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**PERSONAL DATA PROTECTION ACT 2012
(ACT 26 OF 2012)**

**PERSONAL DATA PROTECTION
(ENFORCEMENT)
REGULATIONS 2014**

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In exercise of the powers conferred by section 65 of the Personal Data Protection Act 2012, the Minister for Communications and Information hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Personal Data Protection (Enforcement) Regulations 2014 and shall come into operation on 2nd July 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —

“applicant” —

(a) in relation to a reconsideration application to the Commission to reconsider a contestable decision, means the organisation or individual aggrieved by that decision and making the reconsideration application; or

(b) in relation to a review application, means the complainant referred to in section 28 of the Act making the review application;

“contestable decision” means any direction or decision referred to in section 31(1)(a) or (b) of the Act;

“reconsideration application” means an application made under section 31(1) of the Act to the Commission for it to reconsider a contestable decision;

“relevant matter” means —

(a) a refusal to provide access to personal data requested by a complainant under section 21 of the Act;

(b) a failure to provide within a reasonable time access to personal data requested by a complainant under section 21 of the Act;

(c) a fee required from a complainant by an organisation in relation to a request by the complainant under section 21 or 22 of the Act;

(d) a refusal to correct personal data in accordance with a request by a complainant under section 22 of the Act; or

(e) a failure to make within a reasonable time a correction of personal data in accordance with a request by a complainant under section 22 of the Act;

“relevant request” means a request under section 21 or 22 of the Act;

“respondent” —

- (a) means the organisation complained against by a complainant, in the case of a reconsideration application made by a complainant regarding a contestable decision made under section 27(2) or 28(2) of the Act;
- (b) means the complainant, in the case of a reconsideration application made by an organisation complained against by that complainant regarding a contestable decision made under section 27(2) or 28(2) of the Act;
- (c) means the organisation in respect of which a contestable decision was made under section 29(1) or (2) of the Act, in the case of a reconsideration application made by an individual aggrieved by that contestable decision;
- (d) means the complainant whose complaint against an organisation results in a contestable decision made under section 29(1) or (2) of the Act against the organisation, in the case of a reconsideration application made by the organisation aggrieved by that contestable decision; or
- (e) means the organisation complained against by a complainant referred to in section 28 of the Act, in the case of a review application made by that complainant;

“review application” means an application made under section 28 of the Act to the Commission for it to conduct a review;

“working day” means any day which is not a Saturday, Sunday or public holiday.

PART II

REVIEW APPLICATIONS

Non-derogation from powers of investigation

3. Nothing in this Part affects the Commission's power to conduct an investigation under section 50(1) of the Act.

Review application

4.—(1) A review application must —

- (a) be submitted to the Commission in accordance with regulation 23;
- (b) state concisely, in the English language —
 - (i) the particulars of the applicant;
 - (ii) the particulars of the relevant request and relevant matter that are the subject of the application;
 - (iii) the facts and circumstances under which the review application arises;
 - (iv) the directions or decisions under section 28(2) of the Act sought; and
 - (v) the applicant's reasons for seeking such directions or decisions;
- (c) be signed by the applicant, or on his behalf by his authorised representative or legal representative; and
- (d) be accompanied by —
 - (i) a copy of the relevant request, if available;
 - (ii) a copy of all the correspondence between the applicant and the respondent relating to the relevant request, if any; and
 - (iii) such statutory declaration or other documents or information to support the facts or particulars contained in the applicant's review application as the Commission may require.