

Personal Data Protection Law

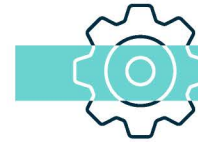


Importance of the law

- ☑ Maintains privacy while sharing and processing data.
- ☑ It establishes respect for personal life and creates a vibrant and secure society.
- ☑ Contributes to the manufacture of a data-based digital economy.
- ☑ Provides specific controls that ensure optimal data use.
- ☑ Prohibits using personal ways of communication for marketing or awareness purposes without the owner's consent.



The Law Objectives



Law Standards

The law contributes to protecting personal data rights, regulates its participation between entities, and prevents misuse, thereby supporting and flourishing the Saudi economy by building confidence in the data sector.

The law adjusts the process of disclosing personal data within specific controls to ensure optimal use of it, as it is no longer entitled to use personal means of communication with the aim of sending marketing materials, or awareness only with the consent of the owner of personal data, excluding awareness materials sent by public authorities.

What is guaranteed by the new system?



Main terms of the application of the personal data protection law

- ☑ **Personal data:** Any statement that leads or can lead to the person's specific knowledge or makes it possible to identify him and the examples of that name and ID number.
 - ☑ **Sensitive data:** The statement contains a reference to the individual's ethnic or tribal origin, religious, intellectual or political belief, the person's membership in associations, civil institutions or any security or family statements.
 - ☑ **Genetic data:** Any information indicating a person's genetic characteristics, such as DNA analysis.
 - ☑ **Health data:** Any statement or information related to the individual's physical or mental condition.
 - ☑ **Credit data:** Any statement or information related to a person's financial condition, request for funding or purpose.
 - ☑ **Controller:** Is any public entity, and any natural or private legal person, determines the purpose of processing this personal data and how it is done, whether in the same entity or through the processor.
 - ☑ **Processor:** Any public entity, or any natural or private legal person, processes personal data for the benefit and on behalf of the controller.
 - ☑ **Specialist:** Saudi Data and Artificial Intelligence Authority (SDAIA) for two years.
 - ☑ **Processing:** Any process conducted on personal data by any manual or automated means.
- Personal data owner:** The person to whom the personal data relates, who represents him or who has the legal jurisdiction over him.

Who included to the Law and who is excluded?

✓ Included

Any data processing related to individuals is carried out in Saudi Arabia, by any means, including personal data relating to individuals residing in Saudi Arabia and the deceased if his data leads to the knowledge or knowledge of a family member.

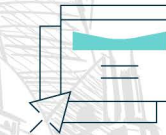
✗ Excluded

An individual is excluded if he or she processes personal data for purposes that do not go beyond personal and family use (as long as he has not published or disclosed it to third parties).

Terms of Personal Data Processing



Prohibition of processing any data without the owner's approval of such data.



Consent to data modification may be reversed



The consent of the data owner may not be a condition for providing the service.

The relationship between the controller and the processor

- ☑ The processor considers the provisions of the law on disclosure
- ☑ The controller obliges the processor to apply the provisions of this law
- ☑ The control authority may specify the duration of the processor in access to the data if necessary to protect the data owner.
- ☑ The controller may restrict the duration above - mentioned if the controller is a public entity and the restriction requires for security purposes or to meet a judicial requirement.

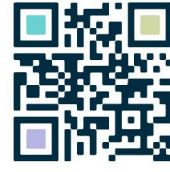
The law does not require the consent from the data owner if:

The modification is in the interest of the data owner.

The modification is under another law or the implementation of an earlier agreement of the data owner.

The data is with a public entity and the modification is for security purposes or to meet judicial requirements.

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Personal Data Protection Law

Rights of the Personal data Owner



The Controller's Accessibility to Personal Data

✗ The control authority may collect data only directly from the owner and for the specified purpose, but the control authority may collect personal data by someone other than the owner in the following cases:

- ☑ If the data owner agrees
- ☑ If the data is publicly available
- ☑ If the controller is public and the collection of personal data is not directly accompanied and is required for security purposes or for other judicial purposes.
- ☑ If compliance with the ban may harm the data owner.
- ☑ If it turns out that the personal data collected is no longer necessary, the controller should stop collecting it and destroy the above collection immediately.
- ☑ If data collection is necessary to protect public health or public safety.
- ☑ If the data will not be recorded or preserved in a format that makes it possible to identify the owner.
- ☑ The purpose of collecting personal data must be directly related to the controller.
- ☑ Data collection methods must not conflict with legal methods that states in the laws and regulations. and should not be fraudulent, deceived or shaded.

