

## Regulation on Personal Data Transfer outside the Kingdom

### Article 1: Definitions

The terms and phrases stipulated herein shall have the meanings ascribed thereto in Article (1) of Personal Data Protection Law (PDPL) issued by Royal Decree No. (M/19) dated 09/02/1443 H. In addition, the following terms and phrases, wherever mentioned herein, shall have the meanings assigned thereto, unless the context requires otherwise:

1. **Regulation:** The implementing Regulation for Transfer of Personal Data outside KSA.
2. **Regulations:** The implementing Regulations of the Personal Data Protection Law.
3. **Appropriate Safeguards:** Requirements imposed by the Competent Authority on the Controllers, ensuring compliance with provisions of PDPL and its implementing regulations, when transferring or disclosing personal data to entities outside KSA in any case of exemption from conditions for availability of appropriate protection level of personal data or the minimum limit of personal data, as the case may be, with the aim of guaranteeing appropriate level of personal data protection outside KSA that shall not go below the level stipulated by PDPL and its implementing regulations.

### Article 2: Other Purposes of Transfer or Disclosure of Personal Data to Entities Outside KSA

Other purposes of transfer or disclosure of personal data to entities outside KSA shall be in accordance with Subparagraph (1.D) of Article 29 of PDPL as follows:

1. Performing processes necessary for central processing to enable the Controller to perform its activities.
2. Providing a service or benefit for the Data Subject.
3. Conducting scientific research and studies.

### Article 3: Procedures and Standards for Assessing Protection Level for Personal Data Outside KSA

1. The Competent Authority shall publish on its website a list of countries or international organizations that provide an appropriate protection level for personal data. In addition, the Competent Authority shall review such list every four years or when required according to the following standards:
  - a. Presence of regulations that guarantee the protection of personal data and rights of Data Subjects, including the right to claim compensation for damage resulting from breach of such rights at a level of protection that is not less such level stipulated by PDPL and its implementing regulations.
  - b. Presence of a supervisory authority to be responsible for enforcing Personal Data Protection provisions.
  - c. Readiness of supervisory authority to cooperate with the Competent Authority in KSA regarding matters related to personal data protection.
  - d. Non-contradiction of regulatory requirements for disclosure of personal data under legal provisions applicable by the state or international organization with

- provisions of disclosing personal data stipulated by PDPL and its implementing regulations, and non-contradiction of such provisions with any other provisions applicable in KSA regarding disclosure.
- e. Obligations resulting from international treaties or conventions binding upon the state or international organization and its membership in regional or multilateral organizations that the implementation of their clauses may require the transfer of personal data.
  - f. Provisions related to subsequent transfer of personal data as stipulated by Article (5) hereof.
2. The Competent Authority shall be entitled to amend the list of countries or international organizations that ensure appropriate protection level for personal data outside KSA if it turns out from reviewing it that any country or international organization is no longer guaranteeing an appropriate protection level for personal data. In addition, the Competent Authority and the involved entities in the country or international organization shall work on handling the reasons for exclusion from the list.
  3. The Competent Authority shall be entitled to suspend transfer or disclosure to any of the countries or international organizations included in the list stipulated in Paragraph (1) of this Article.

#### **Article 4: Cases of Exempting Controller from Compliance with Appropriate Protection Level and Minimum Limit of Personal Data Transfer**

1. The Controller shall be exempted from the two conditions that must be fulfilled when transferring or disclosing personal data outside KSA, which are stipulated in Subparagraphs (2.B) and (2.C) of Article (29) of PDPL, or any of such conditions. In addition, the transfer or disclosure of personal data outside KSA shall be subject to the Appropriate Safeguards in the following cases:
  - a. If transfer or disclosure of personal data will be performed between public entities for the purpose of implementing a convention to which KSA is a party, or if this is for the benefit of KSA, provided that the Controllers include standard clauses for personal data protection in the relevant conventions or memorandums of understanding.
  - b. If transfer or disclosure will be performed infrequently or for a definite period and a determined number of Data Subjects, provided that the Controller abides by standard contractual clauses, or transfer or disclosure is for an entity that obtained certification from an entity licensed by the Competent Authority. In addition, such data shall not be sensitive data.
  - c. If transfer or disclosure of personal data is necessary for performing central processes, and the Controller is among a group of multinational entities, provided that the Controller and its bodies abide by binding common rules or standard contractual clauses that ensure fulfilling requirements stipulated by PDPL and its implementing regulations, or that the entity to which the personal data will be transferred or disclosed obtains certification issued from an entity licensed by the Competent Authority.

