



A COMPLETE GUIDE TO DATA PROTECTION NOTIFICATIONS

Commissioner of Data Protection

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1. Introduction

Notifications are a statutory requirement under the [Data Protection Law, DIFC Law No. 5 of 2020](#) (the “DP Law”), Article 14(7), and the DIFC Data Protection Regulations. Failure to maintain an up to date notification to the Commissioner is a breach of the DP Law and may result in supervisory of enforcement action.

Personal Data is defined in the DIFC DP Law as, “Any Data referring to an Identifiable Natural Person” and Special Category Data is defined as, “Personal Data revealing or concerning (directly or indirectly) racial or ethnic origin, communal origin, political affiliations or opinions, religious or philosophical beliefs, criminal record, trade-union membership and health or sex life and including genetic data and biometric data where it is used for the purpose of uniquely identifying a natural person.” Such data includes but is not limited to name, address, business or personal email address, business or personal phone numbers, geolocations, job title or other employee data, health and biometric data, religious affiliations or criminal history. In sum, Personal Data generally can be any information that when viewed together (or in some cases is so unique) clearly identifies a living individual. It could be data about clients, employees, suppliers, or family members, to name a few categories of Personal Data.

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.*

Notifications serve the interests of individuals in assisting them to understand how Personal Data is being processed by DIFC

3. Commonly asked questions and answers

3.1 What is a notification?

Notification is the process by which an entity describes its manner of processing of Personal Data.

Each register entry in the DIFC public register includes the name and address of the DIFC entity and a general description of the Processing of Personal Data. Individuals can consult the public register to find out details of the processing of Personal Data which is being carried out by a particular DIFC entity.

3.2 Why do I need to notify?

The DP Law requires every DIFC entity that is Processing Personal Data to notify the Commissioner. Failure to notify the Commissioner in accordance with the DP Law and the Regulations and submit the required fees will result in the Commissioner issuing applicable fines for the relevant contraventions.

3.3 How do I notify?

The notification process is completed on the DIFC Client Portal (login to <https://portal.difc.ae/signin>, using the assigned portal username and password) initially through the onboarding process and then by corporate action to make any amendments.

Onboarding notifications are made by newly licensed entities, and normally happens in **2 stages**: i) initial notification and then ii) a 6 month window to complete the remaining details of the processing operations. DIFC entities must notify or update an existing notification to the Commissioner as soon as possible and in any event within **14 days** of any Personal Data Processing. Please see the [Step by Step guidance](#) for notifications on the DP website.

3.4 What happens when a DIFC entity wishes to amend any of the registrable particulars?

This only happens when a DIFC entity wishes to make any change to the registrable particulars described under the Regulations. In this case, a service request containing changes must be submitted in the Client Portal by the DIFC entity.

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A DIFC entity must notify the Commissioner with any such changes as soon as possible and in any event **within 14 days** of the changes impacting in the initial notification. **Failure to keep a register entry up to date constitutes a contravention of the DP Law.**

In the case of a DIFC entity wishing to only amend contact details, a notification is required to be submitted in the Client Portal. There is no fee required for a change of details.

3.5 What happens when a DIFC entity does not Process Personal Data?

Even where a DIFC entity does not process any Personal Data in accordance with the DP Law, it must still submit a notification reflecting this status. To confirm that it does not process Personal Data, an action will be generated and verified by the Office of the Commissioner of Data Protection. It is possible in many cases that this type of request will be rejected, however, as the concept of processing Personal Data is very broad and includes many possible actions and types of data. Careful consideration is required, however there is no penalty for raising this action, even if it is deemed invalid. There is a possible penalty for stating incorrectly (especially knowingly) that the entity does not process Personal Data and is later found to be doing so. In short, the fee to notify is far less than the penalty. Choose carefully and document any choices.