Personal Data Privacy Policy

- ☑ Determine the purpose of collecting them
- ☑ Content of personal data required
- ☑ How to collect data
- ☑ Data preservation
- ☑ How to process data
- ☑ How data is destroyed
- ☑ The rights of its owner in relation to it
- ☑ How to exercise those rights

The controller must inform the personal data owner of the following requirements before starting to collect data

To which entities the data will be disclosed

Rights provided in Article four of the law

The potential implications and risks of failure to complete the data collection procedure

The formal or practical justification for data collection

The purpose of collecting them and whether collecting them all is mandatory

The identity of the person collecting the data and he's address (unless it is collected for security purposes)

Other elements specified by the regulations

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Personal Data Protection Law



Disclosures of Personal Data by The Controller



	If the owner of the personal data agrees to disclose
	If the body requesting disclosure is a public entity, for security purposes or to implement another system or to meet judicial requirements in accordance with the provisions specified by the regulations
	If personal data has been collected from a publicly available source
	If disclosure is necessary to protect health or public safety, protect the lives of a particular individuals or individual, or protect their health
	If disclosure will be limited to processing it later in a way that does not lead to the identification of the owner of the personal data or any other individual specifically

The controller should not disclose personal data (in cases where it may disclose it) when the disclosure is described by any of the following:



	Represents a threat to security, harms the kingdom's reputation, or interferes with its interests
	Affects the Kingdom's relations with another country
	prevents of detecting a crime or to affect the rights of an accused to a fair trial or to affect the integrity of existing criminal proceedings.
	Endangers the safety of an individual or individuals
	It violates the privacy of an individual other than the owner of personal data.

	Contrary to the interest of the incomplete or incompetent
	Violates professional obligations that state in the laws and regulations
	It involves a breach of a commitment, procedure or judicial decision.
	Reveals a confidential source of information that the public interest must not disclose



Correcting and Updating Personal Data

If an error is corrected, a deficiency is completed or personal data is updated, the controller should feel any modification made to any other party to which the data has been transmitted and allow it to do so.



Personal data are closely related to a case before a judicial entity and were required for this purpose, in which case they are destroyed after the judicial proceedings on the case have been completed.

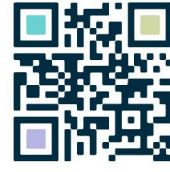
There is a statutory justification that must be retained for a specified period, in which case it is destroyed after the end of this period or the purpose of collecting it, whichever is longer.

It may retain such data after the purpose of collecting it has been completed if everything leading to the holder's knowledge is removed specifically in accordance with provisions specified by the regulations.

Controller Obligations and Rights After the Purpose of Collecting Personal Data has Ended

The controller must keep personal data even after the purpose of collecting it has been completed in the following cases

The controller must destroy personal data as soon as the purpose of collecting it is finished



Personal Data Protection Law



Maintaining Personal Data

The controller must take the necessary regulatory, administrative, and technical measures and means to ensure that personal data is preserved, including when transmitted, in accordance with the provisions and controls set out by the regulations.



In the event that personal data is leaked or damaged or when illegal access occurs

The controller notifies the competent authority that it has been informed of a leak, damage to personal data or illegal access to it.

The regulations specify the conditions in which the controller must notify the owner of personal data in the event of a leak, damage to or unlawful access to his personal data. If any of the above would cause serious harm to his or her data or to himself, the controller must notify him immediately.

The Controller Must Provide:

☒ An assessment of the effects of processing the personal data of any product or service provided to the public according to the nature of the activity exercised by the controller, and the regulations specify the necessary provisions.

