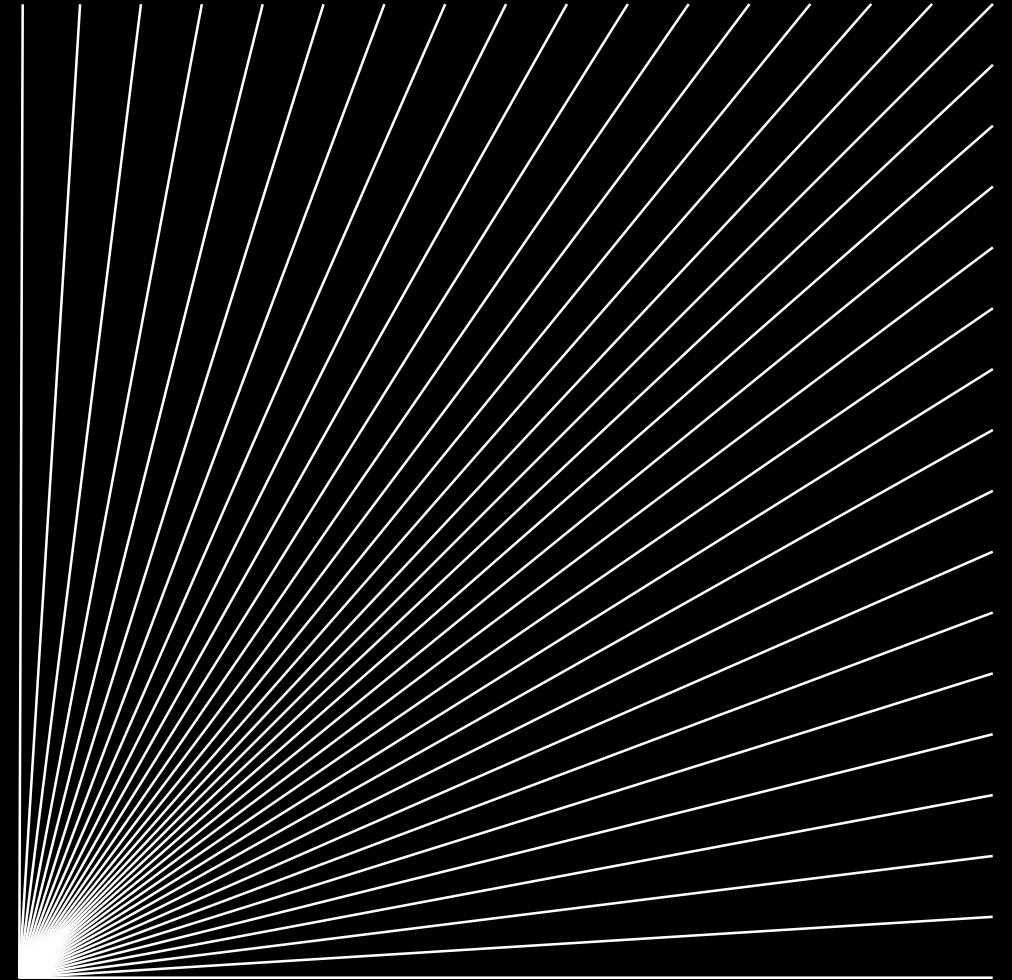


DIFC Data Protection Talks

Step by Step Guidance:
Inspections Process

Date: November 2022

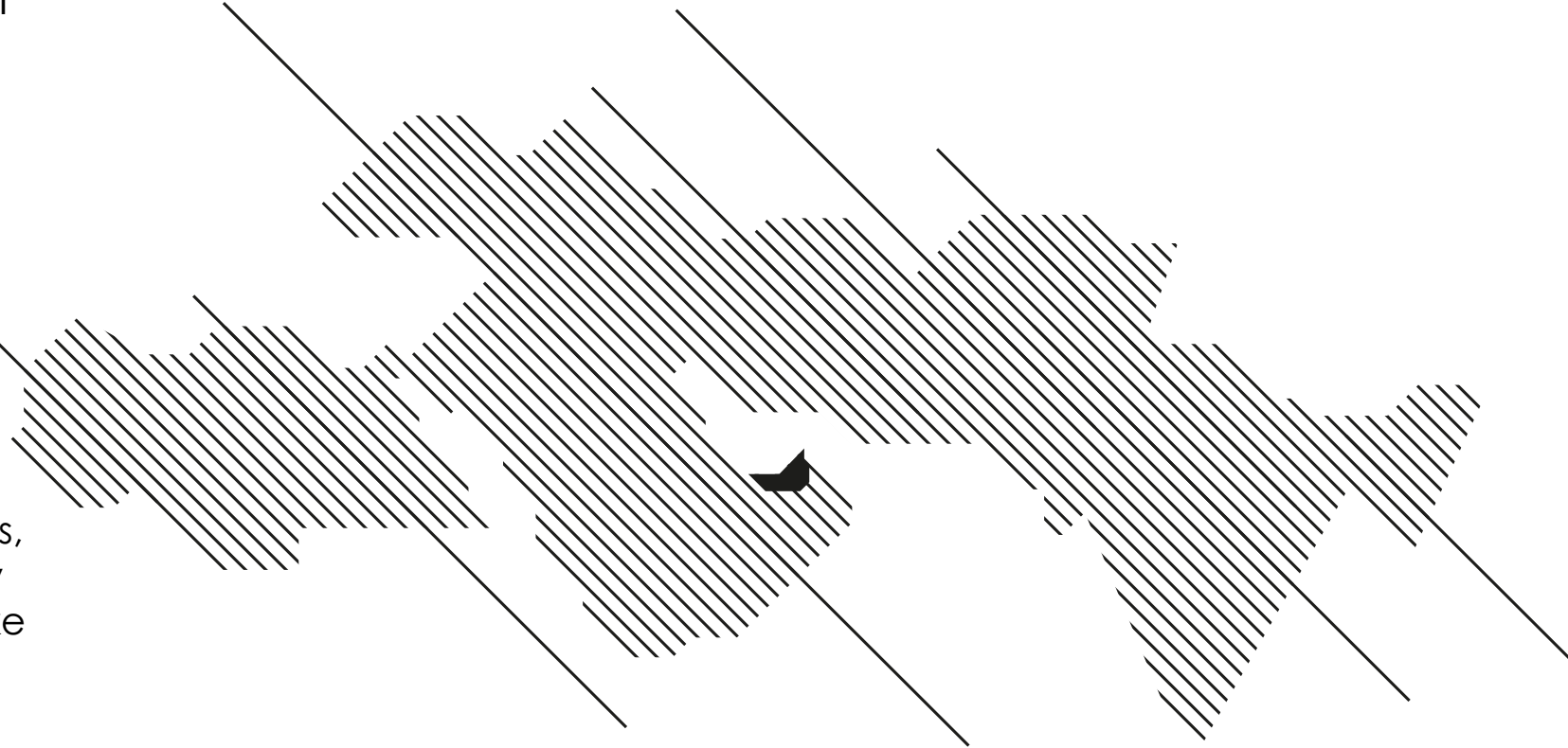
The future is here.



Why does the Commissioner's Office conduct inspections and how often?

Inspections are an important part of any regulatory compliance program to gauge whether:

- a) the company being inspected knows how to comply with the law (*and avoids having to take enforcement action*); and
- b) the Commissioner's Office learns what issues are both understood and misunderstood by DIFC entities, so a compliance culture can grow properly (*and avoids having to take enforcement action*)



Article 46(3)(b)

Inspections are a key tool for the Commissioner's Office to assure accountability of a DIFC-based entity.

~100

Automated inspections at least, per year. Previously it was only 2 per month via manual inspections.

Guidance

General DP Law compliance guidance is available [here](#)

How do I know my business is being inspected?

Notes that will help you get started responding to the Inspection request:

1. Email from DIFC Portal is sent when inspection is initiated by Commissioner's Office – "DP Inspection Questionnaire" in subject line. The email indicates it's a DP inspection.
2. The action is in the Client Portal under Pending Actions / search for the SR number from the email.
3. Complete the 3 questionnaire sections: Background information, Resource Management & Training, and Data Processing (please see next page for details on the form itself)
4. We can grant extensions, when you click "Start Now" from the Pending Actions page. However, extensions are not commonly granted. We ask that you please provide as much information as possible by the deadline *even if you think the company is not compliant*, and in your comments request additional time. We can return for more information if needed.
5. If you don't respond at all, we will follow up and may have to take further supervisory or enforcement action.

Dear Valued Client,

Greetings from DIFC!

As part of the DIFC Data Protection Commissioner's function in conducting a routine inspection, please note that the following action is due to be actioned in the DIFC Client Portal by

Please ensure that all questions are answered in detail and documents are shared where required. If you believe you need an extension you may indicate that in your response to the Inspection Service Request.

Should you require any clarification, you can contact us at commissioner@dp.difc.ae

Thanks and best regards,
On behalf of Commissioner of Data Protection

1

Inspection	DP
Service	Inspection
Request -	SR-49413
Data	Assessment
Protection	is due on
	2022-10-25

Start now

2

What should I do to respond to an inspection request?

