



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority
Kingdom of Bahrain - مملكة البحرين

Regulation on the Privacy of Individuals and Data Protection in the Telecommunications Sector

Issued by the

Telecommunications Regulatory Authority of the Kingdom of Bahrain

Purpose: to provide a framework for the regulation of privacy of individuals and confidentiality, with respect to the Processing of Personal Data in the telecommunications industry of the Kingdom of Bahrain.

**The Telecommunications Regulatory Authority's Board of Directors
Resolution No. (-) of (-)**

Promulgating the Regulation on the Privacy of Individuals and Data Protection in the Telecommunications Sector

Chairman of the Telecommunications Regulatory Authority's Board of Directors:

After perusal of:

The Telecommunications Law promulgated by Legislative Decree No. 48 of the year 2002, and in particular Article 3(b)(1) thereof,

After consulting with interested parties,

On the basis of the proposal submitted by the Authority's General Director and following the approval of the Authority's Board of Directors,

Has resolved as follows:

The provisions of the Regulation on the Privacy of Individuals and Data Protection in the Telecommunications Sector attached herewith shall apply.

This Regulation shall come into force six months from the date of its publication in the Official Gazette.

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Chairman of the Board of Directors

Issued on: (Arabic calendar)

Corresponding to:

Preamble

This Regulation is issued by the Telecommunications Regulatory Authority (the "Authority") of the Kingdom of Bahrain pursuant to the provisions of the Telecommunications Law promulgated by Legislative Decree No. 48 for the year 2002 (the "Telecommunications Law").

Article 3(b)(1) of the Telecommunications Law specifies that the Authority should undertake its duties in relation to Telecommunications services in the manner best calculated to protect the interests of Subscribers and Users in respect of, among other things, the protection of personal particulars and privacy of services.

All licensees are bound by the terms of the Telecommunications Licence to use all reasonable endeavours to ensure the privacy and confidentiality of information and business secrets obtained in the course of their business from any person to whom the licensed services are provided by establishing and implementing procedures for maintaining privacy and confidentiality of such information, subject to requirements at law. Telecommunications licenses also provide for the Processing of Personal Data in relation to directories.

1. DEFINITIONS

- 1.1 Any word, phrase or expression used in this Regulation shall, unless it is expressly defined herein, have the same meaning as in the Telecommunications Law.
- 1.2 The terms and phrases below shall have the following meaning, unless the context requires otherwise:

'Communication/s'	means any information exchanged or transmitted between a finite number of parties by means of a Public Telecommunications service. This does not include any information conveyed as part of a broadcasting service to the public over a Telecommunications Network except to the extent that the information can be related to the identifiable subscriber or user receiving the information;
'Consent'	means any freely given specific, informed and explicit indication of a Data Subject's wishes by which the Data Subject, either by a statement or by a clear affirmative action, signifies agreement to Personal Data relating to them being processed.
'Licensed Operator'	means an operator of a Telecommunications Network or the provider of Telecommunications services, as the case may be, which determines the purposes, conditions and means of the Processing of Personal Data;
'Data Subject/s'	means an identified or identifiable natural person or a natural person who can be identified, directly or indirectly, by means reasonably likely to be used by the Licensed

	Operator, in particular by reference to user or subscriber information, identification number, Location Data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;
'Directory of Data Subjects' or 'Directory'	means a Directory of Data Subjects to Public Telecommunications services, whether in printed form or in electronic form, which is generally available to the public and is based on data obtained directly or indirectly from a Licensed Operator in the Kingdom of Bahrain which assigns telephone numbers to Data Subjects;
'Infrastructure'	means the basic physical and organizational systems and facilities (e.g. buildings, network equipment, power supplies, people and processes) needed for the operation of a Public Telecommunications Network;
'Location Data'	means any data processed in a Telecommunications Network or by means of Telecommunications services, indicating the geographic position of the terminal equipment of a Data Subject using Public Telecommunications Services;
'Personal Data'	means any information relating to a Data Subject;
'Personal Data Breach'	means a breach of security, including unauthorized access to data, applications, networks and/or facilities that results in a potentially significant impact on the operation of an Infrastructure, leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise processed, in connection with a Public Telecommunications Service;
'Processing'	means any operation or set of operations which is taken in regard to Personal Data, whether or not it occurs by automatic means, and includes the collection, recording, organisation, storage, adaptation, alteration, retrieval, gathering, use, disclosure by transmission, dissemination or otherwise making information available, alignment or combination, blocking, erasure or destruction of such data;
'Processor'	means a natural or legal person or any other body which processes Personal Data on behalf of the licensed operator;
'Recipient'	means a natural or legal person or any other body to which the Personal Data are disclosed;

