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| Jurisdiction | <i>Sultanate of Oman</i> |
| Date | <i>18 November 2022</i> |
| Law Firm | <i>Addleshaw Goddard Oman</i> |
| Name and Position of the person in charge | <i>Roger Bryne, Partner and Head of Oman Office</i> |
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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?

Yes. Royal Decree No 6/2022, to Regulate the Processing of Personal Data in the Sultanate of Oman (Oman DP Law) was issued on 9 February 2022 and will come into effect on 13 February 2023.

The Executive Regulations for the Oman DP Law (Regulations), which will clarify various elements of the Oman DP Law, are yet to be released by the Ministry of Transport, Communications and Information Technology (Ministry). The Regulations are expected to be issued before February 2023.

- 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?

No. Moreover, the Oman DP Law states that it does not apply to the processing of personal data in the context of:

- 1. performance by public bodies of their prescribed duties and exercising of their authorized powers;*
- 2. protection of the economic and financial interests of Oman;*
- 3. detection or prevention of any criminal offense based on an official written request from the relevant authorities.*

- 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.)

No. These are been abrogated by the Oman DP Law.


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 : *Royal Decree No 6/2022, to Regulate the Processing of Personal Data in the Sultanate of Oman (Oman DP Law)*

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| ① The definition of “Personal Information ” | <i>Data that makes a natural person identified or identifiable directly or indirectly, by reference to one or more identifier(s), such as a name, an identification number, online identifier data or location data, or by reference to one or more element(s) specific to his genetic, physical, mental, physiological, social, cultural or economic.</i> |
| ② The scope in which the law applies | <i>The provisions of the Oman DP Law apply to Personal Data that is processed. The provisions of the Oman DP Law do not apply to the Processing of Personal Data in the following cases: a. Protection of the national security or the public interest; b. Performance by the units of the administrative apparatus of the State and other public legal persons of the competencies prescribed for them by law; c. Performance of a legal obligation imposed on the Controller under any law, judgment or decision of a court; d. Protection of the economic and financial interests of the State; e. Protection of a vital interest of the Personal Data Owner; f. Detection or prevention of any criminal offense based on an official written request from the investigation authorities; g. Executing a contract to which the Personal Data Owner is a party; h. If the Processing is in a personal or family context; i. The purposes of historical, statistical, scientific, literary or economic research, by the authorities authorized to carry out such works, provided that no indication or reference related to the Personal Data Owner is used in the research or statistics they publish, to ensure that Personal Data is not attributed to an identified or identifiable natural person; or j. If the data is available to the public in a manner that does not violate the provisions of the Oman DP Law.</i> |
| ③ The territorial scope | <i>Since there's no explicit mention of the territorial scope of this law, it is reasonable to assume that it will apply to any organizations operating in Oman and any organizations not based in Oman but processing and collecting data on Omani residents following a similar pattern as that of other major data protection laws globally.</i> |

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| <p>④ URL (please provide the URL officially posted by the government, English page is preferred, if available)</p> |  <p>https://mjla.gov.om/legislation/decrees/details.aspx?Id=1397&type=L</p> |
| <p>⑤ The effective date *</p> | <p>13 February 2023</p> |

* 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.

N/A

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/oecdguidelinesontheProtectionofPrivacyandTransborderFlowsofPersonalData.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.

Yes.

Oman DP Law Article 10: Personal Data may only be processed within a framework of transparency, honesty, and respect for human dignity, and after obtaining the express consent of the Personal Data Owner.

The request for Processing Personal Data must be in writing, in a clear, explicit and understandable manner, and the Controller is required to prove the written consent of the Personal Data Owner to the Processing of his/her data.

- (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.

N/A

- (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.

N/A

(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.

N/A

(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.

Yes.

Oman DP Law Article 13: The Controller shall establish the controls and procedures to be complied with when Processing Personal Data, including, in particular, the following:

- a. Identifying the risks that the Personal Data Owner may sustain as a result of the Processing;*
- b. The procedures and controls for transmitting and transferring Personal Data;*
- c. Technical and procedural measures to ensure that the Processing is carried out in accordance with the provisions of the Oman DP Law.*

(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.

Oman DP Law Article 14: Controller shall, before proceeding with the

Processing of any Personal Data, notify the Personal Data Owner in writing of the following:

- a. Data of the Controller and the Processor;*
- b. Contact information with the Personal Data protection officer;*
- c. The purpose of Processing the Personal Data, and the source from which it was collected;*
- d. A comprehensive and accurate description of the Processing and its procedures, and the degrees of disclosure of Personal Data;*
- e. The rights of the Personal Data Owner, including the right to access, correct, transfer and update the data; and*
- f. Any other information that may be necessary for fulfilling the conditions of Processing.*

(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.

Yes.

Oman DP Law Article 11: The Personal Data Owner has the right to:

- a. Cancel his/her consent to the Processing of his/her Personal Data, without prejudice to the Processing made prior to cancellation;*
- b. Request to amend, update or block his/her Personal Data;*
- c. Obtain a copy of his/her processed Personal Data;*
- d. Transfer his Personal Data to another Controller;*
- e. Request erasure of his/her Personal Data, unless the Processing is necessary for national storage and documentation purposes; and*
- f. Be notified of any hacking or infringement of his/her Personal Data, and of*

the actions that have been taken in this regard.

(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.

Yes.

Oman DP Law Article 12:

The Personal Data Owner may file a complaint with the Ministry, if he/she believes or considers that the Processing of his/her Personal Data is not in conformity with the provisions of the Oman DP Law, in accordance with the controls and procedures specified in the Regulations.

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

There are no specific provisions in any sector that specifically exclude the application of the OECD Privacy Principles, below, including those principles, above, that are not expressly addressed in Oman DP Law.

(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

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.

Government Access:

Article 18: The Controller and the Processor shall cooperate with the Ministry , and submit any data and documents it requests as it deems necessary to exercise its competencies in accordance with the provisions of the Oman DP Law, within the period specified in the Regulations.

Data Localization:

Article 23: the Controller may transfer Personal Data, and allow its transfer outside the borders of the Sultanate of Oman in accordance with the controls and measures specified in the Regulations.

The Controller is prohibited from transferring Personal Data, if it has been processed in violation of the provisions of the Oman DP Law, or if it would cause harm to the Personal Data Owner

V. The Data Protection Authority

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

Name: *The Ministry of Transport, Communications and Information Technology*

Address: *Muscat P.O. Box 684, Zip Code : 100, Sultanate of Oman*

Telephone: *(+968) 24685506*

Website: *<https://www.mtcit.gov.om/ITAPortal/ITA/default.aspx>*

Other information if any: