(2) states that the Controller must provide the information referred to in Article 30(1):
			(a) no longer than one (1) month from obtaining the Personal Data; or
			(b) if the Personal Data is used for communicating with the Data Subject, no later than the first communication; or
			(c) if a disclosure (including the making available for Processing) to a Processor or a Third Party is envisaged, no later than the time when the
				Article 30 - Providing Information where Personal Data has not been obtained from the Data

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	has the **right to be informed of all the details of the intended processing activities in a concise, transparent, intelligible and easily accessible form, through clear and plain language**	(c) the purposes of the Processing, as well as its lawful basis under this Law;
		
		(d) the categories of Personal Data relating to the Data Subject that are being processed;
		
		(e) the recipients or categories of recipients of the Personal Data;
		
		(f) where applicable, the fact that the Controller intends to transfer Personal Data to a Third Country or International Organisation, or in the case of transfers referred to in Articles 27(1)(a), 27(2)(b) or 27(3)(b), reference to the appropriate or suitable safeguards and the means by which to obtain a copy of them or where they have been made available; and
		
		(g) any necessary information regarding the specific circumstances in which the Personal Data is Processed, to ensure fair and transparent Processing in respect of the Data Subject, including:
		
		(i) the period for which the Personal Data will be stored, or if that is not possible, the criteria used to determine that period;
		
		(ii) if the Controller's lawful basis for the Processing is legitimate interests or compliance with any Applicable Law to which the Controller is subject, the Controller shall state clearly what those legitimate interests or compliance obligations are;
		
		(iii) notice of the right to request from the Controller access to and rectification or erasure of Personal Data or restriction of Processing concerning the Data Subject or to object to Processing as well as the right to data portability;
		
		(iv) where the Processing is based on the Data Subject's consent, notice of the right to withdraw consent at any time, without affecting the lawfulness of Processing based on consent before its withdrawal;
		
		(v) the right to lodge a complaint with the Commissioner;
		
		(vi) the source from which the Personal Data was obtained; and
		
		(vii) if applicable, the existence of automated decision-making, including Profiling, and meaningful information about the logic involved, as well as the significance and the possible outcomes of such Processing for the Data Subject.
			Personal Data is first disclosed.
			
			31(3) Apart from the exceptions listed in Article 30(3), where a data subject has failed to locate the information contained within publicly available policies so far as it is not disproportionate, Article 31(3) provide that the Controller should clearly direct the Data Subject to such policies. [See Article 30(3)]
			
			59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following:
			    (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or
			    (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction.
			
			59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1).
			
			60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner.
			
			60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively.
			
			64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage.
			
			64(2) Any Controller involved in Processing that infringes this Law shall be liable for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller.
			
			64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing,
				Subject
				
				Article 31 - Nature of Processing Information
				
				Article 59, Directions
				
				Article 60, Lodging Complaints and Mediation
				
				Article 64, Compensation
				
				Article 65, General Exemptions

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			each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject. 64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court. Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	

5. Access

This section of the rights and remedies table addresses actions undertaken by Data Subject that call Controllers (primarily) or Processors to permit access to the data they manage, with only certain, limited exemptions.

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
32	**Right to Withdraw Consent:** If the data subject has granted consent where the basis for the Processing of Personal Data is consent as per Article 10(1)(a) or Article 11(a), the Data Subject has **the absolute right (32(2)) to withdraw consent at any time by notifying the Controller as per Article 12(5)**.	Comply with Article 32(3) and Article 22 and **cease Processing of the Personal data as soon as reasonably practicable**, and ensure that any Processors do the same. [See Article 22] In the circumstances referred to in Article 12(7) (regarding the contacting of a data subject to re-affirm consent), **consent shall be deemed to be withdrawn if there is no positive act of re-affirmation of consent within a reasonable period** after a Data Subject has been contacted. [See Article 12(8)] A Controller **must be able to demonstrate to the Commissioner that appropriate methods and procedures are in place to manage the recording of consent and the withdrawal of consent**, and that periodic evaluations of the same are conducted. [See Article 12(9)] A data protection impact assessment shall contain at least where consent is the basis for Processing, the identification that such consent is validly obtained, and consideration of the impact of the withdrawal of consent to such Processing and how a Controller will ensure compliance with the exercise of a Data Subject's right to withdraw consent. [See Article 20(6)(c)(ii)]	Article 32(1) Where a Controller has not complied with Article 12(5) (inform the data subject of this right and how to exercise it as set out in Article 40 at the time consent is obtained) a Data Subject may notify the Controller by any reasonable means. [See Article 12(5)] 59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following: (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction. 59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1). 60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner. 60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively. 64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage. 64(2) Any Controller involved in Processing that infringes this Law shall be liable for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller. 64(3) Where more than one Controller or Processor, or both a Controller and a	**32 - Right to withdraw consent** **Article 59, Directions** **Article 60, Lodging Complaints and Mediation** **Article 64, Compensation** **Article 65, General Exemptions**