‘Sensitive Personal Data’	means Personal Data that reveals, for example, race or ethnic origin, medical records, membership of a trade union, or health;
‘Third Party’	means a person other than the Data Subject, the Licensed Operator, the Processor and such persons who under the direct responsibility of the Licensed Operator or the Processor are authorised to process Personal Data;
‘Traffic Data’	means any data processed for the purpose of the conveyance of a communication on a Telecommunications Network or for the billing thereof;
‘Value Added Service’	means enhanced or value added telecommunications data and/or voice services, which require the Processing of Traffic Data or Location Data other than Traffic Data beyond what is necessary for the transmission of a communication or the billing thereof, and that act on the format, content, code or protocol of information in order to provide the Data Subject with additional or different information or that involve Data Subject interaction with stored information, including computer and data processing services, data information and exchange services, credit card verification services, but excluding those transmission services to or over the Internet that require an Internet services provider licence.

2. SCOPE

2.1 This Regulation shall apply to the Processing of Personal Data by Licensed Operators, in connection with the operation of Telecommunications Networks or the provision of Telecommunications services in the Kingdom of Bahrain. The Regulation provides a framework for the protection of the confidentiality of Communications and the privacy of individuals, and defines the responsibilities and obligations of Licensed Operators in this regard.

3. APPLICABILITY

3.1 The provisions of this Regulation shall only apply to the processing of Personal Data of Data Subjects who are natural persons.

3.2 This Regulation does not apply to the Processing of Personal Data by competent authorities through Licensed Operators:

- (a) for the purposes of national security, defence and the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties;
- (b) as required for the purposes established by laws and regulations applicable in the Kingdom of Bahrain, including but not limited to the Law no. 60 of 2014 on the

Information Technology Crimes, Act no. 22 of 2006 on Copyright and Neighbouring Rights, and the Authority's Resolutions no. 8 of 2009, promulgating a Regulation requiring Licensees to implement Lawful Access, and the Resolution no. 13 of 2015 promulgating the SIM-Card Enabled Telecommunications Services Registration Regulation.

- 3.3 Nothing in this Regulation shall preclude the furnishing by Licensed Operators of Personal Data to any competent authority for the purposes established by laws and regulations applicable in the Kingdom of Bahrain.

4. TERRITORIAL SCOPE OF THE REGULATION

- 4.1 This Regulation shall apply to the Processing of Personal Data carried out in the context of the activities performed by a Licensed Operator or Processor, established and operating in the Kingdom of Bahrain.

5. REQUIREMENTS IMPOSED ON LICENSED OPERATORS

- 5.1 Without prejudice to any applicable law in the Kingdom of Bahrain, a Licensed Operator may, subject to the Data Subject's Consent, Process Personal Data for the following purposes:

- (a) the provision of Telecommunications services to Data Subjects;
- (b) activities concerning Data Subject billing;
- (c) activities concerning interconnection payments;
- (d) the provision of Directory services;
- (e) activities concerning access to Data Subject terminal equipment in accordance with Article 16;
- (f) activities concerning Traffic Data in accordance with Article 17;
- (g) activities concerning Location Data in accordance with Article 18;
- (h) reporting a Personal Data Breach.

- 5.2 Licensed Operators who have attained Consent to Process Personal Data for the purposes indicated in Article 5.1 may not Process that Personal Data for any other purpose.

- 5.3 Where Personal Data, is to be processed for educational, historical, scientific, statistical, and/or research purposes, and/or for any other purpose of Processing which is not indicated in Article 5.1, a Licensed Operator shall adhere to the requirements under Articles 6, 7, 8 and 9.

