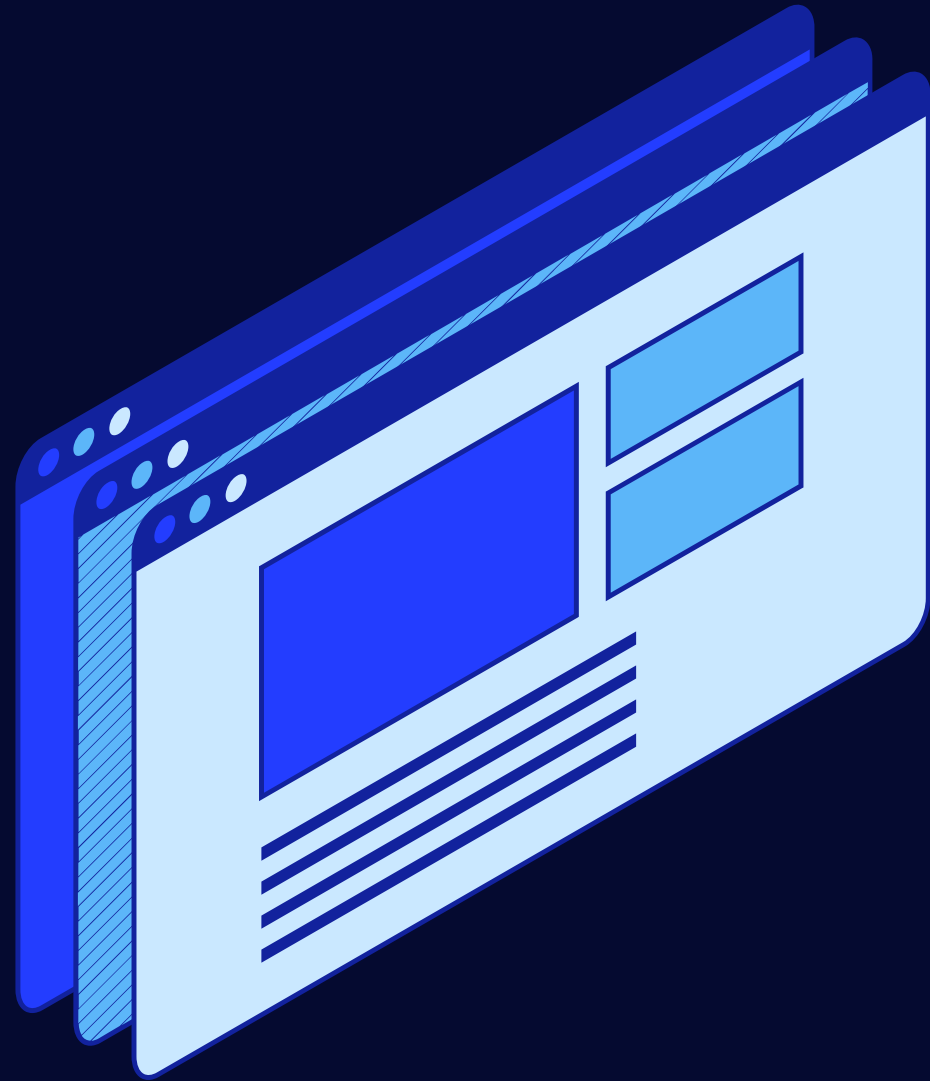