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
			Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject. 64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court. Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	
33	**Access Personal Data upon request, without charge, and within 1 month of the request**: (1)(a) to receive confirmation in writing as to whether or not Personal Data relating to him/her is being Processed and information at least as to the purposes of the Processing, the categories of recipients to whom the Personal Data are disclosed; (1)(b) to receive a copy of the Personal Data undergoing processing in electronic form and of any available information as to its source, including up-to-date information corresponding with the information requirements set out in Articles 29 and 30	(7) If a Data Subject request under Article 33(1) is particularly complex, or requests are numerous, the Controller may send notice to the Data Subject, within one (1) month, to increase the period for compliance by a further two (2) months citing the reasons for the delay. (8) Where requests from a Data Subject are manifestly unfounded or excessive, in particular because of their repetitive character, the Controller may either: (a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or (b) refuse to act on the request, providing written confirmation to the Data Subject reasons for the refusal. (9) A Controller must be able to demonstrate to the Commissioner upon request that a Data Subject's request made in accordance with Article 33(8) is manifestly unfounded or excessive. (10) If a Controller has reasonable doubts as to the identity of a Data Subject asserting a right under this Article 33, it may require the Data Subject to provide additional information sufficient to confirm the individual's identity. In such cases, the time period for complying with the Data Subject request does not begin until the Controller has received information or evidence sufficient to reasonably identify that the person making the request is the Data Subject. (11) Where a Controller complies with a request under Article 33(1)(b) it shall not disclose the Personal Data of other individuals in a way that may infringe their rights under Applicable Law and the Controller may redact or otherwise obscure Personal Data relating to such other individuals. Where the Data Subject's request is received by electronic means, and unless otherwise requested by the Data Subject, the information may be provided in a commonly used electronic form.	59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following: (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction. 59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1). 60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner. 60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively. 64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage. 64(2) Any Controller involved in Processing that infringes this Law shall be liable for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller. 64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible	**Article 59, Directions** **Article 60, Lodging Complaints and Mediation** **Article 64, Compensation** **Article 65, General Exemptions**

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)

		(12) The information to be supplied pursuant to a request under this Article 33 must be supplied by reference to the data in question at the time the request is received, except that it may take account of any amendment or deletion made between that time and the time when the information is supplied, being an amendment or deletion that would have been made regardless of the receipt of the request.
		
		(13) Without derogating from the requirements on DIFC Bodies as set out in Article 65(2), a Controller may restrict, wholly or partly, the provision of information to the Data Subject under Article 33(1) to the extent that and for so long as the restriction is, having regard to the fundamental rights and legitimate interests of the Data Subject, a necessary and proportionate measure to: (a) avoid obstructing an official or legal inquiry, investigation or procedure; (b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties; (c) protect public security; (d) protect national security; or (e) protect the rights of others.
		
		(14) Where the provision of information to a Data Subject under Article 33(1) is restricted in accordance with Article 33(13), a Controller must inform the Data Subject in writing without undue delay:
		  (a) that the provision of information has been restricted;
		  (b) of the reasons for the restriction;
		  (c) of the Data Subject's right to lodge a complaint with the Commissioner under Article 60; and (d) of the Data Subject's right to apply to the Court under Article 63.
		
		(15) Article 33(14)(a) and (b) do not apply to the extent that complying with them would undermine the purpose of the restriction.
			for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject.
			
			64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court.
			
			Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	

33	**Erasure of Personal Data:** a Data Subject has the right to require the Controller to erase his/her Personal Data where:
	(2)(a) the Processing of the Personal Data is no longer necessary in relation to the purposes for which it was collected;
	(2)(b) a Data Subject has withdrawn consent to the
		(3) The Controller is only required to comply with a request by a Data Subject to erase Personal Data where:
		  (a) one of the conditions in Article 33(2) applies; and
		  (b) subject to Article 33(4), the Controller is not required to retain the Personal Data in compliance with Applicable Law to which it is subject or for the establishment or defence of legal claims. (See Articles 33(2) and 33(4))
		(**4) Where erasure of Personal Data is not feasible for technical reasons, then the Controller is not in violation of this Law for failing to comply with a request for…erasure of the Personal Data, in accordance with Articles 33(1)(c), 33(2)(a) or Article 33(2)(d) as applicable, if:**
			Article 29(1)(ix) if the Controller intends to Process Personal Data in a manner that will restrict or prevent the Data Subject from exercising his rights to request rectification or erasure of Personal Data in accordance with Article 34. In such cases, the Controller shall:
			
			(1) include a clear and explicit explanation of the expected impact on such rights; and
			(2) satisfy itself that the Data Subject understands and acknowledges the extent of any such restrictions.
			
			59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a
				Article 29, Providing information where Personal Data has been obtained from the Data Subject
				
				Article 59, Directions

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
	Processing where consent was the lawful basis for Processing and there is no other lawful basis, provided that in such circumstances the Controller must comply with Article 22 (cease processing); (2)(c) the Processing is unlawful or the Personal Data is required to be deleted to comply with Applicable Law to which the Controller is subject; or (2)(d) the Data Subject objects to the Processing and there is no overriding legitimate grounds for the Controller to continue with the Processing. **(aka the Right to be Forgotten)**	**(a) the Controller collected the Personal Data from the Data Subject; and** **(b) the information provided to the Data Subject under Article 29(1)(h)(ix) was explicit, clear and prominent with respect to the manner of Processing the Personal Data and expressly stated that…erasure of the Personal Data at the request of the Data Subject would not be feasible.** (6) A Controller shall direct all recipients and Processors to…erase Personal Data where the respective right is properly exercised or to cease Processing and return or erase the Personal Data where the right to object is validly exercised. In such circumstances, Article 22 applies to the erasure of the Personal Data by both the Controller and the Processor. (8) Where requests from a Data Subject are manifestly unfounded or excessive, in particular because of their repetitive character, the Controller may either: (a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or (b) refuse to act on the request, providing written confirmation to the Data Subject reasons for the refusal. (9) A Controller must be able to demonstrate to the Commissioner upon request that a Data Subject's request made in accordance with Article 33(8) is manifestly unfounded or excessive. (10) If a Controller has reasonable doubts as to the identity of a Data Subject asserting a right under this Article 33, it may require the Data Subject to provide additional information sufficient to confirm the individual's identity. In such cases, the time period for complying with the Data Subject request does not begin until the Controller has received information or evidence sufficient to reasonably identify that the person making the request is the Data Subject.	Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following: (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction. 59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1). 60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner. 60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively. 64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage. 64(2) Any Controller involved in Processing that infringes this Law shall be liable for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller. 64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject. 64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court. Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	**Article 60, Lodging Complaints and Mediation** **Article 64, Compensation** **Article 65, General Exemptions**

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
33	**Rectification of Personal Data upon request, without charge, within 1 month of the request**: unless it is not technically feasible to do so.	(4) Where rectification…of Personal Data is not feasible for technical reasons, then the Controller is not in violation of this Law for failing to comply with a request for rectification…of the Personal Data, in accordance with Articles 33(1)(c), 33(2)(a) or Article 33(2)(d) as applicable, if: 　(a) the Controller collected the Personal Data from the Data Subject; and 　(b) the information provided to the Data Subject under Article 29(1)(h)(ix) was explicit, clear and prominent with respect to the manner of Processing the Personal Data and expressly stated that rectification…of the Personal Data at the request of the Data Subject would not be feasible. **(5) Where a Data Subject suffers adverse effects as a result of the inability of a Controller to rectify Personal Data and where the need for rectification was not caused by the Data Subject's own provision of inaccurate data, the Controller shall provide all reasonable assistance to the Data Subject to enable the Data Subject to take steps to mitigate the adverse effects.** **(6) A Controller shall direct all recipients and Processors to rectify… Personal Data where the respective right is properly exercised or to cease Processing and return or erase the Personal Data where the right to object is validly exercised.** (8) Where requests from a Data Subject are manifestly unfounded or excessive, in particular because of their repetitive character, the Controller may either: 　(a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or 　(b) refuse to act on the request, providing written confirmation to the Data Subject reasons for the refusal. **(9) A Controller must be able to demonstrate to the Commissioner upon request that a Data Subject's request made in accordance with Article 33(8) is manifestly unfounded or excessive.** (10) If a Controller has reasonable doubts as to the identity of a Data Subject asserting a right under this Article 33, it may require the Data Subject to provide additional information sufficient to confirm the individual's identity. In such cases, the time period for complying with the Data Subject request does not begin until the Controller has received information or evidence sufficient to reasonably identify that the person making the request is the Data Subject.	Article 29(1)(ix) if the Controller intends to Process Personal Data in a manner that will restrict or prevent the Data Subject from exercising his rights to request rectification or erasure of Personal Data in accordance with Article 34. In such cases, the Controller shall: 　(1) include a clear and explicit explanation of the expected impact on such rights; and 　(2) satisfy itself that the Data Subject understands and acknowledges the extent of any such restrictions. Article 33(5) Where a Data Subject suffers adverse effects as a result of the inability of a Controller to rectify Personal Data and where the need for rectification was not caused by the Data Subject's own provision of inaccurate data, the Controller shall provide all reasonable assistance to the Data Subject to enable the Data Subject to take steps to mitigate the adverse effects. 59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following: 　(a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or 　(b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction. 59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1). 60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner. 60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively. 64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage. 64(2) Any Controller involved in Processing that infringes this Law shall be liable	**Article 29, Providing information where Personal Data has been obtained from the Data Subject** **Article 33, Rights to access, rectification and erasure of Personal Data** **Article 59, Directions** **Article 60, Lodging Complaints and Mediation** **Article 64, Compensation** **Article 65, General Exemptions**

