



THE JAMAICA GAZETTE SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

96A

Vol. CXLVII

MONDAY, MARCH 4, 2024

No. 23A

No. 59A

THE DATA PROTECTION ACT

THE DATA PROTECTION REGULATIONS, 2024

In exercise of the power conferred upon the Minister by section 74 of the Data Protection Act, the following Regulations are hereby made:—

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| Citation and commencement. | 1. These Regulations may be cited as the Data Protection Regulations, 2024, and shall come into operation on the 1st day of March, 2024. |
| Exercise of rights under Part II by person other than data subject. | 2.—(1) A person who submits a request or requirement to a data controller pursuant to sections 6(2), 11(1), 12(2), 12(3)(b) or 13(1) of the Act, in exercise of the right of an individual (“A”) who is not that person but in respect of whom the person may under section 5 of the Act exercise the right, shall—
(a) if A is a minor and the person is A’s parent or legal guardian, submit with the request or requirement (as the case maybe) a copy of—
(i) A’s birth certificate, or document evidencing legal adoption, in the case where the person is A’s parent, or |

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- proof of legal guardianship in the case where the person is A's legal guardian;
- (ii) A's Government-issued identification (if any); and
 - (iii) that parent or legal guardian's Government-issued identification;
- (b) if A is a person who, by reason of any mental impairment, is unable to act, and the person is A's nearest relative as described in section 5(a)(ii) of the Act—
- (i) a copy of A's Government-issued identification;
 - (ii) a copy of the person's Government-issued identification; and
 - (iii) documentary proof establishing the person's status as A's nearest relative (for example, a copy of a court order issued under the Mental Health Act, a copy of a marriage certificate, a copy of a birth certificate or proof of legal guardianship that establishes that status);
- (c) if the person is A's legal personal representative—
- (i) a copy of A's Government-issued identification;
 - (ii) a copy of the person's Government-issued identification; and
 - (iii) documentary proof establishing the person's status as A's legal personal representative (for example, a copy of the grant of probate or letters of administration or the order of a court);
- (d) if the person is an individual to whom A delegates in writing the exercise of the right—
- (i) a copy of A's Government-issued identification;
 - (ii) a copy of the person's Government-issued identification; and
 - (iii) a certified copy of the delegation.

First
Schedule,
Form 1A.

(2) For the purposes of section 5(b)(ii) of the Act, the delegation by an individual of a right conferred under Part II of the Act shall be in the form set out as Form 1A of the First Schedule, signed by the individual, and the signature shall be witnessed by, or acknowledged by, the individual before a Justice of the Peace or, in the case of an individual signing in a foreign jurisdiction, witnessed by, or acknowledged by, the individual before a Notary Public or a Consular Officer for Jamaica.

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- Method of submission of request or requirement pursuant to sections 6(2), 11(1), 12(2), 12(3)(b) or 13(1) of the Act. First Schedule, Forms 2 to 5.
- 3.—(1) A request or requirement submitted to a data controller pursuant to—
- (a) section 6(2) of the Act may be in the form set out as Form 2 of the First Schedule;
 - (b) section 11(1) of the Act may be in the form set out as Form 3 of the First Schedule;
 - (c) section 12(2) or 12(3)(b) of the Act may be in the form set out as Form 4 of the First Schedule; or
 - (d) section 13(1) of the Act may be in the Form set out as Form 5 of the First Schedule and shall be accompanied by the evidence that the individual making the request relies on to support the assertion of inaccuracy,

and in any event shall state the following particulars—

- (i) the name and address of the data controller;
- (ii) the name, date of birth and sex of the data subject;
- (iii) the name of the requesting or requiring party (if different from the data subject);
- (iv) the address, including an email address, to which correspondence responding to the request or requirement (as the case may be) is to be sent; and
- (v) the right being relied on (that is, pursuant to sections 6(2), 11(1), 12(2), 12(3)(b) or 13(1) of the Act).

(2) A request or requirement referred to in paragraph (1) shall be submitted by any of the following methods—

- (a) by any method that creates a written record (for example, electronic mail or facsimile);
- (b) by depositing the written request or requirement (as the case may be) at the registered office or principal place of business of the data controller; or
- (c) by sending the written request or requirement (as the case may be) by registered post to the registered office or principal place of business of the data controller.

Response by
data
controller to
request or
requirement
pursuant to
sections
6(2), 11(1),
12(2),
12(3)(b) or
13(1) of the
Act.

4.—(1) Where a data controller is informed that an individual who wishes to submit a written request, or requirement, to that data controller pursuant to sections 6(2), 11(1), 12(2), 12(3)(b) or 13(1) of the Act, is unable to do so because of—

- (a) the individual’s inability, or limited ability, to read or write English; or
- (b) any disability or other condition that impairs the individual’s ability to prepare the request or requirement (as the case may be) in writing,

the data controller shall provide such assistance as may be necessary for the individual to prepare the request or requirement (as the case may be).

(2) The information provided by a data controller pursuant to sections 6(2), 11(1), 12(2), 12(3)(b) or 13(1) (as the case may be) of the Act shall—

- (a) be in writing, using clear and plain language, in a form that is intelligible and concise; and
- (b) for the purposes of sub-paragraph (a) of this paragraph, or section 7(2) of the Act, a requirement to supply information in intelligible form shall be taken to have been met, in respect of an individual who has a sensory impairment, if the information is supplied in a format that allows the individual to read or listen to the information.

(3) Where a request is made to a data controller under section 6(2) of the Act, the data controller shall have a further period, not exceeding forty-five days from the end of the period of thirty days (“the initial period”) provided for in section 6(4) of the Act, within which to respond to the request, if—

- (a) the request involves complexity due to the volume or nature of the data, and responding within the initial period would unreasonably interfere with the operations of the data controller;
- (b) having regard to the number of such requests received by the data controller, the data controller cannot reasonably be expected to be able to respond within the initial period; or
- (c) providing the information requires the data controller to consult with a third party and such consultation cannot practicably be completed within the initial period.

(4) Where a data controller intends to rely on paragraph (3) for an extension of the time within which to respond to a request, the data controller shall, in writing, before the end of the initial period inform the requesting party of the extension, the period of the extension and the reason for the extension.

Fees. Second Schedule.	5.—(1) The fees chargeable under the Act shall be in the amounts specified in the Second Schedule. (2) Subject to paragraph (3), a data controller may, upon the written request of the party requesting information under section 6(2) of the Act, waive any applicable fees (or any portion thereof) in relation to the provision of the information. (3) If the data controller is a public authority, a waiver under paragraph (2) shall only be granted if the data controller considers that it is fair and equitable to do so after considering whether the payment will cause financial hardship for the requesting party. (4) Except in any case where the applicable fees have been waived, the data controller is not obliged to provide information requested under section 6(2) of the Act until the applicable fees have been paid.
Delegation of right to give or withhold consent to processing of personal data. First Schedule, Form 1B.	6.—(1) For the purposes of section 9(1)(b)(ii) of the Act, the form of delegation of the right of a data subject to give or withhold consent to the processing of that data subject's personal data shall be in the form set out as Form 1B of the First Schedule. (2) A form of delegation under paragraph (1) shall be valid for the period which shall be specified on the completed form. (3) The completed form of delegation shall be submitted to the data controller along with a copy of— (a) the Government-issued identification of the data subject; and (b) the delegate's Government-issued identification. (4) In any case where a purported form of delegation does not conform with one or more of the requirements of this regulation, the data controller— (a) shall not act on the delegation; and (b) shall promptly in writing inform the data subject of the non-conformity, specifying the nature of the non-conformity.
Consent to direct marketing. First Schedule, Form 6.	7. For the purposes of section 10(3) of the Act, the request for the consent of a data subject for the personal data of that data subject to be used for the purposes of direct marketing shall be in the form set out as Form 6 of the First Schedule.
Request for rectification of inaccuracy.	8.—(1) In any case where a data controller who receives a request in accordance with regulation 3(1)(d) needs more information in order to determine the request in the manner required by section 13(3) of the Act, the data controller shall promptly in writing require that information from the individual who made the request.

(2) A notice issued by a data controller pursuant to section 13(3) of the Act (notification in respect of data controller's determination of the action taken or not taken in relation to a request for rectification) shall—

- (a) include the reasons for the determination made by the data controller; and
- (b) inform the party to whom the notice is required to be given of that party's entitlement to appeal to the Information Commissioner under section 13(5) of the Act.

Data
protection
officers.

9. —(1) Subject to section 20(2) of the Act, a data protection officer appointed by a data controller—

- (a) may be a member of the staff of the data controller or may be an agent employed on a contractual basis; and
- (b) shall, in the capacity of data protection officer, report to a person, or persons, at the senior management or executive management level within the data controller's organisational structure.

(2) Where a data controller appoints a data protection officer who resides outside of Jamaica, the data controller shall ensure that the data protection officer has a representative who—

- (a) resides in Jamaica; and
- (b) is tasked with ensuring that the functions of the data protection officer are carried out in accordance with the Act.

(3) Subject to section 20(2) of the Act, a person who is appointed as a data protection officer for a data controller may be appointed as a data protection officer for another data controller only if—

- (a) having regard to the size and organisational structure of each of the data controllers, the person will be easily accessible by each of the data controllers and be able to perform the functions, specified in section 20 of the Act, in respect of each of the data controllers; and
- (b) the appointment does not create any potential for conflict of interest as regards the functions of the data protection officer, in relation to the operations of any of those data controllers and, in particular, the compliance of each of those data controllers with the Act.

Report of
contravention
of data
protection
standard or
security
breach.
First
Schedule,
Form 7.

10.—(1) A report for the purposes of section 21(3) of the Act shall be in the form set out as Form 7 of the First Schedule.

(2) Where a data controller submits a report under section 21(3) of the Act and the data controller becomes aware of additional information relevant to the report, the data controller shall forthwith report the additional information to the Commissioner.

(3) For the purposes of paragraph (2), additional information submitted in respect of a report shall be submitted in the form of an additional report in accordance with the form set out as Form 7 of the First Schedule.

(4) The notification made by a data controller pursuant to section 21(5) of the Act to a data subject whose personal data is affected by a contravention of any data protection standard or a security breach, shall be made within seventy-two hours after the data controller becomes aware of the contravention or breach (as the case may be) affecting that data and shall contain the particulars specified in paragraph (7).

(5) A notification pursuant to paragraph (4) shall be made by the data controller—

- (a) directly to the data subject by post, electronic mail, or any other form of written communication that a reasonable person would consider appropriate in the circumstances; or
- (b) by indirect means in accordance with paragraph (6), if the notification cannot be given directly to the data subject in accordance with paragraph (a), because to do so would cause undue hardship to the data controller or because the data controller does not have the contact information for the data subject.

(6) An indirect notification for the purposes of paragraph (5)(b) may be given by any medium of communication to which the public has access or by any means by which the notification could reasonably be expected to reach the data subject concerned.

(7) A notification pursuant to paragraph (4) shall, in clear and plain language—

- (a) describe the nature of the contravention or security breach (as the case may be), including—
 - (i) the details of what happened;
 - (ii) the date or dates on which the contravention or breach occurred, or, if a precise date is unknown, the approximate period during which the contravention or breach occurred;

- (b) describe the possible consequences, to the data subject, of the contravention or breach, including a description of the personal information of the data subject that may be affected by the contravention or breach (to the extent that that information can reasonably be known to the data controller);
- (c) specify the measures taken, or proposed to be taken, by the data controller to mitigate or address the contravention or breach;
- (d) specify the measures taken, or proposed to be taken, by the data controller to minimise the negative impact of the contravention or breach;
- (e) specify the measures (if any) recommended by the data controller to be taken by the data subject to mitigate the negative impact of the contravention or breach; and
- (f) include the contact information, of the data protection officer, that the data subject can use to obtain further information about the contravention or breach.