- 5.4 Licensed Operators shall also ensure that:

- (a) Personal Data processed is adequate, relevant, and limited to the minimum necessary in relation to the purposes for which they are processed;
- (b) Personal Data is accurate and kept up to date, and that every reasonable step is taken to ensure that any inaccurate Personal Data is erased or rectified without delay;
- (c) all reasonable measures are taken to complete, correct, block or erase Personal Data to the extent that such data is incomplete or incorrect;

- (d) Personal Data is not transferred outside of the Kingdom of Bahrain; and
- (e) Subject to 5.1, Personal Data is kept in a form which permits identification of Data Subjects for no longer than is necessary, in accordance with laws applicable in the Kingdom of Bahrain.

6. CRITERIA OF PROCESSING PERSONAL DATA

- 6.1 Personal Data under Article 5.3 shall only be Processed to the extent that, at least, one of the following applies:
- (a) the Data Subject has given Consent to the Processing of his Personal Data for one or more specific purposes indicated in Article 5.3; or
 - (b) Processing is necessary for the performance of a contract to which the Data Subject is party or in order to take steps at the request of the Data Subject prior to entering into a contract; or
 - (c) Processing is necessary for compliance with a legal or regulatory obligation to which the Licensed Operator is subject; or
 - (d) Processing is necessary in order to protect the vital interests of the Data Subject.
- 6.2 Personal Data may not be processed for the purposes concerning direct marketing unless Consent is attained prior to the commencement of any direct marketing. In so doing, Licensed Operators shall, at all times, Process Personal Data in accordance with the applicable laws and regulations of the Kingdom of Bahrain.

7. CONDITIONS FOR CONSENT

- 7.1 Consent to the Processing of Personal Data under Article 5.1 and Article 8, shall be clear, unambiguous and freely given by the Data Subject. Consent shall be in writing, or in electronic format, including by not limited to, by means of a tick box or signature box, signifying the Data Subject's Consent. The Licensed Operator shall ensure that Consent is attained prior to the commencement of any Processing activity by the Licensed Operator.
- 7.2 The Licensed Operator shall bear the burden of proof for the Data Subject's Consent to the Processing of their Personal Data.
- 7.3 The Data Subject shall have the right, at any time, to object to the Processing of his or her Personal Data and to withdraw his or her Consent. The withdrawal of Consent shall not affect the lawfulness of Processing based on Consent before its withdrawal.

8. PROCESSING OF SENSITIVE PERSONAL DATA

- 8.1 The Processing of Sensitive Personal Data shall be prohibited, unless:
- (a) the Data Subject has, without prejudice to Article 7.1, given specific Consent to the Processing of those Personal Data;

- (b) Processing is necessary to protect the vital interests of the Data Subject or of the Data Subject's representative where the Data Subject is physically or legally incapable of giving Consent;
- (c) the Processing relates to Sensitive Personal Data which are manifestly made public by the Data Subject;
- (d) Processing is necessary for the establishment, exercise or defence of legal claims;
- (e) Processing is necessary for the performance of a task carried out in the public interest according to laws and regulations applicable in the Kingdom of Bahrain.

8.2 A Licensed Operator Processing Sensitive Personal Data, shall adhere to the requirements under Article 9 prior to the commencement of the Processing activity.

9. INFORMATION TO DATA SUBJECTS

9.1 Where Personal Data is Processed pursuant to Article 5.3 and Article 8, the Licensed Operator, or a duly authorised Processor, upon written request from a Data Subject, must provide the Data Subject, with the following information:

- (a) the identity and habitual residence or principal place of business of the Licensed Operator and of any other person authorised by him in that behalf, if any;
- (b) clear and comprehensive information about the purposes of the Processing for which the Personal Data are intended; and
- (c) any further information relating to matters such as:
 - (i) the Recipients or categories of the Recipients of Personal Data;
 - (ii) whether the reply to any questions made to the Data Subject is obligatory or voluntary, as well as the possible consequence of failure to reply; and
 - (iii) the existence of the right to access, the right to rectify, and the right to erase the Personal Data concerning him/her.

