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THE BARBADOS DATA PROTECTION ACT, 2019-29: IMPLICATIONS FOR YOUR BUSINESS

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About the **Speaker**

Bartlett D. Morgan is an information technologist turned attorney-at-law. His key specialities: helping Caribbean businesses solve **digital law issues** and resolving **disputes**.

He possesses international, regional and domestic experience in technology policy development and supporting the digital transformation objectives of clients. In this regard, Bartlett is adept at helping businesses with issues at the intersection of law and technology, including **data privacy compliance**, technology-focused contract drafting and negotiations, IP disputes, navigating telecommunications regulations and investing in fintech ventures.

He is a member of the Barbados Bar Association, the Barbados ICT Professionals Association and the International Association of **Privacy Professionals**.

He currently serves as the Managing Director of Chancery Advocates, the dispute resolution arm of Chancery Chambers, a tier-1 ranked corporate-commercial firm in Barbados.



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A. Contextualizing **Privacy**



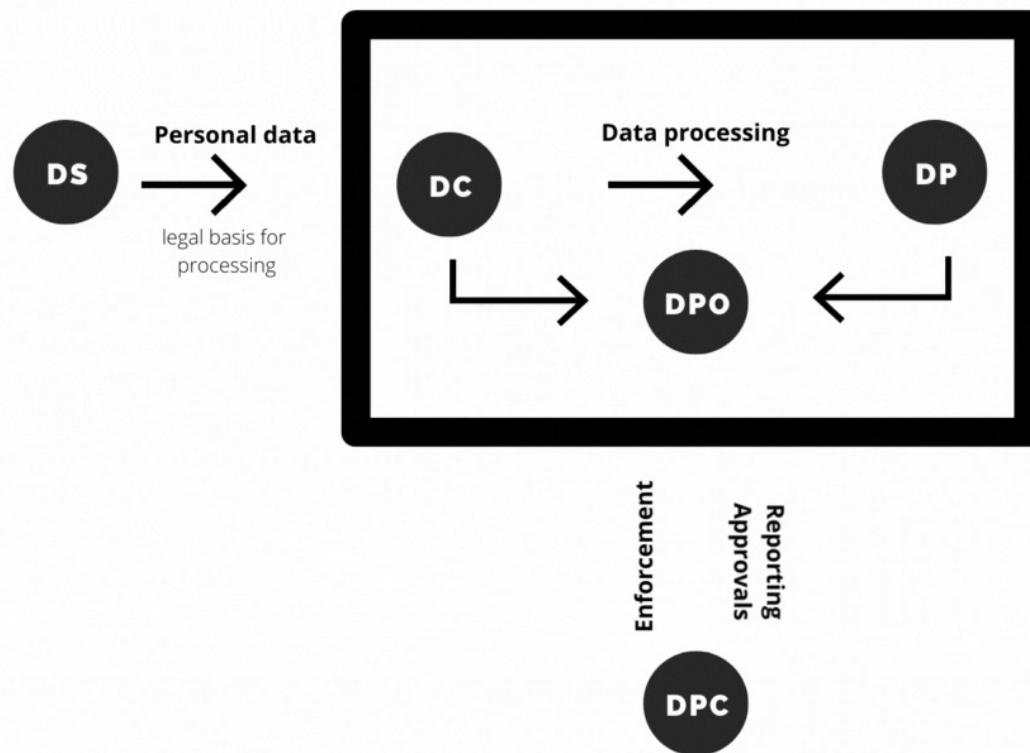
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What is the BDPA About?

- 1) Introduces right to informational privacy
- 2) Compliance obligations for controllers and processors
- 3) Passage in 3rd Q 2019 | Proclaimed in 1st Q 2021
- 4) Extraterritorial in scope (affects processing outside 🌐)
- 5) Informed consent required to process sensitive data
- 6) Breach notification within 72 hours
- 7) Fines up to BDS **\$500,000.00**