Fair
processing
in
accordance
with first
data
protection
standard.

11.—(1) For the purposes of section 22(6) of the Act, in determining what information to provide to a data subject who provides or authorises the provision of personal data to a data controller, the data controller shall have regard to whether the information is sufficient to enable the data subject to understand—

- (a) the purposes for which the personal data will be processed;
- (b) the likely consequences of the processing;
- (c) the nature and extent of the processing; and
- (d) whether or not particular disclosures are likely as a result of the processing, and to envisage the general nature of those disclosures.

(2) Where a data controller intends to rely on the condition set out in section 23(1)(f) of the Act for the processing of personal data, the data controller shall make a written assessment, kept in a manner that it can be readily associated with the personal data concerned, that—

- (a) identifies the legitimate interest being pursued by the data controller or third party to whom the data are disclosed;
- (b) states the rationale for regarding the processing to be necessary for the purposes of that legitimate interest; and
- (c) states the rationale for regarding the processing as not being unwarranted by reason of prejudice to the rights and freedoms or legitimate interests of the data subject, having regard to in particular (but not necessarily limited to)—
 - (i) the nature and source of all legitimate interests involved;

- (ii) the impact of the processing on the fundamental rights and freedoms of the data subject; and
- (iii) all additional safeguards that could be, or have been, applied by the data controller to prevent any undue impact of the processing on the data subject.

Procedure
for appeals.

First
Schedule,
Form 8.

12.—(1) A person may appeal under section 70(1) of the Act to the Appeal Tribunal by filing with the Appeal Tribunal a notice of appeal, in the form set out as Form 8 of the First Schedule, within twenty-one days after being informed of the decision that is the subject of the appeal or such longer period as the Appeal Tribunal may allow pursuant to paragraph (3).

(2) A person filing a notice of appeal under paragraph (1) shall—

- (a) include with the notice a copy of each supporting document relied on by the person in the appeal; and
- (b) serve a copy of the notice and supporting documents on the Commissioner, within five days after filing the notice with the Appeal Tribunal.

(3) A person may request an extension of the time within which to file an appeal under section 70 of the Act by submitting to the Appeal Tribunal a request as indicated in Item 7 of Form 8 of the First Schedule.

(4) Within fourteen days after receiving the notice of appeal under paragraph (2)(b), the Commissioner shall submit to the Appeal Tribunal a statement in writing of the reasons for the decision that is the subject of the appeal.

(5) On receiving a notice of appeal pursuant to this regulation, the Appeal Tribunal—

- (a) may direct any party to the appeal to provide the Appeal Tribunal with such information within that party's possession or control as the Appeal Tribunal considers relevant for determining the appeal; and
- (b) shall in writing inform each of the parties to the appeal—
 - (i) of the date, time and place for the hearing of the appeal; and
 - (ii) of the matters set out in paragraph (6).

(6) Each party to an appeal under section 70 of the Act—

- (a) may at the hearing of the appeal appear in person, with or without a representative, or may be represented by a representative appearing on that party's behalf;

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-
- (b) may summon such witnesses as that party considers necessary for the purposes of the appeal;
 - (c) shall, not less than fourteen days before the date specified under paragraph (5)(b)(i) for the hearing—
 - (i) submit to the Appeal Tribunal a list of all the information on which that party intends to rely for the purposes of the appeal; and
 - (ii) serve on the other party a copy of the list;
 - (d) may, in writing served on the other party, request from the other party a copy of any information included on the list submitted by that party under paragraph (c); and
 - (e) shall supply to the requesting party a copy of the information requested under paragraph (d) or paragraph (5)(a), within five days after receiving the request.

(7) A person who makes an appeal under section 70 of the Act may withdraw the appeal by serving on the Appeal Tribunal and the Commissioner a notice of withdrawal in the form set out as Form 9 of the First Schedule.

First
Schedule,
Form 9.

(8) A decision of the Appeal Tribunal under section 70(3) of the Act shall be communicated to the parties to the appeal, in writing including the reasons for the decision, within sixty days after the conclusion of the hearing of the appeal.

(9) Any action that may be taken by a party under this regulation may be taken by the party's authorised representative.

(10) Without prejudice to the generality of any discretion of the Appeal Tribunal to regulate its own proceedings, the Appeal Tribunal may in the exercise of that discretion do any of the following—

- (a) order the consolidation of two or more appeals made to it if the Appeal Tribunal determines that—
 - (i) the facts of those appeals are similar;
 - (ii) some common issue of law arises in those appeals;
 - (iii) no prejudice will result to any of the parties from consolidating the appeals; and
 - (iv) the parties are notified of the proposal to consolidate the appeals and are given the opportunity to show cause why any such appeal should not be consolidated;

- (b) proceed to hear and determine an appeal in the absence of any or all of the parties, if the Appeal Tribunal is satisfied that each absent party was duly informed of the date of the hearing of the appeal;
- (c) direct that the costs of any party in respect of the appeal be borne by such other party to the appeal as is specified in the direction;
- (d) on its own motion, or at the request of any party to an appeal, and subject to such terms as may be specified by the Appeal Tribunal, adjourn the hearing of the appeal until such date as the Appeal Tribunal shall determine and give notice thereof to the parties;
- (e) receive any evidence in an appeal either orally or by affidavit;
- (f) if requested by a party to an appeal, require any person who has provided information in the appeal to appear before the Appeal Tribunal and give evidence orally, if the Appeal Tribunal is satisfied that—

- (i) the request is not solely for the purpose of causing delay in the proceedings; and

- (ii) the content of the information is not purely formal in nature,

First
Schedule,
Form 10.

and shall serve a notice of the requirement in the form set out as Form 10 of the First Schedule;

- (g) subject to section 65 of the Act, require any person who the Appeal Tribunal, based on any information received by it, has reason to believe has evidence that may be material in the determination of any matter in an appeal to appear before the Appeal Tribunal and, if the evidence consists of a document or other information in the possession of that person, to produce that document or other information;
- (h) extend the time allowed under these regulations to a party in an appeal to do anything in relation to the appeal; and
- (i) conduct any hearing, and require attendance thereat, by electronic means in accordance with arrangements specified by the Appeal Tribunal for that purpose.