3.6 Does the notification have to be renewed?

Yes. The notification is valid for one year. Each year, upon expiry of the notification, the DIFC entity will be required to assess whether there are any changes to the registrable particulars relating to its processing of Personal Data. We will contact the DIFC entity before the expiry date of the register entry. **Failure to renew the notification constitutes a contravention of the DP Law that may be subject to enforcement action resulting in fines.**

4. The notification life cycle

4.1 What happens once notification is made?

Your onboarding notification or renewal notification will be given a preliminary check to ensure that all the relevant information has been provided and to confirm whether or not your entity processes personal data. We will contact you to let you know if we require further information or if your notification needs to change.

Your notification or renewal notification is considered valid only upon receipt of all completed applications and appropriate fees as prescribed in the Regulations. Your one-year notification period begins on the day you fully complete your notification as confirmed by the Registries Services in the DIFC.

4.2 Fees

All notification fees are determined by the Category of the DIFC entity.

1. Category I includes entities regulated by the DFSA;
2. Category II includes DFSA non-regulated entities, except retail; and
3. Category III includes retail entities.

Information about Notification fees is available on the [Notifications](#) page of the DIFC DP website.

Ways to pay:

Via wire transfer

The bank details are

DIFC Investments LLC- Collection Account Emirates NBD- Deira Branch
Account No. 101-1434147-605- AED
Swift Code: EBILAEAD
IBAN No.-AE280260001011434147605

By cheque or postal order

Cheque is payable to DIFC Investments LLC - Collection Account
CASH

We also accept cash. You are kindly requested to proceed to Registry Services to deposit the cash amount.

4.3 Publication of the register

The register is available online for inspection to determine whether a DIFC entity has submitted its notification to the Commissioner in accordance with the DP Law.

5. Completing the Notification Form

5.1 The notification

The main notification application consists of sections such as:

- the name and address of the DIFC entity;
- contact details and details of the individual responsible with the data protection compliance in DIFC; and
- a general description of the processing of Personal Data being carried out by the DIFC entity, including:
 - ✓ the purposes for which Personal Data is being or is to be Processed, e.g. accounting and auditing or research;
 - ✓ a description of the Data Subjects about whom Personal Data is or is to be held, e.g. employees, clients, suppliers, or any other individual third parties;
 - ✓ a description of the data classes, e.g. employment details and financial details;
 - ✓ a list of the Recipients of Data;
 - ✓ information about whether Personal Data is transferred outside the DIFC.

5.1.1 Contact details

Upon notifying the Commissioner, DIFC entities must provide the name of the individual responsible for data protection compliance, address, telephone number, fax number and email address. These details will be used by DIFC for all correspondence in connection with your notification but will not appear on the public register. These details may be altered by the DIFC entity through submitting a notification in the Client Portal as described above.

5.1.2 Processing of Special Category Data

DIFC entities must indicate if they process any Special Category Data, and follow the notification instructions accordingly.

5.1.3 Purposes of the Processing of the Personal Data

Below is a list of standard purposes and purpose descriptions for use in notifications. Wherever possible, these must be used. If none apply, you may use your own words to describe your purpose under “Other”.

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Staff administration

Appointments or removals, pay, discipline, superannuation, work management or other personnel matters in relation to the staff of the DIFC entity.

Advertising, marketing and public relations

Advertising or marketing the DIFC entity's own business, activity, goods or services, and promoting public relations in connection with that business or activity, or those goods or services.

Advertising, marketing and public relations for others

Public relations work, advertising and marketing, including host mailings for other organisations and direct marketing list broking¹.

Accounts and records

Keeping accounts relating to any business or other activity carried out by the DIFC entity or deciding whether to accept any person as a customer or supplier or keeping records of purchases, sales or other transactions for the purpose of ensuring that the requisite payments and deliveries are made or services provided by him or to him in respect of those transactions, or for the purpose of making financial or management forecasts to assist him in the conduct of any such business or activity.

Accounting and auditing

The provision of accounting and related services; the provision of an audit where such an audit is required by statute.

Administration of justice

Internal administration and management of courts of law or tribunals and discharge of court business.

Administration of membership records

The administration of membership records.

Benefits, grants and loans administration

The administration of welfare and other benefits. You will be asked to indicate the type(s) of benefit you are administering.

¹ Please see the Guide to Direct Marketing for further information, which can be found on the [guidance](#) page of the DIFC DP website.

Consultancy and advisory services

Giving advice or rendering professional services. The provision of services of an advisory, consultancy or intermediary nature. You will be asked to indicate the nature of the services which you provide.

Credit referencing

The provision of information relating to the financial status of individuals or organisations on behalf of other organisations. This purpose is for use by credit reference agencies, not for organisations who merely contact or use credit reference agencies.

Debt administration and factoring

The tracing of consumer and commercial debtors and the collection on behalf of creditors. The purchasing of consumer or trade debts, including rentals and instalment credit payments, from business.

Education

The provision of education or training as a primary function or as a business activity.

Fundraising

Fundraising in support of the objectives of the DIFC entity.

Information and databank administration

Maintenance of information or databanks as a reference tool or general resource. This includes catalogues, lists, directories and bibliographic databases.

Insurance administration

The administration of life, health, pensions, property, motor and other insurance business. This applies only to insurance companies doing risk assessments, payment of claims and underwriting.

Insurance consultants and intermediaries should use the provision of financial services and advice purpose.

Journalism and media

Processing by the DIFC entity of any journalistic, literary or artistic material made or intended to be made available to the public or any section of the public.

Legal services

The provision of legal services, including advising and acting on behalf of clients.

Licensing and registration

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The administration of licensing or maintenance of official registers.

Pastoral care

The administration of pastoral care by a vicar or other minister of religion.

Pension's administration

The administration of funded pensions or superannuation schemes. DIFC entities using this purpose will usually be the trustees of pension funds.

Policing

The prevention and detection of crime; apprehension and prosecution of offenders; protection of life and property; maintenance of law and order; also rendering assistance to the public in accordance with force policies and procedures.

Private investigation

The provision on a commercial basis of investigatory services according to instruction given by clients.

Property management

The management and administration of land, property and residential property and the estate management of other organisations.

Provision of financial services and advice

The provision of services as an intermediary in respect of any financial transactions including mortgage and insurance broking.

Research

Research in any field, including market, health, lifestyle, scientific or technical research. You will be asked to indicate the nature of the research undertaken.

5.1.4 Identity of the Data Subjects

A Data Subject is an individual about whom Personal Data is held. The following is a list of standard descriptions of Data Subjects:

- staff including volunteers, agents, temporary and casual workers, customers and clients suppliers
- members, complainants, correspondents and enquirers
- relatives and associates of the Data Subject
- advisers, consultants and other professional experts.

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All of the above categories include current, past or prospective Data Subjects.

5.1.5 Description of the categories of Personal Data being processed

Data categories are the types of personal information that is being or is to be processed. The following includes a list of standard descriptions of data classes:

Personal details

This category includes any information that identifies the Data Subject and their personal characteristics. Examples are name, address, contact details, age, gender, date of birth, physical description.

Family, lifestyle and social circumstances

This category includes any information relating to the family of the Data Subject and the Data Subject's lifestyle and social circumstances. Examples are details about current marriage and partnerships and marital history, details of family and other household members, habits, housing, travel details, leisure activities and membership of charitable or voluntary organisations.

Employment details

This category includes any information relating to the employment of the Data Subject. Examples are employment and career history, references provided to third parties, recruitment and termination details, attendance records, health and safety records, performance appraisals, training records and security records.

Financial details

This category includes any information relating to the financial affairs of the Data Subject. Examples are income, salary, assets and investments, payments, creditworthiness, loans, benefits, grants, insurance details and pension information.

5.1.6 Transfers of Personal Data

DIFC entities must indicate whether or not Personal Data is transferred outside the DIFC.

The DP Law does not define the term "transfer". However, the ordinary meaning of the term is transmission from one place, person, etc. to another. This may include posting information on a website that can be accessed from overseas.

List of jurisdictions² with adequate data protection regimes under Article 26(2) is available on the Data Export and Sharing page of the DIFC DP website.

² The Commissioner reserves the right to update this list from time to time. Please contact the Commissioner's office for clarification as needed.

6. Portal Help:

Below is the helpful information that is provided in the DIFC Client Portal in the DP section. It may be helpful as you prepare to make notification to the Commissioner's Office.