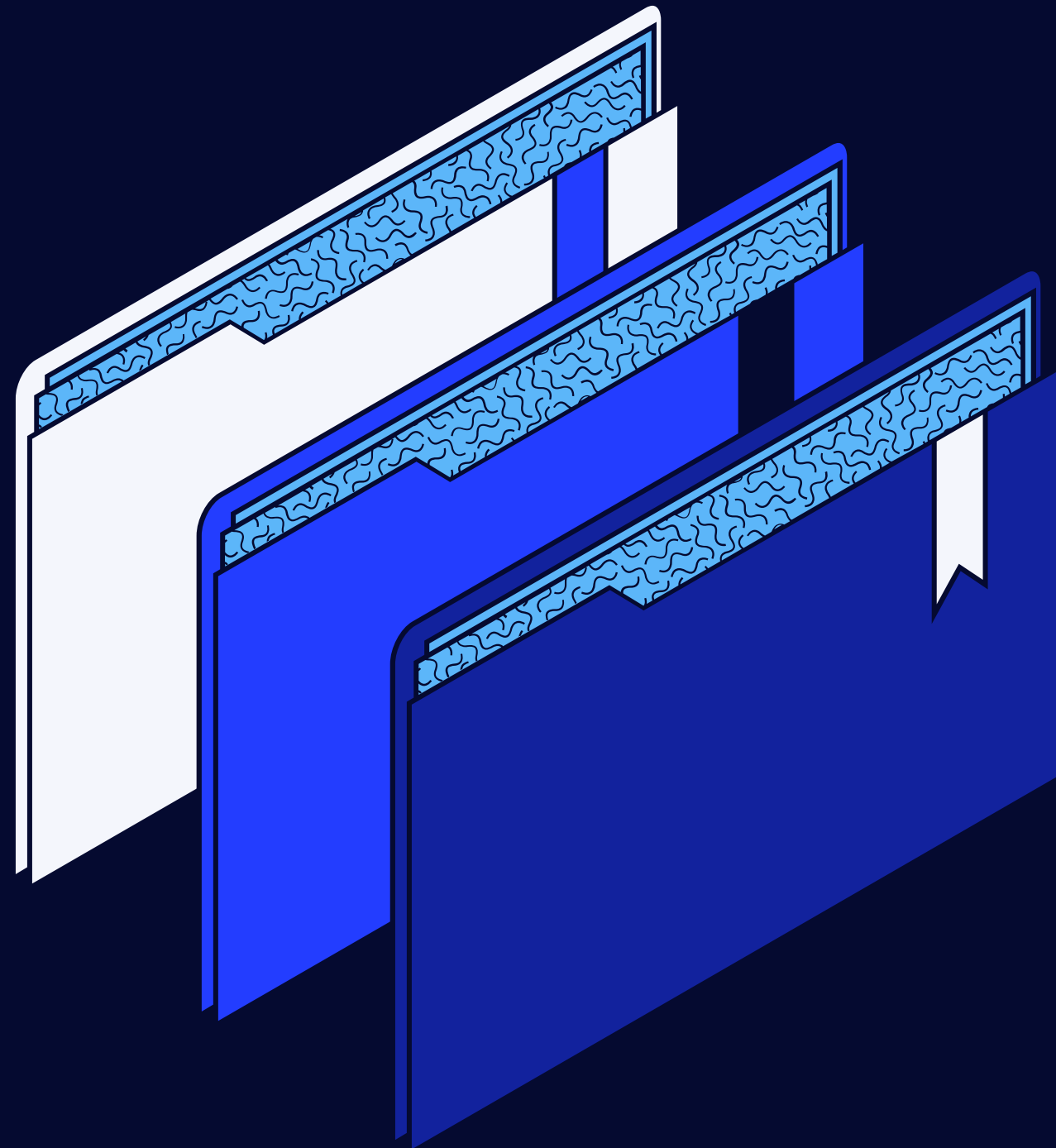


