

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 section 20 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 (Scale or Magnitude of Processing and Qualifications of Data Protection Officer) Regulations, No. ...of 2024.

2. A data protection officer shall be designated or appointed where the core activities of processing carried out by the controller or processor involves either operations which by virtue of their nature, scope and purposes requires regular and systematic monitoring or processing of special categories of personal data, on a scale and magnitude that shall be assessed taking into consideration:-

- (a) whether the processing currently involves or, is estimated to involve within the next twelve months, twenty-five thousand or more data subjects;
- (b) whether the processing is carried out by twenty or more persons;
- (c) the volume of personal data being processed;
- (d) the range of different data items being processed;

- (e) the geographical extent of the monitoring;
- (f) the frequency, nature and purpose of the monitoring; and
- (g) the duration or permanence of the monitoring.

3. The Data Protection Officer shall possess -

- (a) a degree in law, public or business administration, information technology, information security, computer science, or a related field; and
- (b) a good understanding of data protection laws and regulations;

4. In these regulations –

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

“core activities” are the primary business operations of the organisation carried out in pursuit of its goals and that are not ancillary or support functions that are generic to most organisations;

“monitoring” includes video recording, voice recording, recording of electronic messages and other communications, geo-location tracking, contact tracking, meta-data tracking, tracking and profiling on the internet, and monitoring of connected devices;

“regular and systematic” means constantly taking place or at fixed times or intervals.