

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 subsections (1) and (2) of section 35 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 (Inquiry Procedure) Regulations, No. .... of 2024.

2. Any person aggrieved by the conduct of the controller or processor may make a complaint to the Authority, substantially in a form set out in the Schedule hereto.

3. Upon receipt of a complaint under regulation 2 or on its own motion under subsection (1) of section 35 of the Act, the Director-General of the Data Protection Authority of Sri Lanka (in these regulations referred to as the "Director-General") shall, forthwith nominate an officer of the Authority as an Inquiry Officer (in these regulations referred to as the "Inquiry Officer") to inquire the contravention specified therein and report to him.

4. (1) The Inquiry Officer shall issue a notice to all the parties concerned at least forty-five days before the commencement of the inquiry and such notice shall state the nature of the allegations or issues under inquiry, date, time, and venue of any hearings.

(2) The notice shall be served by registered post, electronic communication or other similar means to the parties.

5. The Inquiry Officer may reject the complaint in the first instance on the following grounds and forthwith inform the same to the complainant: -

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- (a) the complainant has failed to specify the contravention of the provisions of the Act clearly; or
- (b) the complainant has failed to produce substantial evidence to prove the alleged contravention.

6. The Authority may delegate any of its powers, functions or duties under the Act, to the Inquiry Officer, including the following: -

- (a) summon any person to appear before the inquiry, give evidence, or produce documents;
- (b) inspect, retain, and examine relevant documents, books, or records necessary for the inquiry; and
- (c) administer oaths and affirmations to witnesses and individuals providing testimony.

7. A party to the inquiry -

- (a) has the right to be represented by legal counsel or any other authorised representative during the proceedings;
- (b) has the right to submit written responses, present evidence, and be heard in oral hearings, where applicable;
- (c) has the right to rebut evidence presented against them and cross-examine witnesses, where necessary; and
- (d) may request confidentiality of sensitive information, which the Inquiry Officer may grant at his discretion.

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8. The inquiry shall be concluded within ninety days from the date of initiation unless extended for valid reasons by the Inquiry Officer with prior approval of the Director-General.

9. (1) The inquiry shall be held in public unless the Inquiry Officer determines that confidentiality is required for any reason.

(2) If a party fails to appear without valid reason after due notice, the inquiry may proceed *ex parte*.

(3) All proceedings, including witness statements and hearings, shall be recorded and transcribed for the official record.

10. Upon conclusion of the inquiry, the Inquiry Officer shall prepare a detailed report summarising the findings, conclusions, and any recommendations for action. Such a report shall be submitted to the Director General immediately.

11. The Director General shall submit the report to the Board of the Authority within one week of the completion of the inquiry.

12. The Data Protection Authority of Sri Lanka (in these regulations referred to as the "Authority") may either issue any directive as specified in subsection (2) of section 35 of the Act or dismiss the complaint. The controller or processor shall comply with the directive within the period specified therein.

13. The decision of the Authority shall be communicated to the concerned parties in writing within three weeks of the conclusion of the inquiry.

14. All information, documents, and proceedings related to the inquiry shall, subject to the provisions of the Right to Information Act, No. 12 of 2016, remain confidential.

15. In these regulations -

"Act" means Personal Data Protection Act, No. 9 of 2022;

"day" means a calendar day.

**SCHEDULE**

(Regulation 2)

**COMPLAINT FORM**

|  |  |
|--|--|
| Name of complainant  |  |
| Name of authorised representative of the complainant (if any)  |  |
| Address of complainant or authorized representative  |  |
| Phone number of the complainant or authorised representative   |  |
| Email address of complainant or authorized representative, if available  |  |
| If the complainant is represented by a third party, provide a copy of documentation confirming that the representative is duly appointed by the complainant for representation in all matters relating to the complaint and any inquiry by the Authority   |  |
| Full name of the controller(s) or processor(s) that is/are allegedly in contravention  |  |
| Address(es), if available, of controller(s) or processor(s)  |  |
| Description of the alleged contravention and supporting documentary evidence (Please provide as much detail as possible, e.g., the type of personal data involved, the purpose for which it was processed, the nature of the contravention, all relevant communications, screenshots, etc.)                                    |  |
| 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 contravention  |  |
| Efforts taken to date to resolve the issue (please describe all actions taken to date), or a description of why any such efforts are not feasible or appropriate. Include copies of any communications with the data controller or data processor to resolve the issue (letters, e-mails, screenshots of communications, etc.) |  |
| Any financial, reputational or other damage or harm suffered by the data subject as a consequence of the controller's decision.  |  |
| The desired outcome or remedy  |  |

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|---|--|
| Has the complainant made a complaint to the DPA prior to this regarding the same issue?                             |  |
| Has the complainant made a complaint to any other regulatory body or courts 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.

Complainant's full name:

Representative's full name (if applicable):

Date:

Signature of complainant/representative:

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