In the Data Protection notification section of the Client Portal, your responses will align with [Data Protection Law, DIFC Law No. 5 of 2020](#). If viewed at the end as a PDF document, this completed form should provide a useful guide to establishing or updating a data protection compliance program for the DIFC.

Please note that for certain fields, if relevant measures are yet to be undertaken, please select the appropriate response but ensure that, as per Article 14 of the DP Law, the notification is updated as soon as possible by returning to this portal and entering the necessary information.

1. The key things the Commissioner's Office requires is to know whether your entity is processing Personal Data or Special Category Data, as defined in the DP Law, Schedule 1, Article 3. Please consider employee, supplier and any other Third Party data that is processed in your organisation as these are all examples of categories of Personal Data and will come up later in this form. If you do not think the entity processes such data, your notification may be referred for further information to the Commissioner's Office.
2. If you transfer Personal Data outside the DIFC, certain conditions may need to be met. Please consider at the outset whether any data will be transferred outside the DIFC in order to answer further questions later.
3. Entities engaged in High Risk Processing (HRP) will be subject to additional obligations. It's better to be realistic and practical, especially as such entities must appoint a Data Protection Officer (DPO). Please see the [HRP assessment tool](#) and the [DPO Appointment assessment tool](#) on the Commissioner's website for assistance in making these determinations.
4. Consent is not always required as a legitimate means of processing Personal Data. If your entity does rely on consent, please ensure it is valid. Please review Articles 9 to 13 of the DP Law as well as the Consent [guidance](#) available on the Commissioner's website. If you do not have direct consent from an individual, you may be able to process his or her Personal Data in accordance with the other bases listed in Articles 10 or 11 of the DP Law, such as performance of your obligations to the individual under a contract, agreement or other legal obligation, or for the DIFC entity's legitimate interests, except where such interests are outweighed by the compelling legitimate interests of the individual relating to his or her particular situation. Such determination is normally made on a case by case basis by the Commissioner and brought as a

complaint or request for clarification by the individual him or herself³. If you have any questions about the requirements for legitimate Processing during the notification process or otherwise, please contact the Commissioner's office.

5. Articles 14 to 22 of the DP Law set out requirements and practices that assure data protection compliance within the organisation. For entities that are completing this form during the on-boarding process, it is possible that such components are not yet in place.

One primary component is the appointment of the DPO for entities required to do so, and for those not required, it is still suggested as best practice. By providing the DPO or similar contact information below, it is confirmed that such person is aware and capable of fulfilling this function.

6. Please provide information about transfers of Personal Data to any jurisdictions outside the DIFC. Those with a similar data protection law or regime are considered "adequate" and those without such a regime are not as they do not provide adequate processing controls. A list of [adequate jurisdictions](#) that correspond to the list provided here is available on the Commissioner's website.
7. Protecting and respecting Data Subjects' Rights are key to any DP Law. Privacy Notices as set out in detail in Articles 29 and 30, and using appropriate methods as set out in Article 31, are necessary in most cases. Please provide those details.
8. Please provide details about how Data Subjects any policies that align with Articles 32 to 39, and how may contact the entity in accordance with Article 40, which states that at least 2 methods must be available, which may include but shall not be limited to post, telephone, email or an online form.
9. Breach reporting is necessary when something happens to compromise a Data Subject's confidentiality, security or privacy with respect to the information the entity processes about them. Notification to the Commissioner's Office is required, and in some cases, the Data Subject may also be necessary.

Appropriate measures for handling and notifying such breaches should account for the details set out in Articles 41 and 42 of the DP Law. Please review the [Personal Data Breach Notification assessment tool](#) available on the Commissioner's website.

10. Please let us know the details of the entity's DPO and if none is appointed, please provide up to date details about who can be contacted to discuss data protection compliance or other queries from the Commissioner's Office.

³ For further information about individuals' rights to access and control of personal data processing undertaken by the DIFC, please review the guidance regarding the same at <https://www.difc.ae/laws-regulations/data-protection/document-library>

7. 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](#).

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