(11) In this regulation—

- (a) “authorised representative” in relation to a party to an appeal means the party’s legal representative or any other person acting on behalf of the party with the party’s written consent;
- (b) “party” in relation to an appeal means the person who filed the notice of appeal, the Commissioner, and any person joined in the appeal under any power given to the Appeal Tribunal under the Act.

Status of
decision
pending
appeal.

13. Where a decision of the Commissioner is the subject of an appeal, the decision shall take effect pending the appeal, unless—

- (a) otherwise ordered by the Appeal Tribunal or court (as the case may be) hearing the appeal; or
- (b) otherwise provided by sections 44(8), 48(1), 49(4) or 50(3) of the Act.

FIRST SCHEDULE

FORM 1A (Regulation 2)

THE DATA PROTECTION ACT, 2020

DELEGATION FORM

(under section 5(b)(ii) of the Act)

I of
(Insert full name of data subject)

..... hereby
(Insert address of data subject)

authorise of
(Insert name of person being issued authorisation to act)

..... to:
(Insert address of person being issued authorisation to act)

exercise my right [*strike out the items that do not apply*]:

of access to my personal data
to prevent processing of my personal data
in relation to automated decision taking
to rectify any inaccuracy in my personal data

This authorisation is given in respect of personal data being processed by [*strike out the item that does not apply*]:

all data controllers

a specific data controller (*specify details of the data controller*):

Name:

Address:

Phone number:

Email:

FIRST SCHEDULE, *contd.*

FORM 1A, *contd.*

and shall be valid for from the date hereof.
(*insert period of validity*)

.....
Signature of data subject

.....
Date

.....
Signature of Justice of the Peace/Notary Public or Consular Officer
[*as the case requires*]

.....
Date

FIRST SCHEDULE, *contd.*

FORM 1B

(Regulation 6)

THE DATA PROTECTION ACT, 2020

DELEGATION FORM

(under section 9(1)(b)(ii) of the Act)

I of
(Insert full name of data subject)

..... hereby
(Insert address of data subject)

authorise of
(Insert name of person being issued authorisation to act)

..... to:
(Insert address of person being issued authorisation to act)

☐ give consent regarding the *[strike out the items that do not apply]*:

processing of my personal data for all activities

processing of my personal data for the purpose of direct marketing

processing of my personal data for the following activity/ies
(Specify the activity/ies below)

.....
.....
.....

☐ withhold consent regarding the *[strike out the items that do not apply]*:

processing of my personal data for all activities

processing of my personal data for the purpose of direct marketing

processing of my personal data for the following activity/ies

(Specify the activity/ies below)

This authorisation is given in respect of personal data being processed by *[strike out the item that does not apply]*:

all data controllers

FIRST SCHEDULE, *contd.*FORM 1B, *contd.*a specific data controller (*specify details of the data controller*):

Name:

Address:

Phone number:

Email:

and shall be valid for from the date hereof.
(*insert period of validity*).....
Signature of data subject.....
Date.....
Signature of Justice of the Peace/Notary Public or Consular Officer
(*as the case requires*).....
Date

Note: A data controller will not act on any purported delegation that is not in conformity with this Form and the requirements of regulation 6 of the Data Protection Regulations, 2024.

FIRST SCHEDULE, *contd.*

FORM 2

(Regulation 3)

THE DATA PROTECTION ACT, 2020

APPLICATION FOR ACCESS TO PERSONAL DATA

(under section 6(2) of the Act)

Reference No:

(For Internal Use Only)

1. Name and address of data controller:

(Please state the name and address of the data controller to whom the application is being directed).

2. Name of data subject:

(Print)

Last First Middle

3. Name of applicant: *(If different from data subject)**(Print)*

Last First Middle

4. Date of birth of data subject

5. Sex of data subject ☐ Male ☐ Female

6. Address:

(Please indicate the address to which correspondence related to your application should be sent).

Home: Mailing:

.....

.....

Tel: Tel:

Email: Other:

7. I would like to: *(Please check the relevant box(es))*☐ be informed whether the personal data of the abovenamed data subject is being processed by you or on your behalf;☐ be given a description of the:

- personal data of the abovenamed data subject which is being processed;

FIRST SCHEDULE, *contd.*FORM 2, *contd.*

- purpose(s) for which the data are being, or are to be, processed; and
- recipients or classes of recipients to whom the data are or may be disclosed;

☐ have the personal data of the abovenamed data subject made available to me and to be advised of the source of the data (if known);

☐ have the personal data of the abovenamed data subject transmitted to the following data controller(s):

Name of data controller:

Address of data controller:

Telephone number: Email:

☐ be informed of the logic involved in the automated decision which was taken regarding the abovenamed data subject;

8. I would like to have the personal data of the abovenamed data subject made available in the following format:

☐ photocopy

☐ electronically

☐ other (please specify)

Note: Where a fee is applicable, payment will be required before the personal data are, or the logic involved in an automated decision is, made available or the personal data are transmitted to another data controller.

.....
Signature of data subject/applicant

.....
Date

FORM 3

(Regulation 3)

THE DATA PROTECTION ACT, 2020

NOTICE TO PREVENT PROCESSING

(under section 11(1) of the Act)

Reference No:

(For Internal Use Only)

1. Name and address of data controller:

.....

