



ABU DHABI
GLOBAL MARKET

Guidance on the Data Protection Regulations 2021

Part 8: Individuals' Rights and Remedies

Office of Data Protection

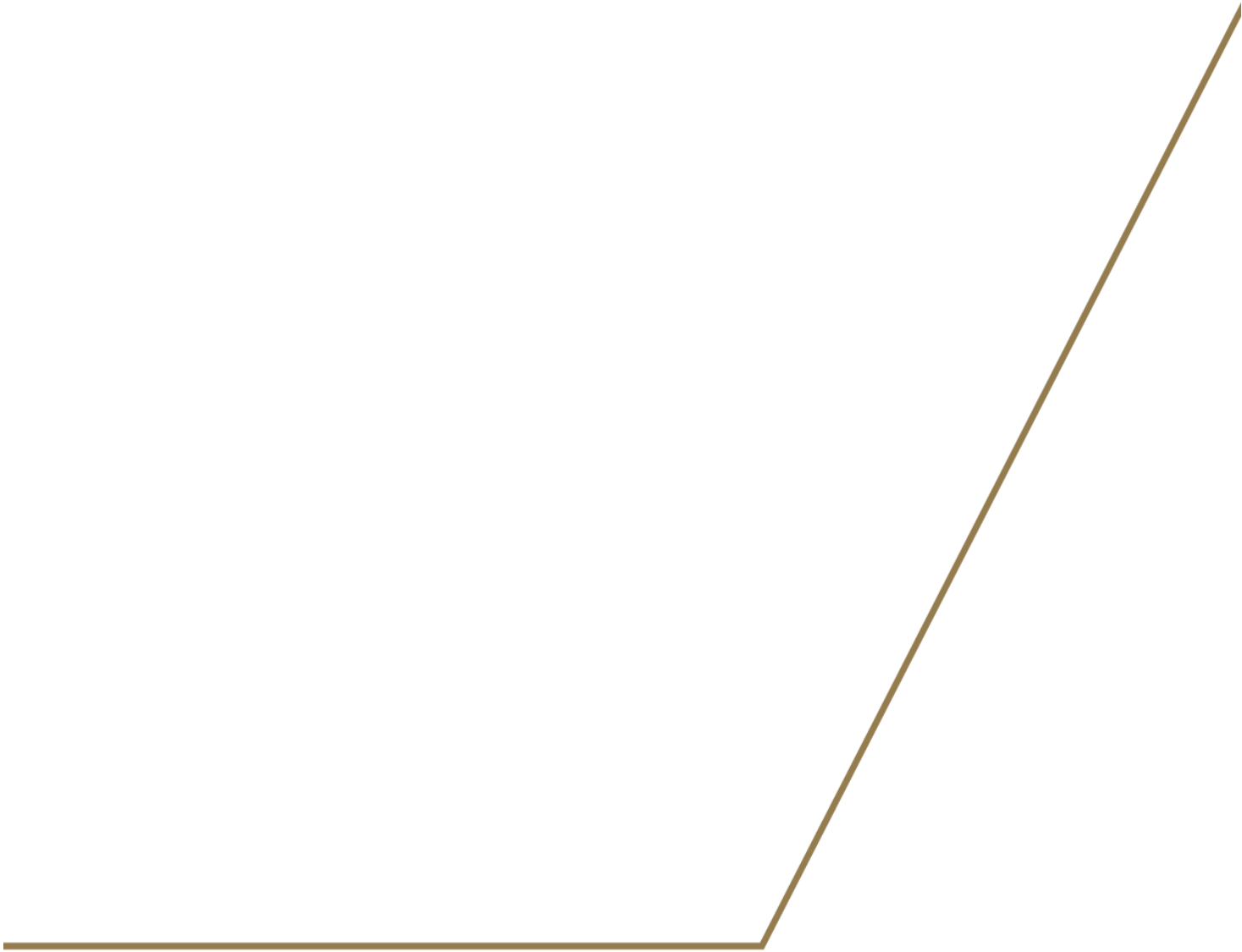


TABLE OF CONTENTS

- 1. INTRODUCTION 3**
 - Introduction to this Guidance..... 3
- 2. INDIVIDUALS’ RIGHTS AND REMEDIES 3**
 - 2.1 Concerns around how your personal data is processed..... 3
 - 2.2 How does the Commissioner support in resolving any issues? 4
 - 2.3 The right to claim for compensation 4
 - 2.4 How much compensation will the court award me if my claim is successful?..... 4

1. INTRODUCTION

Introduction to this Guidance

- 1.1 This is Part 8 in the series of guidance (Guidance) on the Abu Dhabi Global Market (ADGM) Data Protection Regulations 2021 (DPR 2021). It covers individuals' rights and remedies.

2. INDIVIDUALS' RIGHTS AND REMEDIES

Individuals have various data subject rights which they can exercise under the DPR. Those are covered under Part 2 of this Guidance.

2.1 Concerns around how your personal data is processed

As a data subject, you have the right to be confident that organisations handle your personal information responsibly and in line with good practice.

If you have a concern about the way an organisation is handling your information, for example, if it:

- is not keeping your information secure;
- holds inaccurate information about you;
- has disclosed information about you;
- is keeping information about you for longer than is necessary; or
- has collected information for one reason and is using it for something else,

we are of the view that the organisation responsible should, in the first instance, be responsible for meeting those concerns. We expect them listen to your concerns and take steps to address them.

Here are some guidelines to follow when you raise your concern.

- **Raise your concern quickly.** The sooner you raise your concern, the more likely the information necessary to handle it will be available and the higher the likelihood that it will be dealt with.
- **Send your concern to the correct department.** Check the organisation's website (typically their privacy notice) or give them a call to make sure you have the right address or email address.
- **Write clearly.** Use simple language and write using a word processor, or using clear manuscript which is easy to read.
- **Be specific.** Do not include unnecessary background information. Include only necessary and relevant information, however make sure you include everything which is relevant. You should not provide new information at a later stage. It may also be useful to provide copies of any relevant evidence or materials.

- **Be reasonable, objective and don't get personal.** The best way to resolve such issues is through clear, professional communication.
- **Request and respect timescales.** Ask when you can expect the organisation to respond and allow them the time to address your concerns internally, collating any necessary information.
- **Keep accurate records.** Clearly date all communications and make notes of all related conversations.
- **Exhaust the process before bringing the matter to our attention.**

2.2 How does the Commissioner support in resolving any issues?

We give guidance and support to organisations to help them get things right. We can also help you take steps to address any concerns you might have.

We cannot act as your representative, order controllers or processor to pay you compensation or – unless there has been a serious breach of the DPR 2021 – punish an organisation.

We can however help you understand how to best work with the organisation to resolve your concern.

If a controller or processor has been unable, or unwilling, to resolve your concerns around the handling of your personal data, you can raise the matter with the Commissioner.

If we think that it is appropriate to do so, we will take appropriate action. This could take a variety of forms (see paragraph 3.4 in Part 7 of this Guidance).

You should raise the matter with us as soon as possible or at the latest within 2 months of your last meaningful contact with the organisation concerned.

If you think that we have not handled your complaint appropriately, you have the option to take it to the ADGM Courts (within three months following the date of your complaint).

2.3 The right to claim for compensation

The DPR 2021 gives you a right to claim compensation from a controller or a processor if you have suffered damage as a result of it breaking data protection law. This includes both “material damage” (e.g. you have lost money) or “non-material damage” (e.g. you have suffered distress).

We cannot award compensation, even when we are of the view that a controller or processor has breached the DPR 2021.

We strongly recommend you take independent legal advice on the strength of your case before taking any claim to the ADGM Courts.

2.4 How much compensation will the court award me if my claim is successful?

This will be at the discretion of the judge hearing the claim, who will consider all the circumstances. This will include how serious the infringement was and its impact on you, particularly when assessing the distress you suffered.

If the organisation refuses or is unable to pay, you should seek legal advice as to how you can enforce the judgment.

You should also bear in mind that the court can award costs to you or against you in certain circumstances. Again, we recommend you seek independent legal advice to allow you to consider the risks of bringing a claim.

For more information, you may contact the Commissioner of Data Protection on:

Telephone No.: 00 971 2 3338888

Email: Data.Protection@adgm.com

Address: ADGM Building, Abu Dhabi Global Market Square, Al Maryah Island, Abu Dhabi, United Arab Emirates.

Disclaimer

This Guidance is a non-binding indicative Guidance and should be read together with the Data Protection Regulations 2021 and any other relevant regulations and enabling rules, which may change over time without notice. Information in this Guidance is not to be deemed, considered or relied upon as legal advice and should not be treated as a substitute for a specific advice concerning any individual situation. Any action taken upon the information provided in this Guidance is strictly at your own risk and the Office of Data Protection, Registration Authority and ADGM will not be liable for any losses and damages in connection with the use of or reliance on information provided in this Guidance. The Office of Data Protection, Registration Authority and ADGM make no representations as to the accuracy, completeness, correctness or suitability of any information provided in this Guidance.