



OFFICE OF THE PARLIAMENTARY COUNSEL
COMMERCE GATE,
61 CONSTANT SPRING ROAD,
KINGSTON 10.

ANY REPLY OR SUBSEQUENT REFERENCE
TO THIS COMMUNICATION SHOULD BE
ADDRESSED TO THE OFFICE OF THE
PARLIAMENTARY COUNSEL AND **NOT TO**
ANY OFFICER BY NAME AND THE
FOLLOWING REFERENCE QUOTED:-

No. **S/L/D 22 -**

Telephone: 906-4923

October 17, 2023

Permanent Secretary
Office of the Prime Minister

Attention: Mrs. Janelle Miller-Williams

**Re: Draft Data Protection (Registration of Data Controller)
Regulations and Data Protection (Data Controller Impact
Assessment) Notice**

Your letter dated August 18, 2023, refers.

Enclosed for consideration are the captioned draft instruments. A separate instrument was drafted in respect of the form of the data controller impact assessment notices because section 45 of the Data Protection Act specifically requires this matter to be prescribed by the Information Commissioner by notice published in the Gazette. If it is intended that an electronic version of the form be provided, regulations would need to be made under the Electronic Transactions Act, providing for an electronic form that is substantively similar to the form prescribed in the Notice. Please also note the matters below.

1. Section 4(5)(d) of the Act allows the Commissioner to determine the form and manner in which the Commissioner disseminates guidelines and other information. That matter therefore falls outside the scope of the Regulations.
2. As it is intended for the registration application form to be provided electronically on the website of the office of the Information Commissioner, it is not necessary to include the form in the Regulations. If a paper version of the form is included in the Regulations, this would require the electronic version to be provided for in regulations made by the Minister pursuant to the Electronic Transactions Act.

Judith Grant (Miss)
Chief Parliamentary Counsel

JG/tm

Enclosure