10. RIGHT OF ACCESS

10.1 Upon a request of the Data Subject made at reasonable intervals, the Licensed Operator shall provide to the Data Subject, without excessive delay and without expense for the Data Subject, written confirmation as to whether Personal Data concerning the Data Subject is processed.

10.2 If such data is Processed, the Licensed Operator shall provide to the Data Subject written information in an intelligible form about:

- (a) Personal Data about the Data Subject which is Processed;
- (b) Where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- (c) the purpose of the Processing; and,
- (d) Recipients or categories of Recipients to whom the data is disclosed.

10.3 An application under Article 10.1 shall be made in writing to the Licensed Operator and is to be signed by the Data Subject.

11. RECTIFICATION AND ERASURE

11.1 The Data Subject shall have the right to obtain from the Processor without undue delay the rectification of inaccurate Personal Data concerning him or her.

11.2 The Data Subject shall have the right to obtain from the Processor the erasure of Personal Data concerning him or her without undue delay and the Processor shall be obliged to erase personal data without undue delay where one of the following grounds applies:

- (a) the Personal Data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- (b) the Data Subject withdraws Consent on which the Processing is based and where there is no other legal ground for the Processing; and
- (c) the Personal Data have been unlawfully Processed.

11.3 Article 11.2 shall not apply to the extent that Processing is necessary:

- (a) for compliance with a legal obligation which requires Processing or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Data Controller;
- (b) for reasons of public interest in the area of public health; or
- (c) for the establishment, exercise or defence of legal claims.

12. PROCESSOR

12.1 The Processor, and any person acting under the authority of the Licensed Operator, who has access to Personal Data, shall not Process Personal Data except on instructions from the Licensed Operator, or unless required to do so by an obligation provided by a law or regulation applicable in the Kingdom of Bahrain.

12.2 Where a Processing operation is to be carried out on behalf of a Licensed Operator, the Licensed Operator shall choose a Processor providing sufficient guarantees to implement appropriate technical and organisational measures and procedures in such a way that the Processing will meet the requirements of this Regulation and ensure the protection of the rights of the Data Subjects, in particular in respect of the technical security measures, organizational measures governing the Processing to be carried out, and shall ensure compliance with those measures.

12.3 The carrying out of Processing by a Processor shall be governed by a contract or other legal instrument binding the Processor to the Licensed Operator and stipulating in particular that the Processor shall:

- (a) act only on instructions from the Licensed Operator, in particular, where the transfer of the Personal Data used is prohibited;
- (b) employ only staff who have committed themselves to confidentiality or are under a statutory obligation of confidentiality;
- (c) take all required security measures pursuant to Article 13;
- (d) insofar as this is possible, given the nature of the Processing, create, in agreement with the Licensed Operator, the necessary technical and organisational requirements, for

the fulfilment of the Licensed Operator's obligation to respond to requests for exercising the Data Subject's rights;

- (e) assist the Licensed Operator in ensuring compliance with the obligations pursuant to Articles 13 and Article 15;
- (f) at the choice of the Data Controller, delete or return all the Personal Data to the Data Controller after the end of the provision of services relating to Processing, and delete existing copies; and,
- (g) make available to the Licensed Operator and the Authority all information necessary to control compliance with the obligations laid down in this Article.

13. SECURITY OF PROCESSING

13.1 Without prejudice to any other obligations imposed on Licensed Operators under the laws of the Kingdom of Bahrain, Licensed Operators and their Processors shall:

- (a) ensure a level of security appropriate to the risks represented by the Processing, and the nature of the Personal Data to be protected;
- (b) take all measure required to protect Personal Data against accidental or unlawful destruction or accidental loss, and to prevent any unlawful forms of Processing, in particular, any unauthorised disclosure, dissemination or access, or alteration of Personal Data;
- (c) ensure that Personal Data can be accessed only by authorised personnel; and,
- (d) ensure the implementation of a security policy with respect to the Processing of Personal Data.

14. NOTIFICATION OF A PERSONAL DATA BREACH TO THE AUTHORITY

14.1 In the case of a Personal Data Breach, the Licensed Operator or the Data Processor, if any, shall, without undue delay, and not later than twenty-four (24) hours after having become aware of it, notify the Personal Data Breach to the Authority. The notification to the Authority shall be accompanied by a reasoned justification in cases where it is not made within twenty-four (24) hours.