.....

.....

(Please state the name and address of the data controller to whom the application is being directed).

2. Name of data subject:

(Print)

Last First Middle

3. Name of applicant: *(If acting on behalf of a data subject)**(Print)*

Last First Middle

4. Date of birth of data subject

5. Sex of data subject ☐ Male ☐ Female

6. Address:

(Please indicate the address to which correspondence related to your application should be sent).

Home: Mailing:

.....

.....

Tel: Tel:

Email: Other:

7. I hereby direct you: *(Please check the relevant box and strike out the options that do not apply)*

- ☐ To cease processing the personal data, of which I am the data subject/of the data subject on whose behalf I am acting, on or before

.....

(insert date).

FIRST SCHEDULE, *contd.*FORM 3, *contd.*

- ☐ To cease processing the personal data, of which I am the data subject/of the data subject on whose behalf I am acting, for the following purpose
..... (specify the purpose) on or before the following date
..... (insert date).
- ☐ To cease processing the personal data, of which I am the data subject/of the data subject on whose behalf I am acting, in the following manner (specify the manner) on or before the following date
(insert date).
- ☐ Not to begin processing the personal data of which I am the data subject/of the data subject on whose behalf I am acting.
8. The data controller is required to give effect to the direction above on the basis that: *(Please check the relevant box(es) and strike out the options that do not apply)*
- ☐ The processing of the personal data/the processing of the personal data for the specified purpose/the processing of the personal data in the specified manner, is causing/is likely to cause substantial damage or substantial distress to me/the data subject/to another, and that the damage or distress caused/likely to be caused is unwarranted.
- ☐ The personal data is incomplete/irrelevant having regard to the purpose of the processing.
- ☐ The processing of the personal data/ the processing of the personal data for the specified purpose/in the specified manner, is prohibited under the following law
(state law).
- ☐ The personal data has been retained by the data controller for longer than the period of time for which it may be retained by the data controller under the following law
(state law).

.....
Signature of data subject/applicant

.....
Date

Note: Please submit any documents/evidence in support of the application.

FIRST SCHEDULE, *contd.*

FORM 4

(Regulation 3)

THE DATA PROTECTION ACT, 2020

NOTICE TO PREVENT AUTOMATED DECISION TAKING
(under sections 12(2) and 12(3)(b) of the Act)

Reference No:

(For Internal Use Only)

1. Name and address of data controller:

.....

(Please state the name and address of the data controller to whom the application is being directed).

2. Name of data subject:

(Print)

Last First Middle

3. Name of applicant: *(If acting on behalf of a data subject)**(Print)*

Last First Middle

4. Date of birth of data subject

5. Sex of data subject ☐ Male ☐ Female6. Address: *(Please indicate the address to which correspondence related to your application should be sent).*

Home: Mailing:

Tel: Tel:

Email: Other:

7. I hereby direct you: *(Please check the relevant box(es) and strike out the options that do not apply)*

- ☐ To ensure that no decision taken by or on your behalf and which significantly affects me/the data subject on whose behalf I am acting, is based solely on the processing, by automatic means, of my personal data/the data subject's personal data for the purpose of evaluating matters relating to me/the data subject.

FIRST SCHEDULE, *contd.*

FORM 4, *contd.*

- ☐ in relation to your notice of (*insert date*)
in respect of, and which significantly affects, me/the data
subject on whose behalf I am acting, to reconsider the
decision made by you or on your behalf or make a new
decision, otherwise than by automated means.

.....
Signature of data subject/applicant

.....
Date

FIRST SCHEDULE, *contd.*

FORM 5

(Regulation 3)

THE DATA PROTECTION ACT, 2020

APPLICATION FOR RECTIFICATION OF PERSONAL DATA
(under section 13(1) of the Act)

Reference No:

(For Internal Use Only)

1. Name and address of data controller:

.....

.....

(Please state the name and address of the data controller to whom the request for rectification is being directed).

2. Name of data subject:

(Print)

Last First Middle

3. Name of applicant: *(If different from data subject):**(Print)*

Last First Middle

4. Date of birth of data subject

5. Sex of data subject ☐ Male ☐ Female

6. Address:

(Please indicate the address to which correspondence related to your application should be sent).

Home: Mailing:

.....

.....

Tel: Tel:

Email: Other:

7. I require rectification of the personal data, of the abovenamed data subject, being processed by you, on the basis that the data is/are:

☐ Incomplete☐ Incorrect

FIRST SCHEDULE, *contd.*

FORM 5, *contd.*

- ☐ Out of date
- ☐ Misleading
- ☐ Other (*specify*):

8. The information in respect of which the above claim is being made indicates that:

.....

9. The basis of my claim is as follows:

.....

10. The rectification/s required is/are:

(State the information which would render the data complete, correct, up to date or not misleading.)

.....

Note: Please submit any documents/evidence in support of the rectification requested.

.....
Signature of data subject/applicant

.....
Date

FIRST SCHEDULE, *contd.*

FORM 6 (Regulation 7)

THE DATA PROTECTION ACT, 2020

REQUEST FOR THE CONSENT OF A DATA SUBJECT TO
PROCESS PERSONAL DATA FOR THE PURPOSE OF
DIRECT MARKETING
(under section 10 of the Act)

TO:

.....

.....

(Name and address of data subject/delegate)

FROM:

.....

.....

.....

Contact number(s):

Fax number:

E-mail address:

(Name, address and contact details of data controller)

PART A

1. Section 10 of the Data Protection Act, 2020, requires that a data controller shall not process personal data of a data subject (the person to whom the personal data relates) for the purpose of direct marketing unless consent to the processing is given by the data subject. Additionally, the data subject shall only be approached once for consent by a data controller.

2. You are kindly requested to indicate your wishes regarding the processing of your personal data for the purpose of direct marketing in Part B below. After you have indicated your wishes in Part B, kindly submit this Form either by post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.

