

## WHO IS A DATA CONTROLLER?

The Data Protection (Privacy of Personal Information) Act 2003, (DPA) describes a data controller as a “person who, either alone or with others, determines the purposes for which and the manner in which any personal data are, or are to be processed.”

Effectively, the data controller is the “head” or “boss” of an organization. There is no distinction as to whether the organization is in the public or private sector; even the Crown is bound by the DPA.

In addition the DPA identifies a data controller as:

An ordinary resident, a company incorporated or registered in The Bahamas or an individual who maintains an office, branch, agency or practice in The Bahamas and processes the data in connection with the business establishment. Kindly note however, that:-

Where the data controller is not established in this jurisdiction but uses equipment in The Bahamas for processing data otherwise than for the purpose of transit through The Bahamas, the DPA is still applicable, and the data controller must nominate a local representative established in The Bahamas.

In order to protect the privacy of individuals and achieve the primary objectives of the legislation, the data controller must be satisfied of the following principles in relation to the collection, quality and use of personal data:

- The data should be collected by means which are both lawful and fair.
- The data should be accurate and kept up to date.
- The data should only be kept for specified purposes.
- The data should be adequate, relevant and not excessive in relation to the purpose for which it is kept.
- The data should not be disclosed in a manner that is inconsistent to the purpose for which it is kept.
- The data should not be kept for longer that is necessary except where the data is historical, research or statistical data.
- The data should be kept securely from unauthorized access, alteration, disclosure, destruction or accidental loss.

Feel free to contact us if you have any queries on this or other data protection issues at [dataprotection@bahamas.gov.bs](mailto:dataprotection@bahamas.gov.bs) or visit our website [www.bahamas.gov.bs/dataprotection](http://www.bahamas.gov.bs/dataprotection).