14.2 The Licensed Operator shall submit a detailed report to the Authority within five (5) working days after becoming aware of any Personal Data Breach.

14.3 The notification and the detailed report referred to in the preceding Articles 14.1 and 14.2 shall be submitted to the Authority as may be prescribed by the Authority from time to time.

14.4 The detailed report submitted pursuant to Article 14.2 shall include the following information:

- (a) the date and time that the Personal Data Breach commenced;
- (b) the date and time that the Personal Data Breach was resolved completely. Where the incident is ongoing at the time of reporting, the expected resolution time shall be provided when it is available;
- (c) physical location of the breach, which, as a minimum, shall contain the address; and
- (d) a brief description of the Personal Data Breach, including the cause, resultant damage, the estimated financial loss and mitigation action taken so far by the Licensed Operator.

14.5 Where the Authority receives a report under this Article, the Authority may, where it thinks it appropriate, inform:

- (a) The Subscriber or Data Subject of the occurrence of the Personal Data Breach or require the Licensed Operator to inform the Subscriber or Data Subject; and/or
- (b) the public of the occurrence of the Personal Data Breach, or require the Licensed Operator to inform the public; and/or
- (c) security organs or concerned government entities of such report.

15. CONFIDENTIALITY OF COMMUNICATIONS

15.1 Licensed Operators shall ensure the privacy and confidentiality of communications and related traffic data generated by means of a Public Telecommunications Network and publicly available Telecommunications Services.

15.2 The Licensed Operator shall not use or allow to be used any apparatus contained in the Telecommunications Network which is capable of recording, listening, tapping, silently monitoring, or intruding into Communications of a Data Subject, and of any related Traffic Data, unless this complies with the laws of the Kingdom of Bahrain.

16. ACCESS TO DATA SUBJECT TERMINAL EQUIPMENT

16.1 Licensed Operators may not store information or gain access to information stored in the terminal equipment of a Data Subject.

16.2 Nothing in this Regulation shall preclude Licensed Operators instructed by a competent authority, from storing information or gaining access to information stored in the terminal equipment of a Data Subject, for the purposes established by the laws and regulations applicable in the Kingdom of Bahrain.

16.3 Notwithstanding Article 16.1, Licensed Operators may store information on the terminal equipment of a Data Subject through the use of cookies, provided that the Licensed Operator informs the Data Subject prior to that use.

17. TRAFFIC DATA

17.1 Without prejudice to Articles 17.2, 17.3 and 17.4, and unless required by any other provision of the laws of the Kingdom of Bahrain or any regulation published by the Authority, Traffic Data relating to Data Subjects processed for the purpose of the transmission of a communication, and stored by a Licensed Operator, shall be erased or made anonymous

when it is no longer needed for the purpose of the transmission of a communication following the lapse of one year from the date of the Data Subjects' communication.

- 17.2 Traffic Data necessary for the purposes of Data Subject billing and interconnection payments may be Processed, provided that such Processing shall only be permissible up to the end of the period during which the bill may lawfully be challenged or payment pursued, in accordance with the laws of the Kingdom of Bahrain.
- 17.3 For the purpose of marketing its own Telecommunications services or for the provision of Value Added Services to the Data Subject, the Licensed Operator may process the data referred to in Article 17.1 to the extent and for the duration necessary for such services or direct marketing if the Data Subject has given his prior Consent.
- 17.4 Upon a request for information by a Data Subject, a Licensed Operator shall inform the Data Subject of the types of Traffic Data that are processed and of the duration of such Processing for the purposes mentioned in Article 17.1 and 17.2.
- 17.5 Processing of Traffic Data in accordance with Article 17 shall be restricted to persons acting under the authority of the Licensed Operator and any Processor, including, undertakings which provide Telecommunications services handling billing or traffic management, customer enquiries, fraud detection, marketing or providing a Value Added Service.
- 17.6 Nothing in this Regulation shall preclude the furnishing of Traffic Data to any competent authority for the purposes of settling disputes, in particular interconnection or billing disputes.