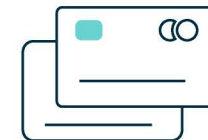
☒ Respond to the requests of the owner of personal data regarding his rights under the law within a specified period and through an appropriate means indicated by the regulations.

:Regulations define additional procedures for data processing to ensure the owner's data privacy and protection of their rights, such data can include



Health data including

- ☒ Limit access to data to as few employees as possible and only to provide the necessary health services.
- ☒ Restrict the procedures, processes and processing of health data to the least possible staff to provide health services or provide health insurance programs.



Credit data including

- ☒ Take what is necessary to verify the availability of written consent from the owner of personal data to collect such data, change the purpose of collecting, disclosing, or publishing it in accordance with the provisions of the credit system and information system.
- ☒ The owner of personal data must be notified when the request for disclosure of his credit data is received from any party.

Except for awareness materials sent by public authorities, the controller may not use the personal means of communication of the owner of personal data to send :promotional or awareness materials, except as follows

The consent of the personal data owner to send these materials to him must be taken.

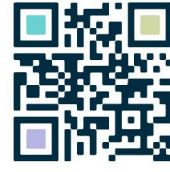


The sender of the material should provide a clear mechanism that enables the personal data owner to express his or her desire to stop sending them to him when he wishes to do so.

The regulations specify the provisions on the promotional and awareness materials referred to in this article, and the conditions and conditions of consent of the personal data owner to send such material to him.

Except for Sensitive Dat Personal data may be processed for marketing purposes, if collected directly from the owner and agreed in accordance with the provisions of the Law. The regulations set out the necessary previsions.

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Personal data may be collected and processed for scientific, research or statistical purposes without the consent of the personal data owner, in the following cases

If personal data does not contain evidence of the identity of the owner specifically

1

If evidence of the identity of the personal data owner is to be destroyed specifically during the processing process and before it is disclosed to any other party and that data is not sensitive data

2

If the collection or processing of personal data for these purposes is required by another Law or in accordance with an earlier agreement to which the owner is a party

3

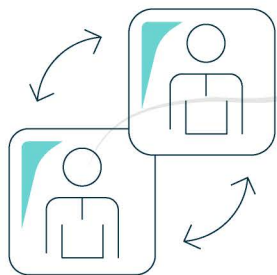
Copying Official Documents Identifying the Owner's Personal Data

Official documents identifying the owner's personal data may only be copied when this is in accordance with the provisions of a law, or when a competent public entity requests that such documents be photographed or copied as determined by the regulations.

Maintaining Personal Data Records

The controller maintains records for a period determined by the regulations for personal data processing activities depending on the nature of the control activity, with records including a minimum of the following data:

- Contact details for the controller
- Purpose of processing personal data
- Description of categories of personal data owner
- Which party has (or will) disclose personal data to them.
- Whether personal data has been transferred (or will be) transferred out of the Kingdom or disclosed to a party outside the Kingdom.
- The expected duration of retention of personal data.



Penalties

- In case of violation of the provisions of the transfer of data outside the Kingdom: a prison term of not more than (one year) and a fine of not more than (one million) riyals, or one of these penalties shall be punishable
- Anyone who discloses or disseminates sensitive statements is in violation of the provisions of the Law: a prison sentence of not more than (two years) and a fine of not more than (three million) riyals, or one of these penalties, if it is with the intention of harming the data owner or with the intention of achieving personal benefit



Data Protection Activity Licenses

- The competent authority is authorized to approve the practice of commercial, professional, or non-profit activities associated with the protection of personal data in the Kingdom
- When processing personal data relating to individuals residing in the Kingdom by any means, the entity outside the Kingdom must appoint a representative in the Kingdom to be authorized by the competent authority to carry out its obligations in the personal data protection law.
- The competent authority may license entities to issue certificates of the controller and processor.

- The Public Prosecutor's Office is responsible for investigating and prosecuting irregularities before the competent court.
- The competent court may double the fine in the event of recidivism even if it exceeds its maximum limit but shall not exceed double of that limit.
- While there is no special provision, the competent authority shall be a committee to look into the irregularities and impose penalties either by warning or with a fine of not equal to (five million) riyals for each person of a natural or private legal person who violated the provisions of the law.

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