



GUIDE ON

REGISTRATION AND RENEWAL

AS

CONTROLLER

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1. DEFINITIONS

Personal data	Any information relating to a data subject.
Data Subject	An identified or identifiable individual, in particular by reference to an identifier such as a name, an identification number, location amongst others.
Controller	a person who or any organisation which, alone or jointly with others, determines the purposes and means of the processing of personal data and has decision-making power with respect to the processing
Processor	a person who, or an organisation which, processes personal data on behalf of a controller.

2. REGISTRATION OF CONTROLLERS

Section 14 of the Data Protection Act 2017 (DPA) makes it a mandatory requirement for controllers to register with the Data Protection Office.

2.1. Controller

All public and private organisations, sociétés, partnerships, professionals such as doctors, lawyers, engineers, architects, notaries and sole traders such as jewellers, bookmakers and any other organisations processing or keeping personal data of living individuals, are required to register themselves as a controller with the Data Protection Office. The list is non-exhaustive.

The new application form for registration or renewal of registration as controller can be downloaded on the website <http://dataprotection.govmu.org>. Only one form is to be submitted (i.e the new application form).

Under section 15(3) of the DPA, any controller 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

For registration and renewal of the 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

Payment can be done at the Data Protection Office by cash or by cheque drawn to the order of the Government of Mauritius.

A STEP BY STEP GUIDE ON HOW TO FILL THE REGISTRATION/RENEWAL FORM

- (i) **Section 1** - You should provide basic contact information about the organisation and its representative(s) and data protection officer.

All fields are mandatory except fax number and mobile number.

SECTION 1. Basic Details	
CONTROLLER	
Name *	XYZ COMPANY LTD
Address *	Block/House No 5TH FLOOR
	Street Name SICOM TOWER
	Village/Town EBENE
Telephone Number *	4600251
Mobile Number *	54337555
Fax Number	20171111
Email address *	corporate@xyx.com
REPRESENTATIVE AND DATA PROTECTION OFFICER	
Name *	MR JOHN SMITH
Address *	Block/House No 5TH FLOOR
	Street Name SICOM TOWER
	Village/Town EBENE
Telephone Number *	4600251
Mobile Number *	54337555
Fax Number	20171111
Email address *	dpo@xyx.com

- (ii) **Section 2 - Personal data**

- For 'description of personal data', you should provide only the **kinds/types** of personal data you process. For example, if an organisation collects names and telephone numbers of clients, you should write only the kinds/types of information in the form which are related to the name and telephone number. Do not write the actual names and telephone numbers of all your clients.

SECTION 2. Personal Data
DESCRIPTION OF PERSONAL DATA (E.g. name, address, National Identity Card Number, etc.) *
Name, Address, Telephone Number, Date of Birth, National Identity Card Number, Email address, Bank Account Number, Photo, Salary, employee qualifications

- For 'category of data subjects', you should list the categories of individuals which relate to the list of data that you have stated in the 1st column. For example, employees, customers, shareholders, directors, suppliers, students, participants are categories of individuals.

CATEGORY OF DATA SUBJECTS (E.g. employee, client, supplier, shareholder, etc.) *

Employees, Customers, Shareholders,
Directors, Suppliers,
Participants

- For 'purpose of processing', you should state the reasons for the processing. For example, payroll, invoicing, know your client, due diligence, attendance, examination, amongst others.

PURPOSE OF PROCESSING (E.g. for payroll, invoicing, Know Your Customer (KYC), registration, etc.) *

Payroll, Know Your Client (KYC),
Invoicing

- For 'recipient(s) to whom personal data is (are) disclosed', you should list all the entities. For example, the National Pension Fund, bank, Mauritius Revenue Authority, Corporate and Business Registration Department.

RECIPIENT(S) TO WHOM PERSONAL DATA IS (ARE) DISCLOSED (E.g. MRA, bank, etc.) *

Bank, Mauritius Revenue Authority,
Corporate and Business Registration Department (CBRD)

(iii) **Section 3 – Special Categories of Personal Data**

- Please tick the box applicable or not applicable.
- If applicable, tick the type(s) of special categories of personal data that you are processing and state the purposes for which you are processing these types of personal data
- If not applicable, please proceed to section 4.

SECTION 3. Special Categories of Personal Data

Applicable Not Applicable

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

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

Member of Trade Union, KYC

(iv) Section 4 – Transfer of data abroad.