Notes for completing the DP Inspection Questionnaire

- 1. Uploading files is not mandatory.** It is the business's decision to do so, as a way of further demonstrating compliance or to clarify something to the Commissioner's Office.
- 2. Staff breakdown need not be strictly interpreted** – it is only to get a sense of the type of roles and functions in the business overall and if you want to highlight data protection specialists, you may do so. Otherwise, feel free to provide a general number covering all staff and employees in accordance with how your company defines these terms.
- 3. The Commissioner's inbox should be reserved for legal interpretation and guidance questions please.** If you need assistance with the Client Portal, including your submission, access to your inspection report, or for any other portal function, please contact the Registry Services team.

Details of the Applicant

Background Information

Resource Management

Data Processing

Background Information - Data Processing

Is your Notification up to date / including any new processing activities since last notification / update? ¹ *

--None--

Records of Processing Activities

[Upload Files](#) Or drop files

Could you please describe the activities conducted by the DIFC Entity? *

Does your activity require you to transfer personal data outside DIFC? *

--None--

In this portion please provide as many details as you can about the current personal data processing activities conducted by this DIFC entity. You may wish to review guidance provided by the Commissioner of Data Protection as well as these processing assessment tools: [Guidance and Assessment Tools](#). If in the course of completing this information you find that any information in your account should be updated, please do so via the appropriate Service Request, to avoid enforcement action for non-compliance with the Data Protection Law, DIFC Law No 5 of 2020, or other applicable DIFC Laws and Regulations.

1

[Back](#) [Next](#) [Save As Draft](#)

Details of the Applicant

Background Information

Resource Management

Data Processing

Resource Management and Training

Can you please give us a break down of your staff as Partners, Professional and Support Staff? *

Do you instruct any Processors or Sub-Processors? ¹ *

--None--

Evidence of the Trainings Conducted

[Upload Files](#) Or drop files

Total no of Hours spent by employees on DP related activities? *

Total no of Trainings organized / Updates provided to Internal Staff? *

In this portion please provide as many details as you can about the current staff and training requirements in this DIFC entity. You may wish to review guidance provided by the Commissioner of Data Protection as well as these processing assessment tools: [Guidance and Assessment Tools](#). If in the course of completing this information you find that any information in your account should be updated, please do so via the appropriate Service Request, to avoid enforcement action for non-compliance with the Data Protection Law, DIFC Law No 5 of 2020, or other applicable DIFC Laws and Regulations.

2

Details of the Applicant

Background Information

Resource Management

Data Processing

Data Processing Questionnaire

Do you engage in High Risk Processing? *

--None--

Did you have any DP Personal Data Breaches over the last two years ¹ *

--None--

Have you had any Data Subject exercise their rights as set under Articles 32 - 40 ¹ *

--None--

Compliance Program

[Upload Files](#) Or drop files

Contract Copy that includes the Data Protection Clause

Do you process special categories of data? *

--None--

Please describe you Cessation of Processing procedures per Article 22? *

Please summarise your Compliance Program ¹ *

Do you maintain a copy of Data Protection and / Privacy Policies and Procedures ¹ *

--None--

Please summarise the existing and / or future technical and organisational measures in place to control the safety

In this portion please provide as many details as you can about the this DIFC entity's controls implemented in order to comply with DIFC DP Law 2020. You may wish to review guidance provided by the Commissioner of Data Protection as well as these processing assessment tools: [Guidance and Assessment Tools](#). If in the course of completing this information you find that any information in your account should be updated, please do so via the appropriate Service Request, to avoid enforcement action for non-compliance with the Data Protection Law, DIFC Law No 5 of 2020, or other applicable DIFC Laws and Regulations.

3

What kinds of questions should we consider regarding DP inspections?

What if I know my company is not compliant with the DP Law 2020 when inspected? It's not a trap! But sort your compliance sooner than later!!



What if I don't respond to an inspection request? There will be follow up to assist if possible, and in the end, enforcement action may be taken.



What activities does my business perform? Check your license and take the opportunity to update if necessary.



How many Processors are we sharing data with and what DP laws are in place where they operate? Keep a Record of Processing Activity (Article 15)



Where does my company collect Personal Data?

Check all sources – online forms and apps, third parties, business cards...



Can I request an extension to respond to an inspection request?

Yes* (*To be enabled soon!)



Does any data leave the DIFC? Consider whether your business has properly indicated that it transfers data to non-DIFC jurisdictions.



Have I evaluated the risk that processing creates regarding the personal data we store? Inspection is a chance to do so!

Free
for
everyone

Contact

For further information
please contact:

DIFC DP Commissioner's Office
commissioner@dp.difc.ae

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