

Personal Data Protection Law No. 151 for year 2020

Arab Republic of Egypt



On Wednesday, July 15th, 2020, the Official Gazette published the long-awaited Personal Data Protection Law No. 151 for year 2020 ("Law") governing the protection of personal data and privacy in Egypt which will enter into force on October 16th, 2020. It is a new era for the personal data protection in Egypt. The Law will come into force three (3) months following its publication in the Official Gazette, and the executive regulations should be issued within six (6) months following the Law's coming into effect. A grace period of one (1) year will be granted for compliance from the date of issuance of the executive regulations.

The Law required entities processing personal data to appoint a Data Protection Officer. A license is also required for those who shall store, process or control data electronically.

1. Personal Data

Definition:

- Name
- Voice
- Picture
- Identification number or online identifier
- Any other data that determines the physical, mental, economic, cultural or social identity of a natural person.

2. Sensitive Personal Data

Definition:

- Physical/mental health

- Genetic/biometric data
- Financial data
- Religious/political views
- Criminal records
- Children's data

3. Who is a Data Controller?

Any natural or legal person, who obtains personal data and determines the purposes for which, and the way in which, personal data is processed.

4. Who is a Data Processor?

Any natural or legal person, who processes personal data for its own benefit or on behalf of a data controller.

❖ Obligations on Data Controllers

1. Receiving personal data upon consent of the data subject;
2. Ensuring accuracy, consistency and sufficiency of data;
3. Specifying methods and standards for data processing;
4. Abiding by the specific purpose of data collection;
5. Assuring the non-availability of data unless authorized;
6. Technical procedures to ensure privacy and prevent hacking;
7. Deleting personal data as its specific purposes expires;
8. Correcting any reported/discovered errors in data;
9. Maintaining ledgers to record data details and descriptions (including data categories, specifying who the data will be made available to, as well as the time period, scope and data modification, deletion and protection methods);
10. Obtaining license from the Data Protection Center;
11. Foreign controllers have to designate a local representor;
12. Proving law abidance (through allowing inspection).

❖ Obligations on Data Processors

1. Processing personal data solely for the purpose of its collection;
2. Ensuring the legitimacy of the purpose of data collection;
3. Informing the data subject/controller of the processing period;
4. Deleting personal data when the processing period ends;
5. Assuring the non-availability of data unless authorized;

6. Avoiding processing that contradicts with controller's purpose (unless it is for statistical/educational purposes);
7. Securing and protecting the processing process and the devices thereof;
8. Avoiding any direct or indirect harm to the data subject;
9. Keeping a ledger to record all processing activities and information;
10. Allowing inspection to prove abidance by the Law;
11. Obtaining a license from the Data Protection Center;
12. Foreign processors have to appoint a local representor.

❖ **Rights of Data Owners**

- ✓ Right to know and access information
- ✓ Right to be forgotten
- ✓ Right to specify the purpose of processing
- ✓ Right to be notified with any infringement to its personal data
- ✓ Right to correct and update data
- ✓ Right to object

❖ **Reporting Security Breaches**

- Under the Law, data controllers and processors must report and notify of any data breaches within seventy-two (72) hours of its occurrence, while also notifying the individuals whose personal data was breached with three (3) business days thereafter.
- Potential impacts of the breach; and
- Corrective actions/procedures taken to solve it.

❖ **Cross-Border Personal Data Transfer**

- Obtaining a license from the Personal Data Protection Center to transfer personal data outside the Arab Republic of Egypt.
- Ensuring a minimum level of data protection as specified under the Law.
- Few cases do not require a license like protecting lives or judicial cooperation's (i.e. providing medical services, proving rights, enforcing contracts, protecting public interest, money transfers or international agreements).

❖ **Direct E-Marketing**

The Law provides specific requirements applicable to digital marketing, such as:

- ✓ Marketers must obtain a license or permit from the Personal Data Protection Center
- ✓ Consent of individuals
- ✓ No e-mail sharing with third parties
- ✓ Keeping record of data subjects' consent for three (3) years
- ✓ Giving data subjects the option to opt-out

❖ **Personal Data Protection Center**

The Law establishes a supervisory authority named “Personal Data Protection Center” shall be responsible for personal data protection and the supervision and enforcement of the Law. The Law is also tasked with issuing licenses and permits.

The Personal Data Protection Center is affiliated to the Minister of Communications and Information Technology in Egypt.

There is a comprehensive list of tasks and competencies given to the Personal Data Protection Center under Article 19 of the Law.

❖ **Penalties**

Under Articles 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 45, 47, 48 and 49 of the Law there is a variety of criminal offences, with a range of penalties – including fines and imprisonment, such as:

- Fines between EGP 100.000 (One hundred thousand Egyptian pounds) and EGP 2 million (Two million Egyptian pounds) for collecting, processing, disclosing, providing access to, or circulating personal data, by any means, without consent or as otherwise permitted by law;
- Imprisonment for a minimum of six (6) months in case data is used for personal gains.

For further information and/or assistance about the new Personal Data Protection Law in Egypt, please contact Mag. Mona O. Abdel Hafiz at moa@id.com.eg