18. LOCATION DATA

- 18.1 Licensed Operators may process Location Data, other than Traffic Data, relating to Data Subjects using a Public Telecommunications Network, or a Telecommunications service. Such data shall, where possible, be processed when it is made anonymous, or with the consent of the data subject, to the extent and for the duration necessary for the provision of a Value Added Service.
- 18.2 Prior to obtaining the Consent of the Data Subject, the Licensed Operator shall provide the following information:
- (a) the type of Location Data other than Traffic Data processed;
 - (b) the purposes and duration of the Processing; and,
 - (c) transmission to any Traffic Data Party for the purpose of providing the Value Added Service.
- 18.3 Notwithstanding the provisions of Article 18.1 and 18.2, the Data Subject shall continue to have the possibility, using simple means and free of charge, of temporarily refusing the Processing of such data for each connection to the Telecommunications Network or for each transmission of a communication.
- 18.4 The Processing of Location Data, other than Traffic Data, in accordance with Articles 18.1 – 18.3, shall be restricted to Processors of the Licensed Operator, and shall be restricted to what is necessary for the purposes of providing the Value Added Service.

18.5 Data Subjects may, at any time, withdraw their consent to the Processing of Location Data, other than Traffic Data.

18.6 Nothing in this Regulation shall preclude the furnishing of Location Data to any competent authority for the purposes established by laws and regulations applicable in the Kingdom of Bahrain.

19. RETENTION OF DATA

19.1 Licensed Operators shall retain Personal Data in accordance with the applicable laws and regulations of the Kingdom of Bahrain.

20. DIRECTORY SERVICES

20.1 Any Licensed Operator who produces a Directory of Data Subjects shall, ensure that:

- (a) the Data Subject is informed about the Directory of Data Subjects where available;
- (b) the Data Subject shall be given the opportunity to allow or refuse for their data to be included in the Directory by the Licensed Operator, free of charge;
- (c) Data Subjects shall be given the opportunity to access, verify, correct or withdraw such Personal Data from the Directory, free of charge, as provided in this Regulation;
- (d) Data Subjects' information is updated regularly; and,
- (e) the Personal Data in such a Directory relating to a Data Subject is limited to what is necessary to identify the Data Subject and the number allocated to him.

20.2 This Regulation shall not apply to an edition of a Directory that has been already produced or placed on the market in printed or off-line electronic form before the coming into force of this Article.

20.3 The Licensed Operator shall provide any other Licensed Operator access to the Licensed Operator's Directory information on request, in such form as may be determined by the Authority, on reasonable, fair and non-discriminatory terms, including reimbursement of the Licensed Operator's direct costs reasonably incurred in granting the access, provided that:

- (a) The Licensed Operator to whom Personal Data is disclosed, shall process the information only to provide Directory information services or for the routing of calls;
- (b) The Licensed Operator shall not disclose Personal Data related to Data Subjects who have refused for their Personal Data to be included in the Directory or withdrawn their Consent to the inclusion of their Personal Data in the Directory;
- (c) The provision by the Licensed Operator to other Licensed Operators of the information is in line with the provisions of this Regulation.

21. ITEMISED BILLING

21.1 Subscribers shall have the right to receive non-itemised bills.

22. ENFORCEMENT

22.1 Licensed Operators that fail to comply with the provisions of this Regulation shall be deemed in material breach of the Telecommunications Law. The measures and sanctions stated in the Telecommunications Law shall apply to every Licensed Operator violating the provisions of this Regulation.

23. CONFIDENTIALITY

23.1 The Authority may request a Licensed Operator to furnish information or documents in its possession, to satisfy the Authority that the privacy and confidentiality procedures adopted by the Licensed Operator satisfy the requirements under this Regulation.

24. EFFECTIVE DATE

24.1 Licensed Operators shall be allowed a period of six months from the date of entry into force of this Regulation, to comply, to the fullest extent possible with the provisions of this Regulation, in Processing Personal Data pertaining to Data Subjects which are recorded on their subscriber data base as at the time of entry of this Regulation. The Licensed Operator shall ensure that Personal Data practices are fully compliant with the Regulation following the six month transitional period.