3. Kindly note that if you have consented to your personal data being processed for the purpose of direct marketing, that consent may be withdrawn by submitting this Form or Form 3 of the Data

FIRST SCHEDULE, *contd.*FORM 6, *contd.*

Protection Regulations, 2024, with your wishes either by post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.

.....
Full name of person signing on behalf of the data controller

.....
Designation of person signing on behalf of the data controller

.....
Signature of person signing on behalf of the data controller

.....
Date

PART B

I,
(full name of data subject/delegate)

hereby give consent/do not give consent/withdraw consent for goods and services to be marketed to me/the data subject on whose behalf I act by any means of communication (whether in person, electronic or otherwise). *[Strike out options that do not apply]*

Specify goods and services to be marketed (where consent is given):

.....
.....
.....
.....
.....
.....

Specify method of communication (where consent is given):

- ☐ In person:
- ☐ Fax:
- ☐ E-Mail:
- ☐ SMS:
- ☐ Other (Please specify):

.....
Signature of data subject/delegate

.....
Date

FIRST SCHEDULE, *contd.*

FORM 7

(Regulation 10)

THE DATA PROTECTION ACT, 2020

PERSONAL DATA BREACH REPORTING FORM

(under section 21(3) of the Act)

Reference No.: (for internal use only)

1(a) PARTICULARS OF DATA CONTROLLER

Name:

Address:

Contact Person:

Phone Number:

Email:

Scope: ☐ Private ☐ Public☐ Other (*please specify*)**(b) PARTICULARS OF DATA CONTROLLER
REPRESENTATIVE**

Name:

Address:

Contact Person:

Phone Number:

Email:

Scope: ☐ Private ☐ Public☐ Other (*please specify*)**2. PARTICULARS OF DATA PROTECTION OFFICER**

Name:

Address:

Phone Number:

Email:

Scope: ☐ Private ☐ Public☐ Other (*please specify*)**3. PARTICULARS OF DATA PROCESSOR (if applicable)**

Name:

Address:

Contact Person:

Phone Number:

Email:

Scope: ☐ Private ☐ Public☐ Other (*please specify*)

FIRST SCHEDULE, *contd.*FORM 7, *contd.*

4. PARTICULARS OF OTHER INVOLVED ENTITY

Is there another entity involved in this data breach?

☐ Yes ☐ No

(If yes, complete the information below)

Name:

Address:

Contact Person:

Phone Number:

Email:

Scope: ☐ Private ☐ Public

☐ Other *(please specify)*

5. TYPE OF REPORT

5.1 Purpose of the report:

☐ Report of a new personal data breach

☐ Provide more information regarding a previous report

5.2 Type of report:

☐ Comprehensive

☐ In phases

Select 'comprehensive' when this report contains all the information that the data controller has been able to gather regarding the data breach and the provision of further information is not foreseen. Select 'in phases' when this is an incomplete report, with further information to follow.

5.3 If in phases, indicate which phase:

☐ Initial

☐ Follow-up

☐ Conclusive

Follow-up: The is a follow-up to an initial report

Conclusive: This is the final information for the breach

5.4 In case of a follow-up or conclusive type of report, please indicate, if available, the reference number provided by the Information Commissioner.

--

FIRST SCHEDULE, *contd.*FORM 7, *contd.*

6. ABOUT THE DATA PROCESSING

6.1 Approximate number of individuals whose personal data are processed, referring exclusively to the processing activity affected by the personal data breach.

6.2 The processing activity affected by the breach includes personal data about individuals:

- ☐ In Jamaica
- ☐ Regionally
- ☐ Internationally/worldwide

7. DETAILS ABOUT THE BREACH AND ITS CONSEQUENCES

7.1 TIMELINE OF DATA BREACH

7.1. A Indicate the date and time on which you became aware of the breach.

7.1. B Is the date and time when the breach occurred known? (*Where applicable, indicate date and time*)

- ☐ Actual ☐ Estimated ☐ Unknown

Date/Time:

7.1. C How was the breach detected?

- ☐ By the data controller or data processor
- ☐ Communication from affected data subject
- ☐ Via social or other media
- ☐ From third parties
- ☐ Others:

7.2 CAUSE

- ☐ Accidental or non malicious act
- ☐ Malicious act to damage the data controller, data processor or data subjects
- ☐ Unknown intentionality

7.3 ORIGIN

- ☐ Internal: staff or systems managed by data controller
- ☐ Internal: staff or systems managed by data processor
- ☐ External: others, unrelated to data controller or data processor

FIRST SCHEDULE, *contd.*FORM 7, *contd.*7.4 HOW DID THE BREACH OCCUR? (*Select all relevant options*)

- | | |
|---|--|
| ☐ Verbal unauthorised disclosure of personal data | ☐ E-waste (personal data still present on obsolete device) |
| ☐ Paper lost or stolen or left in insecure location | ☐ Unintended publication |
| ☐ Mail lost or opened | ☐ Sending email to multiple recipients without blind copy/distribution list |
| ☐ Incorrect disposal of personal data on paper | ☐ Device lost or stolen |
| ☐ Personal data sent by mistake (postal or electronically) | ☐ Cyber incident: Encrypted device /Ransomware |
| ☐ Personal data displayed to wrong recipient | ☐ Cyber incident: Phishing/ user account compromised |
| ☐ Personal data deleted/destroyed | ☐ Cyber incident: Unauthorised access to personal data in IT systems |
| ☐ Abuse of access privileges by employee to extract, forward or copy personal data | ☐ Technical issue |
| | ☐ Unauthorised data modification |
| | ☐ Other |

7.5 WHAT HAS BEEN AFFECTED AS A RESULT OF THE BREACH?

- ☐ Confidentiality: Persons or organisations that are not authorised, or do not have a legitimate purpose for accessing the data, have been able to access and/or extract it.
- ☐ Availability: Personal data have been destroyed, lost or encrypted so that they cannot be processed.
- ☐ Integrity: Personal data have been altered, although still accessible, but the replacement of data may result in damage to the persons concerned.

