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# Annex B

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# Format for providing public comments to DIFCA on Consultation Paper No. 2 of 2023

# Proposed Amendments to the Data Protection Regulations (the “Proposed Regulations”)

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| Note 1: DIFCA reserves the right to publish, including on its website, any comments you provide. However, if you wish to remain anonymous, you must expressly request at the time of making comments that this should be the case.  Note 2: The second column, ‘comments on proposed policy’ relates to the policy explained in the Consultation Paper paragraphs specified. The third column, ‘comments on legislation’ refers to the draft legislation reflecting the proposed policy.  Note 3: It is possible that you may not have any comments, either on the proposed policy or draft legislation, or may have comments on one and not the other. You may leave a blank column if you either agree to the proposed position, or you have no concerns relating it.  Note 4: If there are any ambiguities relating to the proposed policy or draft legislation, you may raise those in your comments. |

| **Name of individual / entity providing comments:** |  |
| --- | --- |

| No. | Comments on proposed policy | Comments on legislation |
| --- | --- | --- |
| Regulation 8: Personal Data Breaches | | |
| Q1: What are your views on whether a Party that finds Inadvertently Obtained Information that potentially contains, or does in fact contain, Personal Data becomes a Controller or Processor of such data? | | |
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| Q2: Do you think any other criteria for the Party that finds Inadvertently Obtained Information to make this determination is necessary or desirable? | | |
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| Q3: Is it appropriate for the Commissioner of Data Protection to make a determination and associated directions (if any) regarding disposal / disposition of such data? | | |
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| Q4: Please comment on the fairness, necessity and proportionality of the requirements set out in Regulation 8.4.6. | | |
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| Q5: Please comment on the fairness, necessity and proportionality of the requirements set out in Regulation 8.4.7. | | |
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| Regulation 9: Collection and Use of Personal Data in Digital Communications and Services | | |
| Q6: Are the proposed requirements set out in Regulation 9 clear regarding appropriate collection, use, notification and rights obligations when engaging in Digital Communications and Services provision? If not, please provide a detailed explanation for your views. | | |
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| Q7: Will proposed Regulation 9 mitigate risks to companies that are required to also comply with international obligations in this area of practice? | | |
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| Q8: Will proposed Regulation 9 mitigate risks to Data Subjects regarding their rights to control the use of their Personal Data, especially in the context of Digital Communications and Services? | | |
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| Regulation 10: Personal Data Processed Through Digital Enablement Technology Systems | | |
| Q9: Does the approach proposed in Regulation 10 of “regulating” Systems through data protection principles for collection and use of Personal Data serve as a reasonable starting point for setting basic controls around Processing in this manner? If not, please provide detailed reasons. | | |
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| Q10: Would this approach assist in mitigating risks of harm to individuals whose Personal Data is processed? If not, please provide detailed reasons. | | |
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| Q11: Would this approach to regulation assist designers of Systems with understanding and implementing controls by design and default, while permitting flexibility for innovation? If not, please provide detailed reasons. | | |
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| Q12: What other approaches would you suggest? Please provide detailed responses. | | |
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| Q13: Should a common set of principles regarding such Systems be agreed at an international level, and if so, what governmental or non-governmental body would be most appropriate to do so? Please provide detailed responses. | | |
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| Q14: What other questions or issues should be asked and addressed in the Regulations or guidance? | | |
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| Other or general comments | | |
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