Key concepts and actors



Key

DS – Data subject

DC – Data Controller

DP – Data Processor

DPO – Data Privacy Officer

DPC – Data Protection Commissioner

B. Key Data **Protection Principles**



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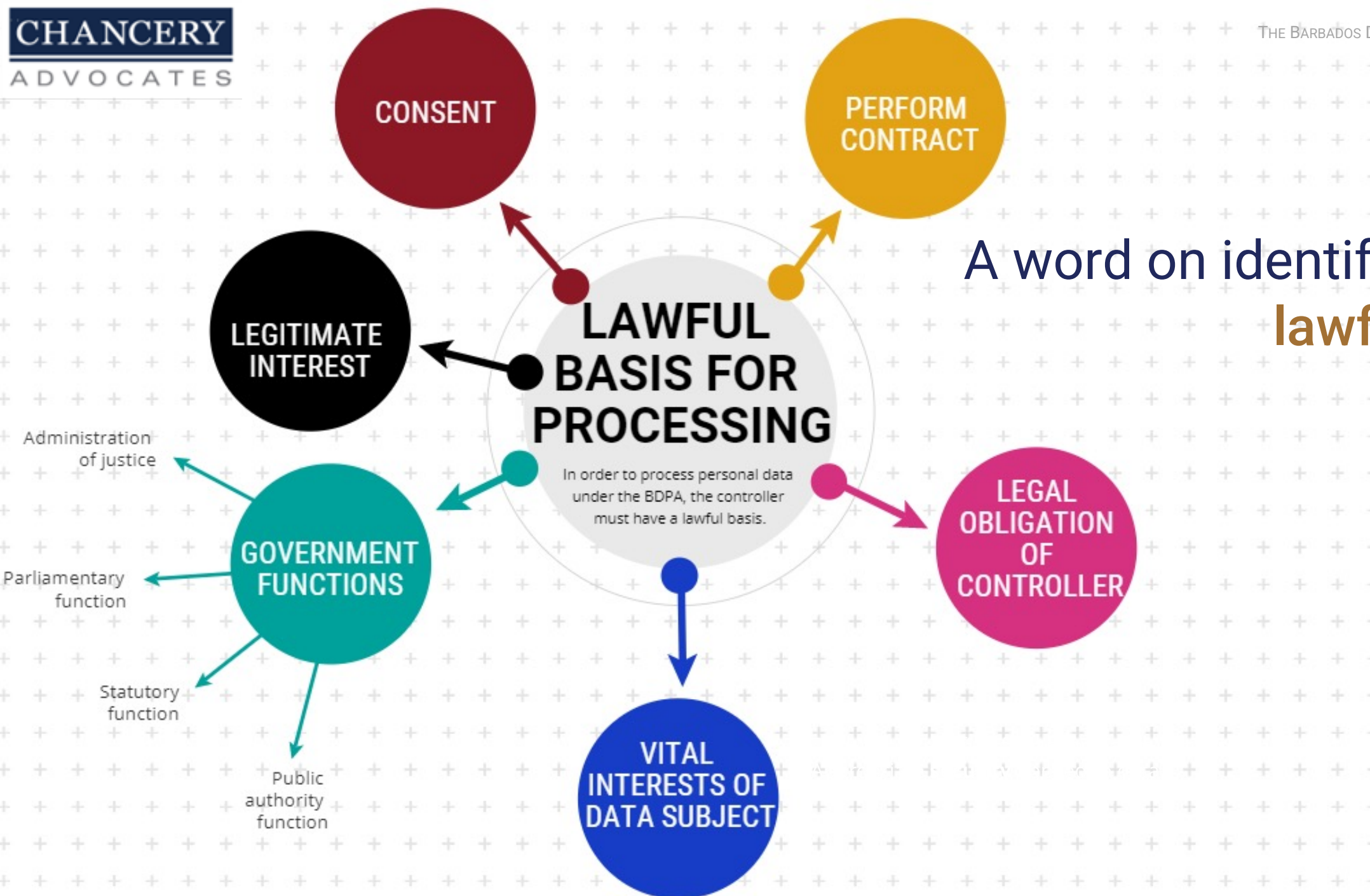


Key Data Protection Principles

- Processing = **lawful, fair & transparent**
- **Specified, explicit & legitimate purposes**

- Data is **adequate, relevant** and **only the necessary** bits used (data minimization)
- Data must be **accurate** and **up-to-date**

- Data only identified for **as long as is necessary**
- Appropriate **security** applied to data



A word on identifying the
lawful basis

C. Key Obligations Under the **BDPA**



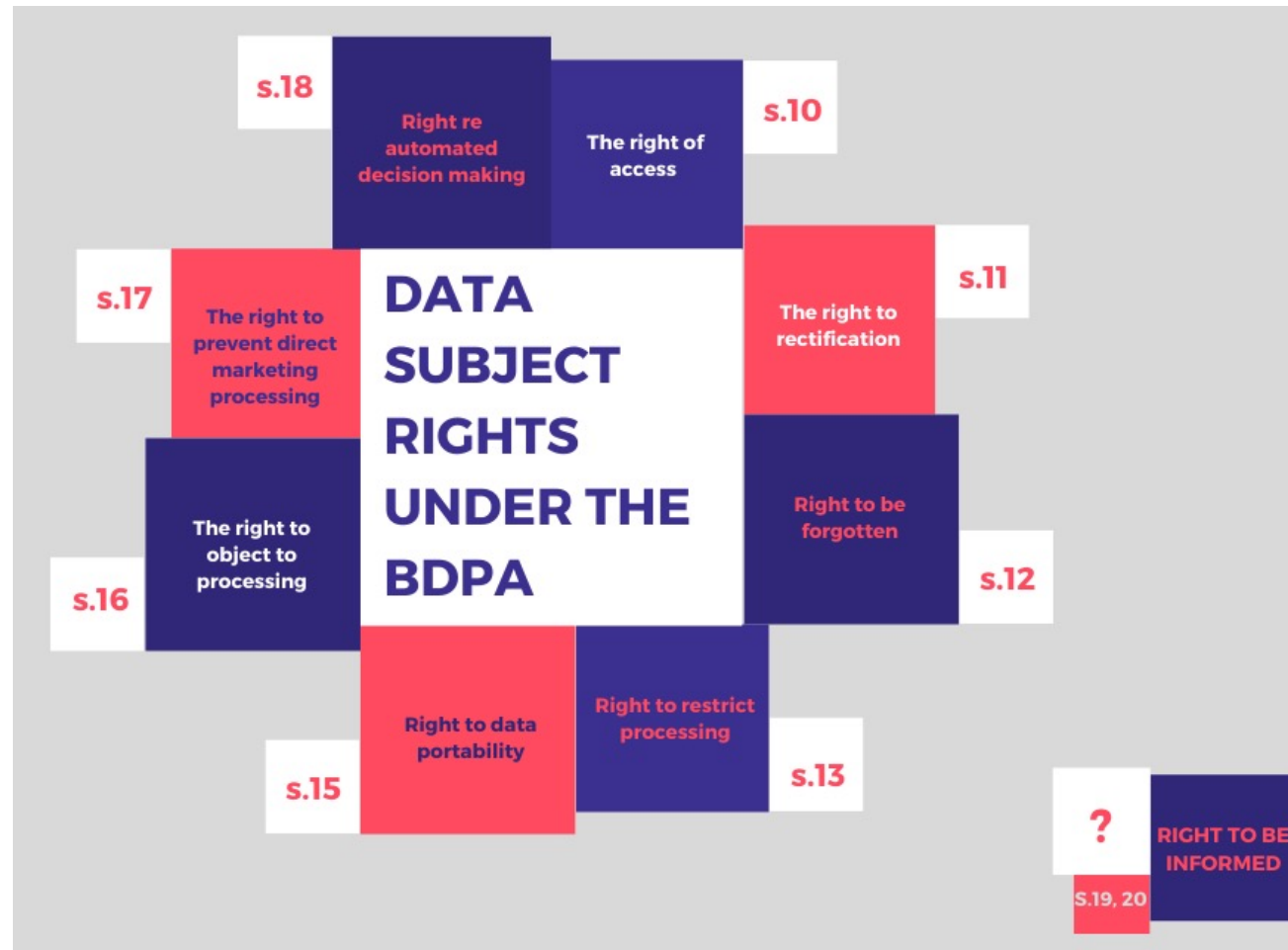
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Keep a Record of **Processing Activity**

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Facilitate **Data Subject Rights (DSRS)**



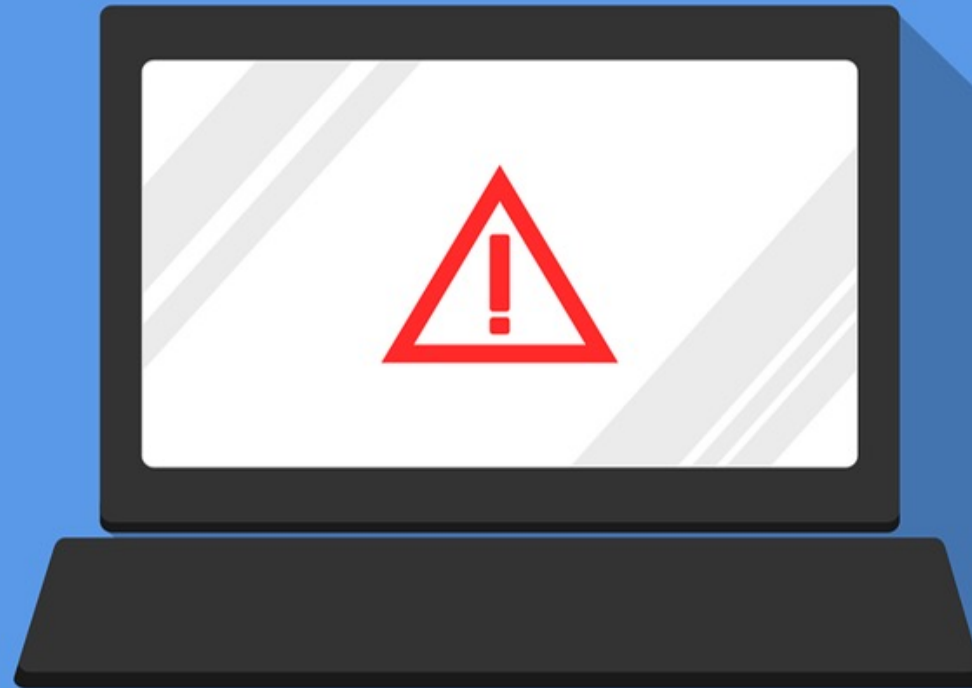
Implement Measures to **Securely Process Data**



(Maybe) Appoint a **Data Privacy Officer**



Report Breaches



Thank You

Questions

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