

L.D.B.- 3/2023

Personal Data Protection Act, No. 9 of 2022

REGULATIONS made by the Minister of Education, Science and Technology with the concurrence of the Data Protection Authority of Sri Lanka under section 53 read with subsection (5) of section 17 and subsections (1) and (3) of section 19 of the Personal Data Protection Act, No. 9 of 2022.

Minister of Education, Science and Technology

Colombo,

2024,

Regulations

1. These regulations may be cited as the Personal Data Protection (Exercise of Data Subjects' Rights and Appeals) Regulations, No. of 2024.

PART I

EXERCISE OF DATA SUBJECTS' RIGHTS

2. Every right conferred on a data subject under the provisions of the Part II of the Act may be exercised-

(a) in the case of a minor under paragraph (a) of subsection (5) of section 17 of the Act, upon the submission of a certified copy of the birth certificate of the data subject or, any other document to prove the legal guardianship;

(b) in the case of a mentally unfit data subject under paragraph (b) of subsection (5) of section 17 of the Act, upon the submission of the certified copy of the order issued by a competent court relating to the appointment of the legal guardian or manager for such data subject;

- (c) in the case of a physically unfit data subject under paragraph (b) of subsection (5) of section 17 of the Act, or a person authorised under paragraph (c) of subsection (5) of section 17 of the Act, upon the submission of the letter of authorisation issued by such data subject; and
- (d) in the case of an heir under paragraph (d) of subsection (5) of section 17 of the Act, upon the submission of a certified copy of the death certificate of the data subject and a valid document proving the heirship of the data subject.

PART II

APPEALS

3. Any person who is aggrieved by the decision of the controller under the provisions of paragraph (b) or (c) of subsection (1) of section 17 or subsection (1) of section 19 of the Act may, within three months from the date of such decision, prefer an appeal in writing to the Data Protection Authority of Sri Lanka (in these regulations referred to as the "Authority") substantially in a form set out in the Schedule hereto through registered post or any electronic communication provided by the Authority.

4. (1) Every appeal under regulation 3 shall be accompanied by a copy of the initial request made to the controller, a copy of the decision from the controller, and any other supporting documents relevant to the appeal.

(2) The Authority shall acknowledge receipt of the appeal within seven working days.

6. (1) The Authority may disallow the appeal where the Authority is satisfied that

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- (a) the matter relating to appeal is not within the scope of paragraphs (a) to (e) of subsection (1) of section 19 of the Act;
- (b) the appeal was not submitted within the period stipulated in these regulations;

- (c) the appeal was submitted by any person or entity other than the data subject or his representative; or
- (d) the appeal was submitted on the same ground which was earlier refused by the Authority and there is no other reasonable ground for appeal again.

(2) An appeal may not be disallowed on technical grounds.

9. Upon allowing an appeal, the Authority shall give a decision within a period of three months from the date of receipt of the appeal. Provided however, if the Authority deems it necessary, it may extend this period in increments of up to six weeks, each by notification to the relevant controller and the appellant.

10. The decision of the Authority shall forthwith be sent to the appellant or his authorized person and the controller by registered post, electronic communication or other similar means as agreed by such parties.

11. The Authority shall keep suitable records in respect of the appeals made under these regulations and all the documents which were considered in the hearing, shall be retained until the time of appeal against the decision of the Authority has expired.

12. The appellant may, at any time while an appeal is pending withdraw the appeal by forwarding to the Authority a request in that behalf in writing specifying the reasons thereof.

PART III

GENERAL PROVISIONS

16. In these regulations –

“Act” means the Personal Data Protection Act, No. 9 of 2022;

“day” means a calendar day.

SCHEDULE

[Regulation 3]

APPEAL FORM

Name of appellant / Name of authorised representative of the appellant (if any)	
Address of appellant or authorised representative	
Phone number of the appellant or an authorised representative	
Email address of appellant or authorised representative, if available	
If the appellant is represented by a third party, provide the documentation listed in regulation 2 confirming that the representative is duly authorised to represent the appellant in all matters relating to the appellant and any inquiry by the Authority	
Full name of the controller(s) that is/ are allegedly in violation	
Address(es), if available, of controller(s)	
Description of the alleged violation and supporting documentary evidence, including a copy of the initial request to the controller and the controller's response (Please provide as much detail as possible, e.g., all relevant communications, screenshots, etc.)	
Date of requesting the controller and date of receipt of a response from controller	
Name(s) and address(es), phone number(s) and email address(es) of any relevant third party(ies) that may have information about the alleged violation	
The desired outcome or remedy	
Any financial, reputational or other damage or harm suffered by the data subject as a consequence of the controller's decision.	
Has the appellant made an appeal to the Authority prior to this regarding the same issue?	
Has the appellant made an appeal to any other regulatory body prior to this regarding the same issue	

Certification

I hereby certify that, to the best of my knowledge, the provided information is true and accurate.

Appellant's full name:

Representative's full name (if applicable):

Date:

Signature of appellant /representative: