Data Protection Office

Application Form

Registration/renewal of registration as Processor

QMS34

Section 1 – Basic Details	
PROCESSOR	**REPRESENTATIVE AND DATA PROTECTION OFFICER**
Name :	Name :
Address :	Address :
Telephone Number :	Telephone Number :
Fax Number :	Fax Number :
Email Address :	Email Address :

Section 2 – **Personal Data** (personal data processed by processor on behalf of the controller)			
DESCRIPTION OF PERSONAL DATA (E.g. name, address, National Identity Card Number, etc.)	**CATEGORY OF DATA SUBJECTS** (E.g. employee, client, supplier, shareholder, etc.)	**PURPOSE OF PROCESSING** (E.g. for payroll, invoicing, Know Your Customer (KYC), registration, etc.)	**RECIPIENT(S) TO WHOM PERSONAL DATA IS (ARE) DISCLOSED** (E.g. MRA, bank, etc.)

Section 3 – Special Categories of Personal Data	Applicable ☐	Not Applicable ☐ (Tick as appropriate)

If applicable, please fill in the below details, otherwise please proceed to section 4.

(a) please select the type(s) of special categories of personal data

☐ Racial or ethnic origin	☐ Political opinion or adherence	☐ Religious or philosophical beliefs
☐ Membership of a trade union	☐ Physical or mental health or condition	☐ Sexual orientation, practices or preferences
☐ Genetic data or biometric data	☐ Commission or alleged commission of an offence	☐ Any proceedings for an offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any Court in the proceedings

(b) Purpose(s) for processing special categories of personal data:

Section 4 – Transfer of data outside Mauritius (refer to point 4 under NOTES below)	Applicable ☐	Not Applicable ☐ (Tick as appropriate)

If applicable, please fill in the below details, otherwise please proceed to section 5.

(a) list the country(ies):

(b) and purpose(s) of transfer:

Section 5 – Measures for protection of personal data	
RISKS TO PERSONAL DATA (E.g. unauthorised access/disclosure, theft, etc.)	
SAFEGUARDS, SECURITY MEASURES AND MECHANISMS IMPLEMENTED TO PROTECT PERSONAL DATA (E.g. Access control, visitors' logbook, privacy policy, information security policy, etc.)	

Section 6: Contract with Controller

As per your contract with the controller, do you have the following:

☐ Sufficient guarantees in respect of security and organisational measures under section 31(1) of the DPA	☐ Processing carried out only on the controller's instructions under section 31(4)(b)(i) of the DPA (refer to point 13 under NOTES below)	☐ Processor being bound by the obligations devolving on the controller under section 31(4)(b)(ii) of the DPA

Section 7: Number of Employees (refer to point 1 for fees under NOTES below)

Total Number of Employees: ☐

I certify that the above information is correct and complete and hereby apply to be registered as controller under the Data Protection Act.

Signature: ..... **Date**: .....

Name: .....

(*Applicant / Person authorised to sign on behalf of Applicant) (*Delete whichever is not applicable)

NOTES:

1. For registration and renewal of registration certificate, the fees payable are related to the number of employees as follows:

	Registration Fees	Renewal Fees
For applicants between 0 to 5 employees	Rs 1000	Rs 1000
For applicants between 6 to 25 employees	Rs 1500	Rs 1500
For applicants with more than 25 employees	Rs 2500	Rs 2500

2. Please read section 44 of the Act on "Exceptions and Restrictions" before filling the form.
3. Use this form if you are a processor who is required to be registered under the Data Protection Act 2017 (DPA). A "processor" means a person who, or public body which, processes personal data on behalf of a controller. The term "Processing" is defined under section 2 of the DPA.
4. If authorisation for transfer of personal data outside Mauritius is required, please fill in and submit the form 'Transfer of Personal Data' which is available on our website.
5. Failure to register and renew registration is an offence under the DPA.
6. It is also an offence to knowingly (a) keep personal data not specified in your application, (b) keep or use personal data for any purpose, or disclose personal data to any person or body, not described in your application or (c) transfer personal data to a country or territory not described in your application.
7. Under section 16(2) of the DPA, where the Commissioner grants an application for registration as a controller or processor, a registration certificate will be issued on payment of fees as described above. The registration certificate will be valid for a period of 3 years.
8. Under section 18 of the DPA, the holder of a registration certificate may apply for the renewal of the certificate not later than 3 months before the date of its expiry. A new registration certificate will be issued on payment of fees as described above.
9. Under section 20 of the DPA, there will be a register of controllers and processors known as the Data Protection Register which will be kept and maintained by the Commissioner in such form and manner as she may determine. The Commissioner may, at any time, at the request of a controller or processor, in respect of which there is an entry in the register and which has ceased to exist, remove its details from the register.
10. The Data Protection Register will at all reasonable times, be available for inspection by any person free of charge. Any person may, on payment of a fee of Rs 100, obtain from the Commissioner a certified copy of, or of an extract from, any entry in the register.
11. Under section 19 of the DPA, the Commissioner may cancel a registration certificate or vary its terms and conditions where –
    a. Any information provided to her by the applicant is false or misleading in any material particular;
    b. The holder of the registration certificate fails, without lawful excuse, to comply with –
        (i) any requirement of the DPA; or
        (ii) any term or condition specified in the certificate.
12. The Commissioner will, before cancelling or varying the terms and conditions of a registration certificate, require, by notice in writing, the holder of the certificate to show cause, within 14 days of the notice, why the registration certificate should not be cancelled or its terms and conditions should not be varied.
13. Under section 31(5) of the DPA, where a processor processes personal data other than as instructed by the controller, the processor will be considered to be a controller in respect of that processing.
14. Under section 31(6) of the DPA, every controller or processor must take all reasonable steps to ensure that any person employed by him or it is aware of, and complies with, the relevant security measures.
15. Under section 15(3) of the DPA, any controller or processor who knowingly supplies any information which is false or misleading in a material particular during registration will commit an offence and will, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.
16. Where there is a change in any of the particulars in your application, you must, within 14 days of the date of the change, notify the Commissioner in writing of the nature and date of the change. A controller or processor who fails to notify the Commissioner will commit an offence and will, on conviction, be liable to a fine not exceeding 50,000 rupees.
17. Under section 43 of the DPA, where no specific penalty is provided, any person who does not comply or contravenes the DPA will, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 5 years.