7.6 WHERE THE BREACH IS A CONFIDENTIALITY BREACH

Is the data securely encrypted, anonymised or protected so that it is unintelligible to anyone who may have had access, or individuals cannot be identified?

- ☐ Yes ☐ No ☐ Unknown

7.7 WHERE THE BREACH IS AN AVAILABILITY BREACH

Has the availability of the data been restored so that it can be processed as usual?

- ☐ Yes ☐ No ☐ Not yet, but soon

FIRST SCHEDULE, *contd.*FORM 7, *contd.*7.8 WHERE THE BREACH IS AN INTEGRITY BREACH. (*Select the most appropriate option*)

- ☐ Data altered, but with no evidence of illegal or wrong use.
- ☐ Data altered, wrongly or illegally used, but with the possibility of reversing/recovering the damages.
- ☐ Data altered, wrongly or illegally used, without possibility of reversing/recovering damages.

7.9 SUMMARY OF THE INCIDENT

Provide a brief description of what happened and the concrete measures taken and proposed to be taken to minimise damage to data subjects.

8. TYPE OF DATA AFFECTED

Select the types of personal data that have been affected. (*select all applicable options*)

- ☐ Basic data subject identifiers (name, date of birth, contact details)
- ☐ User credentials (user password)
- ☐ Images (photo/video)
- ☐ National identification number
- ☐ Genetic data
- ☐ Biometric data
- ☐ Data revealing filiation, racial or ethnic origin
- ☐ Religious or philosophical beliefs
- ☐ Political opinions
- ☐ Trade union membership
- ☐ Health data (mental or physical)
- ☐ Sex life
- ☐ Criminal offences
- ☐ Financial data
- ☐ Other:

FIRST SCHEDULE, *contd.*FORM 7, *contd.*

9. NUMBER OF DATA SUBJECTS AFFECTED

In total, how many data subjects were or could be affected by the breach? *(If you do not know the exact value, please give an approximate value.)*

--

10. CATEGORIES OF DATA SUBJECTS

What are the categories of data subjects concerned? *(Select all applicable options)*

- ☐ Employees
- ☐ Customers/Clients or potential customers/clients
- ☐ Students
- ☐ Patients
- ☐ Subscribers
- ☐ Suppliers or Contractors
- ☐ Minors
- ☐ Others:

11. IMPACT ON DATA SUBJECTS

From the table below indicate:

- the nature of the possible impact of the breach;
- whether there is evidence that any of the impact has occurred; and
- if the impact has not yet occurred, the assessment of the probability of the impact occurring.

FIRST SCHEDULE, *contd.*FORM 7, *contd.*

	NATURE OF THE POSSIBLE IMPACT	EVIDENCE THAT THE IMPACT HAS OCCURRED (as at date of this report)	ASSESSMENT OF THE PROBABILITY OF THE IMPACT OCCURRING
(1)	☐ Limitation of their rights	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(2)	☐ Inability to access a service	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(3)	☐ Identity theft	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(4)	☐ Phishing/spamming victim	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(5)	☐ Fraud	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(6)	☐ Financial loss	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(7)	☐ Damage to reputation or relationship	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(8)	☐ Threat to professional secrecy	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(9)	☐ Humiliation or loss of dignity	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown

FIRST SCHEDULE, *contd.*FORM 7, *contd.*

	NATURE OF THE POSSIBLE IMPACT	EVIDENCE THAT THE IMPACT HAS OCCURRED (as at date of this report)	ASSESSMENT OF THE PROBABILITY OF THE IMPACT OCCURRING
(10)	☐ Loss of control over their personal data	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(11)	☐ Discrimination	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(12)	☐ Damage/Distress	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(13)	☐ Injury, Illness or loss of life	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(14)	☐ Still unknown	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown
(15)	☐ Other:	☐ Yes ☐ No	☐ Improbable ☐ Low ☐ High ☐ Very High ☐ Unknown

12. ACTIONS TAKEN BY THE DATA CONTROLLER AFTER THE BREACH

12.1 Have new security measures been taken after the incident that could have prevented the breach?

☐ Yes ☐ No ☐ Unknown ☐ Not Applicable

12.2 Have security policies and procedures been adapted or improved?

☐ Yes ☐ No ☐ Unknown ☐ Not Applicable

FIRST SCHEDULE, *contd.*FORM 7, *contd.*

12.3 Where applicable, select only new or updated security measures:

- | | |
|---|---|
| ☐ Data protection and information security policies | ☐ Periodic audits |
| ☐ Data protection and security training at the appropriate level | ☐ Physical access control |
| ☐ Updated IT systems | ☐ Logical access control |
| ☐ Incident log | ☐ Levels of access to data |
| | ☐ Data encryption |
| | ☐ Backup/Recovery Plan |
| | ☐ Anonymisation |
| | ☐ Other: _____ |

(Specify)

12.4 Has the incident been reported to law enforcement authorities as a criminal offence?

- ☐ Yes ☐ No ☐ Unknown

12.5 Have all possible actions been taken to resolve the breach?

- ☐ Yes ☐ No ☐ Unknown

12.6 Has the breach been resolved?

- ☐ Yes ☐ No

12.7 If yes, indicate the date on which the breach was resolved.

13. NOTIFICATION OF DATA SUBJECTS

13.1 Have the data subjects whose personal data have been affected by the breach been notified in the terms described in section 21(5) of the Data Protection Act and Regulation 10 of the Data Protection Regulations?

- ☐ Yes ☐ No

13.2 What means of notification was utilised? (*Select all applicable options*)

- ☐ Notification addressed personally to data subject (post, email, SMS, etc.)
- ☐ Publication on the data controller's website or social media pages
- ☐ Dissemination in other media
- ☐ Other.....