- Please tick the box applicable or not applicable.
- If applicable in your context, list all the countries where you will transfer the data and the purpose(s) for the transfer.
- If not applicable, please proceed to section 5.

SECTION 4. Transfer of data outside Mauritius (refer to point 4 under NOTES)

Applicable Not Applicable

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

(a) list the country(ies): *

United Kingdom, USA

(b) and purpose(s) of transfer: *

Transfer to parent company for financial purposes

(v) Section 5 – Measures for protection of personal data

- You should list the risk(s) to personal data, for example, unauthorised access, unlawful disclosure, theft amongst others.

SECTION 5. Measures for protection of personal data

RISKS TO PERSONAL DATA (E.g. unauthorised access/disclosure, theft, etc.) *

Unauthorised access, Unlawful disclosure
Theft, Email business Comprise, Employee departure credential still valid,
Phishing

- You should also describe the safeguards and security measures in place to protect the personal data. For example, physical access control, fined grained access control, visitors' log book, privacy notice, information security policy (firewall, antivirus amongst others), email policy amongst others.

SAFEGUARDS, SECURITY MEASURES AND MECHANISMS IMPLEMENTED TO PROTECT PERSONAL DATA (E.g. Access control, logbook, privacy policy, information security policy, etc.) *

Physical Access Control, Fined grained access control, Visitors logbook,
Adherence to Privacy Notice, Implementation Information Security Policy
(Firewall, antivirus amongst others), Implementation of email policy,
Encryption of Data , Use of updated Antivirus, User Log in controls,
Audit Trail, Two Factor Authentication, Use of Digital certificates,
Employees Awareness programme implemented and tested for its effectiveness,
Intrusion detection and prevention,
Third party security audit carried out,
Backup and contingency plan in place.

- (vi) Section 6- Number of employees** – You should specify the exact number of employees that you have in the organisation. This is used to calculate the fee payable.

SECTION 6. Number of Employees (refer to point 1 for fees under NOTES below)

Total Number of Employees:

- (vii) **Declaration** – You should tick the declaration section and attach or upload if online, any required documents (Certificate of Incorporation (COI) and/or BRN or other relevant documents).

DECLARATION

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

Please attach all necessary documents. If more than one file, please zip (Max Size: 5 Mb)

Attach Document

2.2. Documents to be submitted at Registration.

Controllers should submit

- 1) A copy of the Certificate of Incorporation (COI) and/or the Business Registration Number (BRN) card or any other document confirming the existence of the said organisation.
- 2) Any other related documents supporting the change of name, amalgamation or cessation of business issued by the Corporate and Business Registration Department (CBRD) (i.e. Companies Division).

2.3. Registration Date

- (a) The date of entry into force of the Data Protection (Fees) Regulations 2020 is 01 August 2020.
- (b) Controllers who have been incorporated with CBRD before 01 August 2020 (date of entry into force of the Data Protection (Fees) Regulations 2020) will be attributed the registration date of 01 August 2020.
- (c) Controllers who have been incorporated with CBRD after 01 August 2020 will be attributed the incorporation date as registration date. For example, a company

which is incorporated on 02 December 2020 with CBRD will be attributed the registration date of 02 December 2020.

2.4. Registration Certificate

- (a) 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.
- (b) The registration certificate will be valid for a period of 3 years.

2.5. Renewal of Registration Certificate

- (a) 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**. For example, if you have been registered with this office on 01 August 2020, you should effect renewal not later than 01 May 2023.
- (b) Controller is required to submit anew the application form for registration/renewal of controllers.
- (c) A new registration certificate will be issued on payment of fees as described below:

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

2.6. Cancellation or variation of terms and conditions of registration certificate

- (a) Under section 19 of the DPA, the Commissioner may cancel a registration certificate or vary its terms and conditions where –
 - (1) Any information provided to her by the applicant is false or misleading in any material particular;
 - (2) 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.
- (b) 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.

2.7. Change in Particulars

- (a) 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.
- (b) 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.

2.8. Failure to Register or Renew

Failure to register or renew registration the registration certificate may amount to an offence under the DPA and consequently a fine not exceeding 200,000 rupees and imprisonment for a term not exceeding 5 years on conviction may be imposed.

3. Online form submission

It is highly recommended to submit the form online from the office website to avoid delays and queues. It is also advisable to write the Application ID number and name of controller on the back of the cheque or print your email notification and submit together with the cheque for payment to the Cash Office on 5th floor, Sicom Tower, Ebène, within 14 days of the date of submission of the online form.