

Jurisdiction	Cuba
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* We are planning to put the information on our website so that the viewers can reach out to you, directly, and if you don't mind, we will include the above contact information in the report. You may have more than one contact person.

Questionnaire

I. Law concerning protection of personal information

- i. Does your country have a general law concerning the protection of personal information in the **private sector** at the present or in the near future?

Law No. 149 on the Protection of Personal Data, recently published and not yet in force, is a general law concerning the protection of personal information. It also has a Regulation for the security and protection of personal data in electronic format.

In accordance with article 2 of this Law, natural persons are subject to application of the aforementioned Law with respect to their data, and legal and natural persons, in terms of the processing of personal data that they carry out. The person who processes personal data must have the consent of the owner, except in the cases of exception provided for in this Law. : Article 11

- ii. Does your country have a general law concerning protection of personal information in the **public sector** at the present or in the near future?

same as i., above.

For the public sector, Decree Law No. 199/1999 on Information Protection and Security also regulates "official information". All sensitive official information held by entities or other natural or legal persons must be protected, limiting access through the respective authorization.

- iii. Does your country have laws concerning protection of personal information **which apply in individual (specific) sectors** at the present or in the near future? (If yes, please describe outline.)

Law No. 149 on the Protection of Personal Data, it is a general law concerning the protection of personal information.

According to Decree-Law No. 317/2013 on the Prevention and Detection of Operations in the Fight against Money Laundering, Financing of Terrorism, Proliferation of Arms and the Movement of Illicit Capital, there are regulated entities in the fight against money laundering, financing of terrorism, the proliferation of weapons and the movement of illicit capital in its Articles 2.1 and 4.1 and 2. These subjects have the obligation to report suspicious operations of money laundering, financing to the terrorism, the proliferation of weapons and other similar seriousness and to deliver the information requested by the General Directorate of Investigation of Financial Operations of the Central Bank of Cuba. : Article 3.1.2

Notwithstanding, the aforementioned Decree-Law establishes that the reporting entities may not reveal the delivery of the suspicious transaction report or related information that is sent to the General Directorate of Investigation of Financial Operations, unless requested by the corresponding competent authority. Failure to comply with this precept will give rise to the appropriate administrative, disciplinary and criminal measures. : Article 4.1.2

For operators and providers of public services of Telecommunications and Information and Communication Technologies, Resolution 58/2022 Regulation for the Security and protection of personal data in electronic format is applicable. In accordance with this resolution, this sector must guarantee the security and protection of personal data as part of the provision of its services, maintain the confidentiality and integrity of personal data in electronic format, and prevent unauthorized access, modification or transfer.

Where all of the answers to the question of I.(i), (ii) and (iii) is “no”, please skip to IV.

II. The basic information of the regulation concerning protection of personal information.

- i. Please fill in the blanks below about all the law concerning personal information mentioned at I. (please add a reply column as necessary,)

The title of the law : *Law No. 149 on the Protection of Personal Data.*

① The definition of “Personal Information”	<i>It is the information concerning a natural person, identified or identifiable, that can lead to their identity.</i>
② The scope in which the law applies	<i>- Natural persons regarding their data, and legal and natural persons, regarding the processing of personal data they carry out. - Personal data related to sex, age, image, voice,</i>

	<i>gender, identity, gender identity, sexual orientation, skin color, ethnicity, national and territorial origin, migratory condition and classification, the situation of disability, religious beliefs, political affiliation, marital status, address, medical or health data, economic-financial, academic and training, professional and employment, judicial and administrative, and any information related to these data that can lead to the identification of a certain person, compiled from records, files, archives, and databases</i>
③ The territorial scope	<i>Cuba</i>
④ URL (Please provide the URL officially posted by the government, English page is preferred, if available)	<i>https://www.gacetaoficial.gob.cu/sites/default/files/goc-2022-o90_0.pdf</i>
⑤ The effective date *	<i>Published in the Official Gazette on August 25, 2022. It will enter into force one hundred and eighty (180) days after its publication.</i>

* If the law has been amended, please fill in the effective date of the amended law.