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
			for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller. 64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject. 64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court. Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	
34	**Object to processing:** (1)(a) at any time on reasonable grounds relating to his particular situation to Processing of Personal Data relating to him where such Processing is carried out on the basis that: (i) if it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in a Controller; or (ii) if it is necessary for the purposes of the legitimate interests, where applicable, of a Controller or of a Third Party; and (1)(b) to be informed before Personal Data is disclosed for the first time to third parties or used on their behalf for the purposes of direct marketing, and to be expressly offered the right to object to such disclosures or	(2) Where there is a justified objection, **Processing initiated by a Controller shall no longer include that Personal Data, and Article 22 shall apply with respect to such Personal Data**. An objection under Article 34(1)(a) is deemed justified unless the Controller can demonstrate compelling grounds for such Processing that overrides the interests, rights of a Data Subject or that the circumstances in Article 34(3) apply. **(3) If a Controller collected Personal Data from a Data Subject and the Controller can demonstrate that the information provided to the Data Subject under Article 29(1)(h)(ix) was explicit, clear and prominent with respect to the manner of Processing the Personal Data and expressly stated that it would not be possible to implement an objection to the Processing at the request of the Data Subject, then the Controller may continue Processing the Personal Data in the same manner, subject to this Law in all other respects.** (4) A Controller shall, no later than its first communication to a Data Subject, explicitly bring to the attention of the Data Subject in clear language that is prominent and separate from other communications or information, the rights referred to in Article 34(1)	59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following: (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction. 59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1). 60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner. 60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively. 64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage. 64(2) Any Controller involved in Processing that infringes this Law shall be liable	**Article 59, Directions** **Article 60, Lodging Complaints and Mediation** **Article 64, Compensation** **Article 65, General Exemptions**

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
	uses, subject to any provision of this Law that does not permit disclosure; and (1)(c) where Personal Data is Processed for direct marketing purposes, object at any time to such Processing, including Profiling to the extent that it is related to such direct marketing.		for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller. 64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject. 64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court. Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
35	**Restriction of Processing:** (1) a Data Subject shall have the right to require a Controller to restrict Processing to the extent that any of the following circumstances apply: (a) **the accuracy of the Personal Data is contested by the Data Subject**, for a period allowing the Controller to verify the accuracy of the Personal Data; (b) the **Processing is unlawful and the Data Subject opposes the erasure of the Personal Data** and requests the restriction of its use instead; (c) the **Controller no longer needs the Personal Data for the purposes of the Processing, but they are required by the Data Subject for the establishment, exercise or defence of legal claims;**	**(2) If a Controller lifts the period of restriction it shall inform the Data Subject in writing.** (3) Where Article 35(1) applies, the only Processing that may continue to be conducted without the consent of the Data Subject is: (a) storage of the Personal Data concerned; (b) Processing of the Personal Data for the establishment, exercise or defence of legal claims; (c) Processing for the protection of the rights of another person; and (d) Processing for reasons of Substantial Public Interest	59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following: (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction. 59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1). 60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner. 60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively. 64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage.	**Article 59, Directions** **Article 60, Lodging Complaints and Mediation** **Article 64, Compensation** **Article 65, General Exemptions**

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
	(d) the Data Subject has **objected to Processing pursuant to Article 34 pending verification of whether the legitimate grounds of the Controller override those of the Data Subject**.		64(2) Any Controller involved in Processing that infringes this Law shall be liable for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller. 64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject. 64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court. Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9.	

