



# DATA PROTECTION REGULATIONS

## WHAT DO YOU NEED TO KNOW

The QFC Data Protection Regulations set out conditions and procedures all Employers must abide by when process Personal and Sensitive Data of the persons they deal with, including employees and clients.

## APPLICABILITY

Regulations apply to all QFC Firms, Entities and Institutions.

## SUBJECTS INVOLVED

### Data Subject

The person to whom Personal Data relates. It includes employees, clients and service providers among others.

### Data Controller

Any person (individual, organization or corporate and unincorporated body) who determines the purposes and the manner in which Personal Data is to be processed. Normally it is identified with the Employer.

### Data Processor

The person who processes Personal Data on behalf of the Data Controller.

### Recipient

Any person to whom Personal Data is disclosed. For example a member of HR department of a firm which receives Personal or Sensitive Data about the employees of that firm or a Procurement department of a firm receiving Personal Data of the service provider of such firm.



## PERSONAL DATA

Information relating to a living individual who can be identified from those data, i.e. name, age, home address, marital status etc.

## SENSITIVE DATA

Information related to racial, ethnic, origin, political opinions, religious or philosophical beliefs, trade union memberships and health.

## WHAT IS PROCESSING?

Processing is an operation or set of operations performed on Personal Data, whether or not by electronic means, such as collection, recording, storage, dissemination or transfer.

## PROCESSING SENSITIVE DATA

Sensitive Data can be processed if Form Q08 has been submitted and the QFC Employment Standards Office has given the permit. Sensitive Data can also be processed in all cases listed in article 8 of the Regulations, including when the Data Subject has given his consent.

## TRANSFER OF DATA

Data can be transferred to a jurisdiction outside the QFC if such jurisdiction has an adequate level of protection (i.e. Data Protection Laws or Regulations). For transfer of Data to a jurisdiction with no adequate level of protection, a permit by the Employment Standards Office must be requested and obtained by submitting Form Q09. However, if one of the following conditions arises, the permit is not required:

- The employee has given his unambiguous consent to the transfer of Personal Data or to the processing of Sensitive Data
- The transfer is made from a register to provide information to the public
- The transfer is necessary for the reasons set out in article 10 of the Regulations.

## WHEN A PERMIT IS REQUIRED

An application for a permit may be made to the Employment Standards Office of the QFC by a Data Controller to:

- Process Sensitive Personal Data under Article 8(2)(A) of the Regulations; or
- Transfer Personal Data outside the QFC to a jurisdiction with no adequate level of protection (Article 10(1)(A) of the Regulations).

## SUBMISSION OF THE FORMS

Data Controllers must submit the following forms through the QFC Portal, in “Legislation & Compliance” section.

**Form Q10** must be submitted before or upon commencing Data Processing and if Processing of Personal Data continues, the form must be submitted every year from the initial notification.

**Form Q08** must be submitted to obtain a permit to process Sensitive Data.

**Form Q09** must be submitted to obtain a permit to transfer Personal Data to a jurisdiction outside the QFC without adequate level of protection.

Forms Q08 and Q09 must be submitted even if the permit from the Employment Standards Office is not required. The Data Controller must tick the appropriate box specifying the reason why the permit is not required before submitting the form.

## DATA SUBJECT INFORMATION (ART. 11 DATA PROTECTION REGULATIONS)

The Data Controller must provide the Data Subject with at least the following information prior to or immediately upon commencing to collect Personal Data of the Data Subject:

- A) Identity of the Data Controller
- B) Purposes of the processing
- C) The Recipient of the Personal Data
- D) Whether the Personal Data will be used for marketing purposes and any other information able to guarantee a fair processing

## RIGHTS OF DATA SUBJECT

The Data Subject has the right to access his Personal Data and require the Data Controller to take action to rectify, block or destroy inaccurate Data.

The Data Subject has also the right to be notified when his Personal Data is being processed. However, in some circumstances – as, for example, when Personal Data is being released to a legitimate authority to comply with anti-money laundering obligations – the Data Controller can release such Data without prior notification to the Data Subject.

A Data Subject has also the right to object on reasonable grounds to the Processing of his Personal Data and request his Personal Data not be disclosed to third parties.