The title of the law : *Decree Law No. 199/1999 on Information Protection and Security*

① The definition of "Personal Information"	<i>N/A However, this law regulates the "Official Information" which is that which is in the possession of an organ, agency, entity or other natural person or legal entity resident in the national territory or Cuban representations abroad, capable of providing, directly or indirectly, data or knowledge that reflects any activity of the State or recognized by it and that can be made known in any way perceptible by sight, sound or touch. : Article 5</i>
② The scope in which the law applies	<i>Security and protection of Official Information</i>
③ The territorial scope	<i>Cuba This Law also protects the official information held by Cuban representations abroad. Article 5</i>
④ URL (please provide the URL officially posted by the government, English page is preferred, if available)	<i>https://www.gacetaoficial.gob.cu/es/gaceta-oficial-no078-ordinaria-de-1999</i>
⑤ The effective date *	<i>This Law came into effect 180 days after its publication on December 2, 1999.</i>

* If the law has been amended, please fill in the effective date of the amended law.

The title of the law : *Decree-Law No. 317/2013 on the Prevention and Detection of Operations in the Fight against Money Laundering, Financing of Terrorism,*

Proliferation of Arms and the Movement of Illicit Capital

① The definition of "Personal Information"	N/A
② The scope in which the law applies	- <i>The delivery of the suspicious operation report or related information sent to the General Directorate for the Investigation of Financial Operations: Article 4.1.</i>
③ The territorial scope	<i>Cuba</i>
④ URL (please provide the URL officially posted by the government, English page is preferred, if available)	https://www.gacetaoficial.gob.cu/sites/default/files/go_x_008_2014.pdf
⑤ The effective date *	<i>December 7, 2013 (amended in September 14, 2018)</i>

* If the law has been amended, please fill in the effective date of the amended law.

The title of the law : *Resolution 58/2022 Regulation for the Security and protection of personal data in electronic format*

① The definition of "Personal Information"	N/A
② The scope in which the law applies	- <i>Operators and providers of public services of Telecommunications and Information and Communication Technologies</i> - <i>Requirements for the security and protection of personal data in electronic form: Article 1.</i>
③ The territorial scope	<i>Cuba</i>
④ URL (please provide the URL officially posted by the government, English page is preferred, if available)	https://www.gacetaoficial.gob.cu/sites/default/files/goc-2022-o90_0.pdf
⑤ The effective date *	<i>This Law came into effect 180 days after its publication on August 25, 2022.</i>

* If the law has been amended, please fill in the effective date of the amended law.

ii. If there are any special instructions about the laws, please describe them.

III. OECD Privacy Principles

i. If there are any provision of law which embody each OECD Privacy Principle in your country, please describe the outlines.

<https://www.oecd.org/sti/ieconomy/oecdguidelinesonthe protectionofprivacyandtransborderflowsofpersonaldata.htm>

(a) Collection Limitation Principle

This principle means that there should be limits on the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.

The collection and storage of information that may lead to the identification of a certain person must be limited to what is relevant and strictly necessary for the required purpose, adjusted to a specific, lawful and explicit objective, being kept only by the precise time according to that purpose. (Article 10a)

(b) Data Quality Principle

This principle means that personal data should be relevant to the purposes for which they are to be used, and, to the minimum extent necessary for such purposes, should be accurate, complete and kept up-to-date.

The personal data that is obtained, stored and processed must be truthful, exact, complete, correct and up-to-date, provided by the owner himself, without unfair or fraudulent means being used to obtain it, keeping it that way. until the holder states and proves the need for its rectification, modification, update or cancellation. (Article 10b)

(c) Purpose Specification Principle

This principle means that the purposes for which personal data are collected should be specified not later than at the time of the data collection and the subsequent use limited to the fulfilment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose.

The specific purposes for obtaining, storing and technical processing of any nature of personal data must be previously disclosed to the owner accurately, in an understandable and pertinent manner. (Article 10c)

(d) Use Limitation Principle

This principle means that personal data should not be disclosed, made available or otherwise used for purposes other than those specified in accordance with (c) Purpose Specification Principle, except:

- i) with the consent of the data subject; or
- ii) authorized by law.

The personal data that is obtained, stored and processed can only be used for the specific and lawful purpose that was reported to its owner, and by natural or legal persons, or other entities authorized by it. (Article 10d)

(e) Security Safeguards Principle

This principle means that personal data should be protected by reasonable security safeguards against such risks as loss or unauthorized access, destruction, use, modification or disclosure of data.

The natural or legal persons responsible for files containing personal data are obliged to safeguard their security and guarantee, with the corresponding technological, administrative, material or physical measures, that only they or authorized personnel, where appropriate, they access or carry out their treatment by the established procedures. (Article 10f)

(f) Openness Principle

This principle means that there should be a general policy of openness about developments, practices and policies with respect to personal data. Means should be readily available for establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and address of the data controller.