36	**To be notified: of any rectification, erasure of Personal Data or Processing restriction carried out in accordance with Articles 33, 34 and 35.**	The Controller **shall communicate any rectification or erasure of Personal Data or Processing restriction carried out in accordance with Articles 33, 34 and 35 to each recipient to whom the Personal Data has been disclosed**, unless this proves impossible or involves disproportionate effort. A Controller shall inform the Data Subject about those recipients if a Data Subject requests it.	59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following:
			  (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or
			  (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction.
			
			59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1).
			
			60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner.
			
			60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively.
			
			64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage.
			
			64(2) Any Controller involved in Processing that infringes this Law shall be liable
				Article 59, Directions
				
				Article 60, Lodging Complaints and Mediation
				
				Article 64, Compensation
				
				Article 65, General Exemptions

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
			for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller. 64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject. 64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court. Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)

37	To data portability:
	(1) A Data Subject shall have the right to receive Personal Data that he/she has provided to a **Controller in a structured, commonly used and machine-readable format** where the Processing is:
	(a) based on the Data Subject's consent or the performance of a contract; and
	(b) carried out by automated means.
	
	(2) ...the Data Subject shall have the right to have the Personal Data transmitted directly from the Controller to whom the request is made to any other person, where technically feasible.
		(3) A Controller is **not** required to provide or transmit any Personal Data where doing so would infringe the rights of any other natural person.	59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following:
			  (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or
			  (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction.
			
			Personal Data for a purpose or in a manner specified in the direction.
			
			59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1).
			
			60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner.
			
			60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively.
			
			64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage.
			
			64(2) Any Controller involved in Processing that infringes this Law shall be liable for the
				Article 59, Directions
				
				Article 60, Lodging Complaints and Mediation
				
				Article 64, Compensation
				
				Article 65, General Exemptions

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
			damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller. 64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject. 64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court. Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
38	**To object to decision based solely on automated processing**: (1) A Data Subject shall have the right to object to any decision based solely on automated Processing, including Profiling, which produces legal consequences concerning him or other seriously impactful consequences and to require such decision to be reviewed manually.

(2) Article 38(1) shall not apply if the decision is: (a) necessary for entering into, or performance of, a contract between a Data Subject and a Controller; (b) authorised by Applicable Law to which the Controller is subject and which also lays down suitable measures to safeguard the Data Subject's rights; or (c) based on the Data Subject's explicit consent.

(3) DIFC law concerning fraud, counter-terrorism, money laundering, and tax-evasion monitoring and prevention which requires Processing of Personal Data that produces legal consequences concerning a Data Subject is regarded as falling within Article 38(2)(b).

(4) Article 38(2) does not apply if the Data Subject in question is a minor (by reference to the legal age of majority in the United Arab Emirates from time to time). | (5) A Controller may **only** rely on Articles 38(2)(a) and 38(2)(c) if it has implemented suitable measures to safeguard a Data Subject's rights which includes, at least, the ability for the Processing to be reviewed manually.

(6) Decisions affecting a Data Subject may not be based solely on the automated Processing, including Profiling, of Special Categories of Personal Data unless:

(a) the Data Subject has given explicit consent to the Processing of those Personal Data for such specific purposes; or

(b) the Processing is necessary for reasons of Substantial Public Interest, on the basis of Applicable Law, is proportionate to the aim pursued, respects the principles of data protection and provides for suitable measures to safeguard the rights and interests of the Data Subject. | 59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following: (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction.

59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1).

60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner.

60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively.

64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage.

64(2) Any Controller involved in Processing that infringes this Law shall be liable for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller.

64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject.

64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court.

Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies) | **Article 59, Directions**

Article 60, Lodging Complaints and Mediation

Article 64, Compensation

Article 65, General Exemptions |

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
39	(1) to (3) Non-Discrimination (4) A Data Subject shall have the right to withdraw without penalty from, and require the cessation of Processing carried out under, any incentive scheme at any time.	(1) A Controller may not discriminate against a Data Subject who exercises any of the here-mentioned rights (see also Part 6, DIFC Data Protection Law 2020), including by: 　(a) denying any goods or services to the Data Subject; 　(b) charging different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties; 　(c) providing a less favourable level or quality of goods or services to the Data Subject; or 　(d) suggesting that the Data Subject will receive a less favourable price or rate for goods or services or a less favourable level or quality of goods or services. (2) Nothing in this Article 39 prohibits a Controller from charging a Data Subject a different price or rate, or from providing a different level or quality of goods or services, if that difference is objectively and reasonably directly related to the value provided by the Data Subject's data. (3) Notwithstanding Article 39(1), **a Controller may offer financial or non-financial incentives for the Processing of Personal Data provided that:** 　(a) the terms of the incentive are clearly communicated; 　(b) the process for receiving the benefit of the incentive is clearly communicated, is transparent and does not require material additional effort or expense on the part of the Data Subject; 　(c) the nature of the Processing involved is clearly communicated; 　(d) the Processing complies in all respects with this Law; and 　(e) it complies with Article 39(4).	59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following: 　(a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or 　(b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction. 59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1). 60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner. 60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively. 64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage. 64(2) Any Controller involved in Processing that infringes this Law shall be liable for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller. 64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject. 64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court. Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	**Article 59, Directions** **Article 60, Lodging Complaints and Mediation** **Article 64, Compensation** **Article 65, General Exemptions**

Article	Rights	Requirement of Controller / Processor	Remedies	Article(s)
40	No specific rights mentioned in name, but this Article corresponds to an individual's ability to make such contact in order to assert the above rights and / or make a complaint to the controller.	**A Controller shall make available a minimum of two (2) methods (which may include but shall not be limited to post, telephone, email or an online form), which shall not be onerous, by which a Data Subject can contact the Controller to request to exercise his rights under this Part. If a Controller maintains a website, at least one (1) method of contact shall be available without charge via the website**, without the need to submit data to create an account of any sort. At least one of the methods should correspond to the contact details provided under Article 29 or 30 as applicable.	59(1) If the Commissioner is satisfied, either on the basis of a complaint under Article 60(1) or on the basis of other information within his knowledge, that a Controller or Processor has contravened or is contravening the Law or Regulations made for the purpose of the Law, he may issue a direction requiring him to do either or both of the following: (a) to do or refrain from doing any act or thing within such time as may be specified in the direction; or (b) to refrain from Processing any Personal Data specified in the direction or to refrain from Processing Personal Data for a purpose or in a manner specified in the direction. 59(2) The Commissioner may undertake reasonable and necessary inspections or investigations for the purposes of Article 59(1). 60(1) A Data Subject who contends that there has been a contravention of the Law or an alleged breach of his rights under the Law may lodge a complaint with the Commissioner. 60(2) Multiple Data Subjects affected by the same alleged contravention or breach of rights referred to in Article 60(1) may raise such complaint collectively. The Commissioner may choose to deal collectively with multiple allegations which relate to the same contravention or breach of rights, whether not such allegations are brought collectively. 64(1) A Data Subject who suffers material or non-material damage by reason of any contravention of this Law or the Regulations may apply to the Court for compensation from the Controller or Processor in question, in addition to, and exclusive of, any fine imposed on the same parties under Article 62. The same measure of damage shall be taken into account in any Court proceeding initiated by the Commissioner under Article 46(3)(d). No person shall be required to pay compensation twice with respect to the same damage. 64(2) Any Controller involved in Processing that infringes this Law shall be liable for the damage caused. A Processor shall be liable for the damage caused by Processing only where it has not complied with obligations of this Law specifically directed to Processors or where it has acted outside or contrary to the lawful instructions of the Controller. 64(3) Where more than one Controller or Processor, or both a Controller and a Processor, are involved in the same Processing and where they are responsible for any damage caused by Processing, each person shall be held jointly and severally liable for the entire damage in order to ensure effective compensation of the Data Subject. 64(4) Proceedings for exercising the right to receive compensation shall be brought before the Court, but may be settled out of Court. Article 65(5) A DIFC Body that contravenes Article 65(2) by invalidly relying on an exemption shall be subject to any of the remedies, liabilities and sanctions set out in Part 9. (Article 59, 60, 63, and 64 in regard to Data Subjects remedies)	**Article 59, Directions** **Article 60, Lodging Complaints and Mediation** **Article 64, Compensation** **Article 65, General Exemptions**

6. Questions and Comments

Please contact the DIFC Commissioner of Data Protection either via the DIFC switchboard, via email at commissioner@dp.difc.ae or via regular mail sent to the DIFC main office for any clarifications or questions related to this document. You may also wish to refer to the DIFC Online Data Protection Policy.