



Data Protection Act, 2021

All You Need To Know

“Creating a safe and effective digital environment for ALL”

The Bill

The Data Protection Bill 2021 was drafted to create a strong and comprehensive legal framework governing the protection of personal and sensitive data.

The development of the law is a result of a partnership between the E-Governance and Digitalization Unit under the Ministry of Youth, Sports and E-Governance, the Economic Development Council and the Compete Caribbean Partnership Facility jointly funded by the Inter-American Development Bank (IDB), the United Kingdom’s Foreign, Commonwealth & Development Office (FCDO), the Caribbean Development Bank (CDB) and the Government of Canada.

Why the Need for the Bill?

As technology opens new avenues and opportunities for growth via digital highways, so too it has created opportunities for the unethical and illegal use of personal data. This directly impacts the right to privacy where personal data is concerned, and the need for modern legislation to deal with this issue has been highlighted.

Objectives of the Bill

This Bill will introduce modern legislation governing data protection, giving effect to the right to privacy in relation to personal data while ensuring that certain relevant exceptions under a structured framework are allowed. It will provide a strong legal framework to regulate the collection, keeping, use and dissemination of personal data, with a view to protect the privacy of individuals in relation to their personal data. It will ensure transparency and accountability in the processing of personal and sensitive data.

Key Definitions

Accessible public record - any record that is kept by a public authority and to which members of the public are given access

Accessible record - a health record; an educational record; or an accessible public record

Biometric data - personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of an individual, which allow or confirm the unique identification of that individual



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Child - a person who is under the age of 16 years

Consent (in relation to a data subject) - any freely given, specific, informed and unambiguous indication of the data subject's wishes by which the data subject, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him

Data - information that is being processed by means of equipment operating automatically in response to instructions given for that purpose; is recorded with the intention that it should be processed by means of such equipment; is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system

Data controller - a person who alone, jointly or in common with others determines the purposes for which, and the manner in which, any personal data is or should be processed; or where personal data is processed only for the purpose for which the data is required by or under an enactment to be processed, the person on whom the obligation to process the data is imposed by or under an enactment

Data processor - any person, other than an employee of a data controller, who processes personal data on behalf of the data controller

Data subject - an individual who is the subject of personal data

Genetic data - personal data relating to the inherited or acquired genetic characteristics of an individual which gives unique information about the physiology or the health of that individual and which result, in particular, from an analysis of a biological sample from the individual

Group of undertakings - a controlling undertaking and its controlled Undertakings

Health record - any record which consists of information relating to the physical or mental condition of an individual; and has been made by or on behalf of a health care professional in connection with the care of the individual

Personal data - data which relates to an individual who can be identified from that data; or from that data together with other information which is in the possession of, or is likely to come into the possession of, the data controller

Personal data breach - a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed

Process (in relation to information or data) - to obtain, record or hold the information or data or carry out any operation or set of operations on the information or data, including the organization, adaptation or alteration of the information or data

Sensitive personal data - personal data consisting of information on a data subject's racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, membership of a political body, membership of a trade union, genetic data, biometric data, sexual orientation or sexual life, financial record or position, criminal record or proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court of competent jurisdiction in such proceedings



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Who does the Bill apply to?

The Bill applies to the processing of personal data by a data controller or a data processor established in Belize and also to the processing of personal data of data subjects in Belize by a data controller or a data processor not established in Belize, where the processing activities are related to the offering of goods or services to data subjects in Belize.

A data controller or data processor is considered established in Belize if that data controller or data processor is an individual who is ordinarily resident in Belize, a body, association or other entity incorporated, organized, registered or otherwise formed under the laws of Belize, or a person who does not fall within those categories but maintains an office, branch or agency in Belize through which he carries on any activity related to the processing of personal data.

Exemptions for Small Businesses

Small businesses are exempted from the application of this Act except for those that provide health service, trade in personal information, operate a residential tenancy database, operate as a credit reporting body, operate as a reporting entity for the purposes of the Money Laundering and Terrorism (Prevention) Act Cap. 104, are employee associations registered or recognized under any enactment in Belize, are prescribed by under regulations made under this Act or have opted to be covered by this Act.

Principles of Data Use

Data must be processed lawfully, fairly and in a transparent manner in relation to the data subject.

It must be collected for specified, explicit, and legitimate purposes and shall not be further processed in a manner that is incompatible with those purposes.

It must be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.

It must be accurate and, where necessary, kept up to date and reasonable steps shall be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, are erased, or rectified without delay.

It must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.

It must be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organizational measures.

Where processing is based on consent, the data controller shall demonstrate that the data subject has consented to processing of his personal data. Where the data subject's consent is given in the context of a written declaration which also concerns other matters, the request for consent shall be presented in a manner which is clearly distinguishable from the other matters, in an intelligible and easily accessible form, using clear and plain language.



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The processing of a child's personal data shall be lawful only where and to the extent that consent is given or authorized by the parent or guardian of the child; or the child where the child is over the age of thirteen. A child shall receive the same privacy protections and rights as an adult.

Rights of a Data Subject

The rights of a data subject have received comprehensive coverage under this Act. A subject will have the right to be informed by a data controller whether personal data is being processed by or on behalf of the data controller. The subject can request a description of the purposes of the processing, the categories of personal data concerned, the recipients or categories of recipient to whom the personal data has been or will be disclosed, including recipients in other countries or international organizations.

A data subject shall have the right to obtain from a data controller, without undue delay, the rectification of inaccurate personal data, as well as the right to obtain from a data controller the erasure of personal data concerning him without undue delay if the personal data is no longer necessary in relation to the purposes for which it was collected or otherwise processed, the personal data has been unlawfully processed or the personal data has to be erased in compliance with a legal obligation in Belize to which the data controller is subject.

Transfers of Personal Data out of Belize

Where personal data is transferred to a country or territory outside Belize, the transferor shall ensure there is –

- (a) an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of their personal data; and
- (b) appropriate safeguards on condition that the rights of the data subject are enforceable and that there are effective legal remedies available for data subjects.

Data Protection Commissioner

There shall be a public officer in the Ministry responsible for digital transformation, e-governance or information technology, to be called the Data Protection Commissioner, who shall be responsible for the general administration of this Act.

Included in the monitoring and enforcement of the application of this Act, the Data Protection Commission will conduct, at his own discretion or where requested to do so by any person, an audit of the personal data processed by the person, for the purpose of ascertaining whether the data is processed in accordance with this Act; monitor the processing of personal data and, in particular, sensitive personal data, and any other matter affecting the privacy of persons in respect of their personal data, and where appropriate, make recommendations on the need for, or desirability of, taking legislative, administrative or other action to give protection or better protection, to the privacy of persons in respect of their personal data.



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Penalties for Contravention

Where it is believed that there is a situation regarding the use of personal data by a data processor or data controller, the Data Protection Commission can issue an Information Notice, a Special Information Notice or an Enforcement Notice. A person who fails to comply with any of those notices commits an offence and is liable on summary conviction to a fine of five thousand dollars.

A person who, in purported compliance with an Information Notice makes a statement which he knows to be false in a material respect or recklessly makes a statement which is false in a material respect is guilty of an offence and is liable on summary conviction to a fine of twenty thousand dollars.

For more information

If there are any questions or the need for further clarification, please contact the E-Governance and Digitalization Unit at info@egov.gov.bz or visit the E-Governance and Digitalization Unit Facebook Page.

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