The person responsible for and in charge of the personal data files guarantee their owner the exercise of their right of access for the purpose of verification, rectification, updating, cancellation or opposition of these; the files must also be suitable for inspection or review by a competent authority. (Article 10g)

(g) Individual Participation Principle

This principle means that an individual should have the right:

- i) to obtain from a data controller, or otherwise, confirmation of whether or not the data controller holds data relating to him;
- ii) to have communicated to him, data relating to him within a reasonable

- time;
- at a charge, if any, that is not excessive;
- in a reasonable manner; and
- in a form that is readily intelligible to him;
- iii) to be given reasons if a request made under subparagraphs (i) and (ii) is denied, and to be able to challenge such denial; and
- iv) to challenge data relating to him and, if the challenge is successful to have the data erased, rectified, completed or amended.

Personal data can only be obtained with the individual participation of its owner, as an expression of respect for their right to identity, privacy, honor, their image and voice. (Article 10h)

(h) Accountability Principle

This principle means that a data controller should be accountable for complying with measures which give effect to the principles stated above.

The natural or legal persons in charge of obtaining, storing and processing personal data in records, files, archives and databases are responsible for their lawful use for the purposes informed to their owner, with a guarantee of their security. (Article 10i)

- ii. If there are any sectors in which any laws exclude the application of each OECD Privacy Principle, please describe the outline.

(a) Collection Limitation Principle

(b) Data Quality Principle

(c) Purpose Specification Principle

(d) Use Limitation Principle

- (e) Security Safeguards Principle
- (f) Openness Principle
- (g) Individual Participation Principle
- (h) Accountability Principle

In addition, the following principles are established:

- Legitimation principle.

Only bodies, agencies, entities and natural or legal persons are entitled to obtain, store and process personal data when they have authorization to create files, in accordance with their functions or the activities they carry out, as regulated in the legislation. in force for such purposes. (Article 10e)

- Legality principle

The possession and processing of personal data is exclusively for lawful purposes; The persons responsible for records, files, archives and databases abide in their actions by the provisions of the corresponding regulatory provisions. (Article 10j)

- Confidentiality of information principle

The personal data that is provided to registries data, files, archives and databases are confidential, they can only be access to them by their owner or person with a proven legitimate interest. (Article 10k)

-Consent principle

The holder must express his will in a free, unequivocal, specific and informed manner for the processing of personal data, specifying the purpose for which the consent is granted. (Article 10L)

IV. Data Localization and Government Access

In your country, are there any systems having an impact on the rights of data subjects such as **comprehensive government access (e.g., limitation on the authorities' access to personal data for investigation purposes, and the safeguard is the attorney-client privilege)** to personal data or **Data Localization (e.g., rules requiring domestic installation and storage of servers and data)**? If yes, please describe them.

The law establishes the assumptions/limits to the right to protection of personal data related to collective security, general well-being, respect for public order, the constitution, and the laws.

According to Decree-Law No. 317/2013 on the Prevention and Detection of Operations in the Fight against Money Laundering, Financing of Terrorism, Proliferation of Arms and the Movement of Illicit Capital, there are regulated entities in the fight against money laundering, financing of terrorism, the proliferation of weapons and the movement of illicit capital in its Articles 2.1 and 4.1 and 2. These subjects have the obligation to report suspicious operations of money laundering, financing to the terrorism, the proliferation of weapons and other similar seriousness and to deliver the information requested by the General Directorate of Investigation of Financial Operations of the Central Bank of Cuba. : Article 3.1.2

Notwithstanding, the Decree-Law establishes that the reporting entities may not reveal the delivery of the suspicious transaction report or related information that is sent to the General Directorate of Investigation of Financial Operations, unless requested by the corresponding competent authority.

Failure to comply with this precept will give rise to the appropriate administrative, disciplinary and criminal measures. : Article 4.1.2

V. The Data Protection Authority

If there is a data protection authority, please write down the name and address of the authority

Name:

Address:

Telephone:

Website:

Other information if any:

So far, as established by the Law of Protection of Personal Data, the Ministry of Justice is in charge of controlling compliance with the provisions of such a rule.

In relation to Decree-Law No. 317/2013, the General Directorate for the Investigation of Financial Operations is in charge of controlling and preventing the use of the Cuban Banking and Financial System as a means of legitimizing assets from illicit money laundering activities, acting as a national center and reporting directly to the Superintendent of the Central Bank of Cuba.