FIRST SCHEDULE, *contd.*FORM 7, *contd.*

13.3 Where applicable, indicate the date when notification was given to the data subjects.

13.4 Where applicable, indicate the number of data subjects to whom the notification was given.

14. DELAY IN REPORTING

If there has been a delay (more than 72 hours after becoming aware of the incident and reporting it to the Information Commissioner), please provide your justifications for the delay.

Signature:

Name:

Title:

Date:

FIRST SCHEDULE, *contd.*

FORM 8

(Regulation 12)

NOTICE OF APPEAL

IN THE MATTER OF THE DATA PROTECTION ACT

APPEAL NO.

BETWEEN APPELLANT

(Insert name of appellant)

AND INFORMATION COMMISSIONER RESPONDENT

TO THE APPEAL TRIBUNAL:

TAKE NOTICE that

.....

(Full name of appellant)

.....

(Address)

appeals against the decision of the Information Commissioner
contained in a decision dated

(insert date)

a copy of which is attached to this Notice.

1. The details of the decision appealed are:

.....

.....

.....

.....

2. The appellant challenges the following findings of fact and of
law—

(i) Findings of fact: *(Please indicate the nature of the original
request and the decision(s) and date of decisions of the
Information Commissioner)*

.....

.....

.....

.....

FIRST SCHEDULE, *contd.*

FORM 8, *contd.*

(ii) Findings of law: *(Please indicate any legal basis for your appeal)*

.....

3. The grounds of appeal are:
(State why the Information Commissioner 's decision should be reversed)

(i)
 (ii)
 (iii)
 (iv)

4. List of relevant information to be relied on *(if any)*:

.....

5. Number and names of witnesses *(if any)*:

.....

6. Authorised representatives *(if any)*:
(Indicate the name(s) and address(es) of the person(s) who will make representations on the appellant's behalf)

.....

7. I request an extension of time to file this Notice of Appeal:

[] Yes [] No

If yes, state reason(s) for the request:

8. Set out any specific power which the Appeal Tribunal is being asked to exercise:

.....

FIRST SCHEDULE, *contd.*

FORM 8, *contd.*

I certify that all facts set out in this Notice of Appeal are true to the best of my knowledge, information and belief.

Dated the day of , 20 .

.....

Signature of Appellant

Filed by (specify name and address, telephone number, fax, e-mail, of appellant or Attorney-at-law filing the document).

FIRST SCHEDULE, *contd.*

FORM 9

(Regulation 12)

NOTICE OF WITHDRAWAL OF APPEAL

IN THE MATTER OF THE DATA PROTECTION ACT

APPEAL NO.

BETWEEN APPELLANT
(*Insert name of appellant*)

AND INFORMATION COMMISSIONER RESPONDENT

TAKE NOTICE THAT:

I, and having principal place of
(*Insert name of appellant*)

residence/business at

discontinue the appeal numbered against the respondent
Information Commissioner. I hereby certify that I make this decision
of my own free will, free of duress and without profit or promise of
profit......
Signature of Appellant

Dated the day of, 20 ..

Filed by (specify name and address, telephone number, fax, e-mail,
of appellant or Attorney-at-law filing the document).

FIRST SCHEDULE, *contd.*

FORM 10

(Regulation 12)

NOTICE OF REQUIREMENT TO GIVE EVIDENCE AND
PRODUCE OTHER INFORMATION

IN THE MATTER OF THE DATA PROTECTION ACT

APPEAL NO.

BETWEEN..... APPELLANT

(Insert name of appellant)

AND INFORMATION COMMISSIONER RESPONDENT

TO:

*(Insert name and address of person)*WE COMMAND YOU to attend before the Appeal Tribunal
constituted under section 70 of the Data Protection Act at*(Insert location)*

on the day of 20.....

at the hour of o'clock in the fore/afternoon, and so

from day to day until the appeal in the above matter is heard, to give

evidence on behalf of and also

*(Name of appellant/respondent)*to bring with you and produce at the time and place named in this
notice the following information: (insert list of required information).....
.....

Dated the day of , 20 ..

.....

Chairperson
Appeal Tribunal

The office of the Appeal Tribunal is situated at.... Jamaica, W.I.

Telephone..... Email

Please address all correspondence to the Appeal Tribunal to the
Secretariat and quote the appeal number stated above.

SECOND SCHEDULE

(Regulation 5)

FEES

Item	Fee
1. Assessment of processing of personal data by Commissioner (section 4(8))	\$50,000.00
2. Provision of information of the logic involved in automated decision-taking (section 6(2)(d))	\$1,000.00 per 5 MB
3. Provision of personal data pursuant to a data subject access request (section 6(2)(c))	(1) Electronically - Free (2) Per paper copy - \$100.00 per page (3) By audio or video - \$1,000.00
4. Transmission of personal data to another data controller(s)	Electronically - Free

Dated this 4th day of March, 2024.

ANDREW HOLNESS
Prime Minister.

THE DATA PROTECTION ACT
The Data Protection Regulations, 2024
ARRANGEMENT OF REGULATIONS

1. Citation and commencement.
2. Exercise of rights under Part II by person other than data subject.
3. Method of submission of request or requirement pursuant to section 6(2), 11(1), 12(2) or 12(3)(b) or 13(1) of the Act.
4. Response by data controller to request or requirement pursuant to section 6(2), 11(1), 12(2), 12(3)(b) or 13(1) of the Act.
5. Fees.
6. Delegation of right to give or withhold consent to processing of personal data.
7. Consent to direct marketing.
8. Request for rectification of inaccuracy.
9. Data protection officers.
10. Report of contravention of data protection standard or security breach.
11. Fair processing in accordance with first data protection standard.
12. Procedure for appeals.
13. Status of decision pending appeal.

SCHEDULES