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My No: DPA/Legal/01/02

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Personal Data Protection Circular: No. 01/2026

Secretaries to Ministries
Chairpersons of all Commissions
Chief Secretaries of Provinces
Heads of Departments
District Secretaries
Chairpersons of Public Corporations and Statutory Institutions,
Chairman of Government Companies and State-Owned Enterprises

Personal Data Protection Act (PDPA) No. 9 of 2022 (as amended by Act No. 22 of 2025) **Application of PDPA in the Public Sector**

1.0 Background

- 1.1 The Personal Data Protection Act No. 9 of 2022 (“PDPA”)¹, enacted on 19th March 2022, provides for mechanisms to safeguard the personal data of data subjects engaged in transactions and communications while providing the regulatory framework to facilitate growth and innovation in the digital economy as stated in its preamble.
- 1.2 The Act regulates the “processing” of “personal data”, i.e. any information that can directly or indirectly identify a natural person, known as a ‘data subject’. The term “processing” is defined to cover a broad range of activities, such as collection, storage, preservation, retrieval, transmission as well as erasure or even carrying out logical or arithmetical operations on personal data. The Act safeguards the informational privacy of “data subjects” from any adverse impact that may arise when providing services by both public authorities and private sector institutions. As per the definition of “data subjects”, Personal data of both citizens and non-citizens are protected equally under the PDPA (The rights of “data subjects” are described Part II of the Act).
- 1.3 The PDPA (Amendment) Act No. 22 of 2025 was enacted to strengthen the PDPA and ensure that it can be fully operationalized and embraced with greater technology choices across all sectors. Some of the key features introduced through the 2025 Amendments, include the ability for public and private sector adopt Cloud first strategy, “outsource” the DPO function, review of automated decisions (Section 18) to include instances where it impacts rights protected under the Constitution (such as right to equality and non-discrimination), enable dates of operation of PDPA to be announced in phases, including Part 1, Part 2, Part 3 and Part 7(Penalties) and sections 2 & 3 of the Act. The new Section 51A enables DPA to issue guidelines under Section 12(2) as well as sectoral guidelines, and clearer timelines on response to a Data Subject right’s request, in line with global standards. Please note there

¹ http://documents.gov.lk/files/act/2022/3/09-2022_E.pdf

should NOT be a fee for Data subject request, though fees may be levied under exceptional circumstances, on criteria to be specified by way of rules.

- 1.4 The entities processing personal data of data subjects and regulated by the PDPA are “controllers” & “processors”. There are several legal obligations imposed on “Controllers”, including the need to comply with processing obligations under Part 1 of the Act, as entities that primarily decide on the means and purposes of processing personal data. On the other hand, “processors” are contracted by a Controller to perform certain personal data processing functions on a controller’s behalf. The definition of “Controller” includes a public authority, public corporation, any natural or legal person, which alone or jointly with others determine the purpose and means of processing personal data. (Please also note the definition of “Processor” in the PDPA, which includes an *illustration*)
- 1.5 The PDPA applies territorially to the processing of personal data where such processing takes place wholly or partly within Sri Lanka, or by a person or entity within Sri Lanka; and also applies extraterritorially if a person or entity outside Sri Lanka specifically provides goods or services to “data subjects” within Sri Lanka or monitors their behavior within Sri Lanka.
- 1.6 As per PDPA’s Section 3(1), the PDPA shall have effect notwithstanding anything to the contrary in any other written law, relating to the protection of personal data of data subjects. However, it outlines that where a public authority is governed by any other written law, it shall be lawful for such authority to carry out processing of personal data in accordance with the provisions of such written law, in so far as the protection of personal data of data subjects is consistent with this Act. However, in the event of any inconsistency the PDPA will prevail over other written laws.

2.0 Enforcement of the Act in Phases

- 2.1 Through an Order issued by the Minister of Technology by virtue of the powers vested in him by the PDPA and the Constitution of the Democratic Socialist Republic of Sri Lanka (Ref. Extraordinary Gazette No 2341/59 dated 21st July 2023), 17th July 2023, was appointed as the date on which the provisions of Part V (Data Protection Authority) of the Act shall come into operation. This was done to enable the appointment of the Chairman and the Board of Directors of the ‘Data Protection Authority’ in August 2023.
- 2.2 With steps being taken to amend PDPA, the enforcement dates originally set for 18th March 2025, as per Extraordinary Gazette No. 2366/08 issued on 8th January 2024, has been duly amended. The PDPA Amendment Act No. 22 of 2025 has now amended the applicable provisions governing the dates of operation, enabling different Sections and Parts to be brought into operation in phases. Therefore, public authorities should take note of the new enforcement dates, which is expected to be announced soon. (NOTE - the Data Protection Authority would only investigate complaints, hear appeals, etc., once the relevant governing provisions are brought into operation).

3.0 Data Protection Officer (DPO)

- 3.1 The appointment of a Data Protection Officer (“DPO”) is an important governance requirement under Part III of the Personal Data Protection Act No. 9 of 2022, as amended by Act No. 22 of 2025. In terms of Section 20 of the Act, every Ministry or Government Department processing personal data shall appoint a DPO to ensure compliance with the provisions of the Act.

