

Government Notice No. 117 of 2026

THE DATA PROTECTION ACT

**Regulations made by the Minister, after consultation with
the Data Protection Commissioner, under section 55 of
the Data Protection Act**

1. These regulations may be cited as the Data Protection (Designation, Tasks and Position of Data Protection Officers) Regulations 2026.
2. In these regulations –
 - “Act” means the Data Protection Act;
 - “data protection officer” means the person designated under regulation 3(1);
 - “lead data protection officer” means the person designated under regulation 3(3).
3. (1) Subject to paragraph (2) and regulations 5 and 6, every controller shall, for the purpose of section 22(2)(e) of the Act, designate, from a staff member of the organisation, a data protection officer for the purpose of carrying out the tasks specified under regulation 4.
 - (2) The controller may designate more than one data protection officer having regard to its organisational structure, size and scale, complexity and sensitivity of the processing of such personal data.
 - (3) Where the controller has appointed more than one data protection officer, the controller shall designate a lead data protection officer, who shall be the primary point of contact with the Office and the data subjects.

- (4) The controller shall –
- (a) communicate the particulars of the data protection officer or lead data protection officer to the Office, within 14 days of such designation; and
 - (b) where any change occurs to the identity or particulars of the officers referred to in subparagraph (a), notify the Office of such change and provide their updated particulars within 14 days of such change.
4. (1) The data protection officer or lead data protection officer shall –
- (a) carry out the data protection functions in the organisation, namely –
 - (i) ensuring that personal data is processed by the organisation in accordance with the principles of data processing;
 - (ii) protection of data subject rights;
 - (iii) data protection impact assessment;
 - (iv) ensuring that security and organisational measures are implemented;
 - (v) maintaining the record of processing operations;
 - (vi) notification to the Office and communication to the data subjects of data breaches;
 - (vii) the registration of the organisation as controller or processor, or both, with the Office;
 - (viii) facilitating the investigation by the Office of breaches of the Act by the controller;

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- (ix) inform and advise the controller, processor, or employees who carry out processing of personal data within the organisation, of their obligations under the Act;
 - (x) monitor compliance of the organisation with the Act and its data protection policies, including the assignment of responsibilities, the conduct of internal audits, awareness raising and training of employees involved in processing operations at such intervals as may be required;
 - (xi) assist the Office in the carrying out of compliance audits under the Act;
 - (xii) facilitate security checks and inspections by the Office;
 - (xiii) provide advice, where requested by the controller with regard to data protection impact assessments;
 - (xiv) provide advice and issue recommendations to the controller to ensure that Parts II, III IV, V, VI and VII of the Act are complied with;
 - (xv) cooperate with the Commissioner as and when required;
 - (xvi) act as the liaison officer with the Commissioner on matters relating to processing of personal data;
 - (xvii) perform any other such tasks which may involve data protection compliance within the organisation; and

(xviii) in the performance of the above duties, report to the highest management level of the organisation.

5. The data protection officer or lead data protection officer shall be designated by the controller on the basis of his professional qualifications and, in particular –

- (a) expert knowledge of data protection laws and practices applicable in Mauritius;
- (b) the proven ability to fulfil the tasks specified in regulation 4;
- (c) an in-depth understanding of the operational requirements of the organisation and the specific regulatory environment of its business sector; and
- (d) evidence of certification issued by –
 - (i) the Office, following the successful completion of the training conducted by the Office and on payment of such fees, as the Office may determine, for the training; or
 - (ii) a duly registered and accredited training institution approved by the Office for its expertise in data protection laws.

6. The controller shall –

- (a) ensure that the duties assigned to the data protection officer or lead data protection officer are compatible with the duties referred to under regulation 4 and do not result in any conflict of interest;
- (b) ensure that the data protection officer or lead data protection officer is involved, in a timely manner, in all issues related to the protection of personal data;

- (c) adequately support the data protection officer or the lead data protection officer in the performance of his duties under regulation 4 by providing necessary resources and training to the data protection officer or lead data protection officer;
- (d) ensure that the data protection officer or lead data protection officer carries out his functions in an independent manner without any unlawful interference;
- (e) not dismiss or suspend or otherwise penalise a data protection officer or lead data protection officer for lawfully performing the duties under these regulations.

7. (1) Subject to paragraph (2), the data protection officer or lead data protection officer shall not be personally liable for any non-compliance by the controller with the provisions of the Act.

(2) The data protection officer or lead data protection officer may be held accountable by the organisation for any failure to perform the duties and tasks specifically assigned to him under regulation 4.

8. (1) The controller shall publish the contact details of the data protection officer or lead data protection officer at a conspicuous place on its premises or, where applicable, on the website of the controller.

(2) A data subject may contact the data protection officer or lead data protection officer in respect of any matter related to the processing of his personal data or the exercise of his rights under the Act.

9. Any person who contravenes regulations 3(4) or 8(1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100, 000 rupees and to imprisonment for a term not exceeding 5 years.

These regulations shall come into operation on 1 January 2027.

Made by the Minister, after consultation with the Data Protection Commissioner, on 17 June 2026.
