

22nd February 2024

CITRA Issues New Data Protection Regulation

On February 18, 2024, the Communication Information Technology Regulatory Authority (**CITRA**) rolled out a new data protection resolution (the **Data Protection Regulation**). This move comes as CITRA repeals its previously issued data protection regulation no.42/2021 (*pursuant to issuance of CITRA regulation 26/2024*) and its data classification regulation no.95/2021 (*pursuant to issuance of CITRA regulation no.34/2024*) and welcomes a more robust framework.

To whom it applies?

The Data Protection Regulation removes any ambiguity concerning the applicability of the provisions. It is now clear that the provisions apply to CITRA licensed service providers, which include those individuals or entities who gather, handle, and retain personal user data, either fully or partially, whether for a permanent or temporary period, through automated methods or other means integrated into their data storage system, regardless of whether the processing occurs within Kuwait or internationally.

What changed?

It brings some tweaks aimed at safeguarding personal data. Such changes include Article 4 and Article 6, which call for heightened alertness from service providers. Article 4 demands quick action, requiring service providers to inform CITRA within seventy-two (72) hours if personal data is mistakenly disclosed and where it puts many users at risk. Article 6 is just as strict, mandating that service providers notify CITRA within twenty-four (24) hours of any data breaches that occur.

Additionally, the Data Protection Regulation mandates that any data breaches must be reported, not only by the licensed service provider but also by its affiliates, parent company, or any third party connected to the service provider, whether directly or indirectly. Moreover, with respect to such breaches, there are requirements to disclose whether the data is stored domestically in Kuwait or overseas.

When will it be enforceable?

CITRA has provided a grace period of one (1) year from the date of publication of the rules on the Official Gazette. The rules have not yet been published in the Official Gazette but likely will be published by 3 March 2024.

CLIENT ALERT

How can ICB help?

It's crucial to stay up to date with these changes in data governance. Should you need any help or clarification, we're here to assist you every step of the way, please feel free to reach out directly to our corporate team below. For any other general queries, please email icb@icbkuwait.com.kw to schedule a meeting.

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