- 3.2 Public corporations and Government owned Companies should note that, although they are not included under the criteria to appoint a DPO under Section 20 (1)(a), an obligation to appoint a DPO may nevertheless arise under Section 20(1)(b) of the Act and criteria prescribed by regulations made under this provision. Accordingly, such institutions are encouraged to assess their processing activities and determine whether the appointment of a DPO is required under the Act. Please also note the definition of “Data Protection Officer” under the PDPA Amendment Act.
- 3.3 The DPO shall be responsible for carrying out the functions specified in Section 20(5) of the Act, including advising the controller or processor on compliance obligations under the PDPA, provide advise on data protection impact assessments where applicable, serving as a point of contact with the Data Protection Authority, and promoting awareness and training within the institution on matters relating to personal data protection.
- 3.4 Every Ministry or Government Department and other Government Office required to appoint a DPO shall ensure that the contact details of the appointed DPO are published on its official website and made readily accessible to data subjects. The name and contact details of the appointed DPO shall also be communicated to the Data Protection Authority in the manner specified by the Authority from time to time.
- 3.5 Public sector institutions are encouraged to ensure that the DPO is provided with the necessary resources, authority and access to information required to effectively discharge the responsibilities assigned under the Act and to support the implementation of an effective “Data Protection Management Programme” within the institution.

4.0 Implications of PDPA on Public Authorities

- 4.1 As many public sector institutions serve as “controllers” of personal data in relation to provision of its services as well as processing personal data of its staff, appropriate technical and organizational measures should be taken to give effect to the provisions of PDPA. As per the PDPA Amendment 2025, “Public authority” means, a Ministry, any Department or Provincial Council, local authority, or a Ministry, or Department of a Provincial Council.
- 4.2 All public authorities acting in the capacity of a ‘controller’ must ensure that personal data will be collected and processed in accordance with the processing obligations under Part I of the PDPA. They must comply with obligations concerning lawfulness (Sec. 5), purpose specification (Sec. 6), purpose limitation (Sec. 7), maintaining accuracy (Sec. 8), retention limitation (Sec. 9), integrity & confidentiality obligations (Sec. 10) and transparency (Sec. 11).
- 4.3 Public Authorities will also need to ensure accountability for compliance with the above obligations under Part 1, through an effective “Data Protection Management Program” under Section 12. This will include facilitating the exercise of the rights of data subjects under Part II of the PDPA.
- 4.4 Additional obligations under Part III, such as appointing a suitable “data protection officer” must be complied with by each institution (Sec. 20), and where required carry out data protection impact assessments for certain personal data processing activities, in the manner specified under section 24 of the PDPA. A draft regulation on the form and manner of carrying

out a data protection impact assessment, for specified processing activities, is available at the DPA website. Draft Rules are also available on data breach notifications on the DPA website.

- 4.5 A contracted third party hired by the Controller to process personal data on behalf of a controller is deemed to be a “processor” under the PDPA, and in future public sector institutions would need to ensure that it only selects “processors” who have the technical and organization ability to assist the controller to comply with the PDPA.
- 4.6 Although some limitations existed earlier on cross-border data flows (ability to use cloud services) for the processing of personal data, the PDPA Amendment Act No. 22 of 2025 provides a discretion for a “Controller” to engage in cross-border data transfers. The effect of this amendment is that it now enables public authorities as well as the private sector with an equal opportunity to leverage global cloud infrastructure for cost-effective, scalable data storage and processing, while accelerating digital transformation. The Amendment also requires all controllers and processors who are engaged in cross-border transfers to adopt binding and enforceable instruments under Section 26(2). A draft directive already published by the Authority recognizes several instruments such as. contractual clauses, codes of conduct, certifications, transfer impact assessments, etc. These instruments are designed to ensure equivalent protection when data is transferred abroad, so as to ensure binding and enforceable commitment by recipients in third countries to ensure appropriate safeguards for data subjects, and remedies available under the PDPA.
- 4.7 The DPA has realized the importance of proactive engagement of sectoral regulators and Ministries as much as possible, to ensure due compliance with the provisions of the PDPA. Accordingly, in so far as permitted by the PDPA, the DPA expects to maintain a regular dialogue on sectoral implementation aspects with the representatives of main sectors/fields engaged in the collection and processing of personal data such as finance and banking, insurance, health, telecommunications, civil registration and tourism. Advisory Committees are expected to be formed by DPA to enhance readiness to implement the rules and regulations issued under the provisions of the Act.
- 4.8 More information will also be provided on awareness and advanced certificate programmes in the near future. This Authority is planning to facilitate several awareness programs for the Public sector, covering Heads of Departments, Legal Officers, Data Protection Officers, Officers in charge of Information and Communication Technology and Human Resource Management.
- 4.9 Please inform all institutions under your purview to issue relevant directives/instructions in order to initiate activities to comply with the provisions of the PDPA. An illustration of what such activities may include is provided in Annexure-1 to this circular for your ease of reference.
- 4.10 All key information and related legal instruments will be published in the official website of the Data Protection Authority (URL: <https://dpa.gov.lk/>). The DPA may also be contacted via its email address: info@dpa.gov.lk
- 4.11 This Circular shall supersede and replace Personal Data Protection Circular No. 01/2024 dated 13th September 2024, with effect from the date of issuance of this Circular.

Rajeeva Bandaranaike
Chairman
Data Protection Authority

Copy

1. Secretary to the President - *for your info. and necessary action please*
2. Secretary to the Prime Minister - ”
3. Secretary to the Cabinet of Ministers - ”
4. Secretary General of Parliament - ”

Annexure 1 – Complying with the Personal Data Protection Act (PDPA):

The Initial Steps