A QUICK INFORMATION GUIDE



Personal Information Protection Act (Draft)

Insight and guideline



Agenda

KEY TOPICS DISCUSSED IN THIS PRESENTATION

- Consent
- Processing
- Rights of Data Subjects
- Transfer of Personal Data Outside of Jordan
- Personal Protection Supervisory Authority
- Comparison between PIPA and the GDPR



Overview

The (draft) Personal Information Protection Act is evidently derived from the European Union General Data Protection Regulation, containing most of its provisions and definitions, with a few alterations that pertain to its enforcement mechanism in the Hashemite Kingdom of Jordan. The Act regulates the processing of personal data and special categories of data.

This document shall serve as a guide as to the rights and authorities of data controllers, processors and data subjects in relation to the processing of personal information.



Consent

Conditions for Consent

1

2

3

4

Explicit consent given and documented electronically or in writing.



Specific in terms of purpose of processing and duration.



Intelligible and easily accessible form, using clear and plain language



Consent by a parent or the legal guardian if Data Subject is not of legal capacity, or through consent by the judge upon request by the Unit if need be to serve the best interest of the Data Subject.



**THERE ARE TWO
EXCEPTIONS TO THIS
RULE**



Even if consent is given, processing will be considered **non-consensual where:**

→ Consent is given based upon *false information* or *deceptive or misleading practices* and but for such information or practices, the Data Subject would not have given his/her consent.

→ Any *changes* are made to the *nature, type or purpose of processing* of the data without consent of the Data Subject.

2

Data processing will be considered legal and legitimate **WITHOUT PRIOR CONSENT of the Data Subject if necessary in inter alia:**

- ➔ Preventive or occupational medicine, medical diagnosis, or the provision of health
- ➔ Crime prevention, detection, apprehension or prosecution of offenders
- ➔ Scientific or historical research purposes with some requirements
- ➔ Statistical purposes or national security or public interest.

**IT IS PROHIBITED TO RETAIN
PROCESSED DATA AFTER THE
PURPOSE OF PROCESSING IS
COMPLETE, UNLESS
OTHERWISE PROVIDED FOR
UNDER OTHER LEGISLATION**



Processing



Conditions for Processing

PURPOSE	<ul style="list-style-type: none">• legitimate, clear and specific.• Compliant with the purposes for which data was collected• Not for marketing products or services unless consent is given
BASIS	<ul style="list-style-type: none">• True, accurate and up-to-date data
MEANS	<ul style="list-style-type: none">• Should not lead to the identification of the person concerned• Should not cause harm to the Data Subject or impair his rights directly or indirectly.• Maintain confidentiality of information, protection and prevention of any change to the data.• Occur through legal means.



Minding the rights of Data Subjects

DATA SUBJECT'S RIGHTS

SECURITY

Protect their personal data and processing thereof unless explicit consent is given.

ACCESSIBILITY

Have knowledge of and access to the data under custody of the controller.

WITHDRAWAL RIGHTS

Withdraw their consent.

ERASURE AND RECTIFICATION RIGHTS

Rectify, erase, hide, add, update their data

COMPLAINT RIGHTS

Lodge a complaint against illegitimate or unnecessary processing of data and profiling takes place.

DATA PORTABILITY

Transfer personal data from one controller to another.

TRANSPARENCY

Specific and legitimate cause for data processing.
Knowledge of any violation or breach.



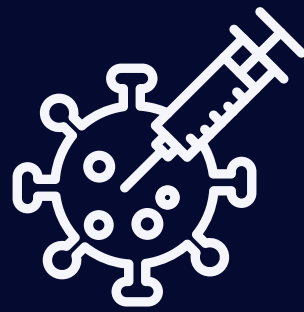


Transfer of Personal Data Outside of Jordan

It is generally **prohibited** to transfer personal data to another country unless the same level of protection provided under this law is afforded, except for in the following cases:



International or regional cooperation



Epidemics and public health



Medical data for treatment



Money transfers out of the kingdom



Consent of data subject

Personal Data Protection Supervisory Authority

The Personal Data Protection Supervisory Authority shall be established and shall have powers specified in the PIP Act, amongst which is the issuing of licenses for data controlling, processing, profiling and transfer. It is also the entity to which any complaints regarding controlling and processing of personal data are lodged. It further assigns supervisors to companies that engage in data controlling and processing to ensure their compliance.



Comparison between PIPA and GDPR

Personal Information Protection Act

- Wider scope for exceptions from the PIPA
- Data controller and processor by license
- License can be revoked
- Breach of PIPA could result in claims under tort and payment of damages would be required
- Penalty under law starts at 500 JOD and continues to increase 5% with each day the breach continues. It shall not exceed total revenue of previous year for data controller.
- wider scope for supervisory authority to enforce the PIPA.

GDPR



- Introduces potential mechanisms to comply with the GDPR:
 - Privacy by design
 - Privacy by default
 - Pseudonymisation
- Greater penalty
 - some fines go up to 10 million euros
 - other fines go up to 20 million euros
- For more on this, read our leaflet on the EU GDPR "European General Data Protection Regulation: What it is and how does it affect your business?"





B E I R U T I
Attorneys & Counselors At Law