- d. If transfer or disclosure will be performed for the purpose of providing direct service or benefit for Data Subject in such manner that does not conflict with Data Subject's expectations or interests, provided that transfer or disclosure is made for an entity that obtained certification from an entity licensed by the Competent Authority, and that such data is not sensitive data.
  - e. If transfer or disclosure of personal data is necessary for conducting scientific research and studies, provided that the transfer or disclosure is limited to the minimum limit of personal data required, and that the Controller abides by standard contractual clauses. In addition, the transfer or disclosure shall be for an entity that obtained certification from an entity licensed by the Competent Authority. Moreover, such data shall not be sensitive data.
2. The Appropriate Safeguards shall include Controllers' obligations stipulated in PDPL and its implementing regulations, in addition to the rights of Data Subjects, including claiming compensation for damage resulting from breach of such rights.
  3. The Competent Authority shall be entitled to review the adequacy of applying Appropriate Safeguards for each exemption case every two years or when required.

### Article 5: Subsequent Transfer of Personal Data

Without prejudice to provisions of Articles (8) and (15) of PDPL and Article (17) of PDPL Implementing Regulations, provisions of PDPL and its implementing regulations shall apply to personal data that is previously transferred or disclosed to an entity outside KSA.

### Article 6: Withdrawal of Exemption

1. The Competent Authority shall be entitled to withdraw an exemption granted according to cases stipulated in Article (4) hereof in any of the following cases:
  - a. Failure to apply the Appropriate Safeguards.
  - b. If the Competent Authority finds that the Appropriate Safeguards are inadequate for any of the determined cases based on the results of periodic review of such Safeguards as stipulated in Article (4) hereof.
2. In the event of any of the cases stipulated in Subparagraphs (1.A) and (1.B) of this Article, the Controller shall cease transfer or disclosure and notify the entity to which personal data was transferred or disclosed.

### Article 7: Risk Assessment of Transferring or Disclosing Personal Data to an Entity Outside KSA

1. The Controller shall conduct a risk assessment of the transfer or disclosure of personal data to an entity outside KSA in the following cases:
  - a. Transfer or disclosure of personal data to an entity outside KSA according to Article (4) hereof.
  - b. Continuous or large-scale transfer or disclosure of sensitive data to entities outside KSA.



## Suggested Amendments

2. Assessing risks of transfer or disclosure of personal data to an entity outside KSA shall include the following elements:
  - a. The purpose of transfer or disclosure of personal data to an entity outside KSA and its legal basis.
  - b. A description of the nature of transfer or disclosure of personal data outside KSA to be performed, including activities of personal data processing and its geographic scope.
  - c. Methods and Appropriate Safeguards for the transfer or disclosure of personal data outside KSA and their adequacy in achieving appropriate protection level for personal data.
  - d. Measures adopted to ensure that the transfer or disclosure of personal data to an entity outside KSA will be limited to the minimum limit of personal data required for achieving purposes. This shall be in cases not exempted from Subparagraph (2.C) of Article (29) of PDPL.
  - e. Material or moral impacts that may result from the transfer or disclosure of personal data to an entity outside KSA and the probability of their occurrence.
  - f. Measures or controls that will apply to prevent potential risks to Data Subjects or mitigate such risks upon occurrence thereof.

### ▶ **Article 8: Manuals and Guidelines**

The Competent Authority shall issue Manuals and Guidelines related to the provisions hereof.

### ▶ **Article 9: Enforcement**

The Regulation shall come into force as of the date of publishing in the Official Gazette.