



GUIDE ON

REGISTRATION AND RENEWAL

AS

PROCESSOR

TABLE OF CONTENTS

1. DEFINITIONS	1
2. REGISTRATION OF PROCESSORS	2
2.1. PROCESSOR.....	2
<i>A STEP BY STEP GUIDE ON HOW TO FILL THE REGISTRATION/RENEWAL FORM AS PROCESSOR</i>	3
(i) Section 1.....	3
(ii) Section 2.....	3
(iii) Section 3.....	4
(iv) Section 4.....	5
(v) Section 5.....	6
(vi) Section 6.....	7
(vii) Section 7 -.....	7
(viii) Declaration -.....	7
2.2. DOCUMENTS TO BE SUBMITTED AT REGISTRATION.....	8
2.3. REGISTRATION DATE	8
2.4. REGISTRATION CERTIFICATE	8
2.5. RENEWAL OF REGISTRATION CERTIFICATE.....	8
2.6. CANCELLATION OR VARIATION OF TERMS AND CONDITIONS OF REGISTRATION CERTIFICATE.....	9
2.7. CHANGE IN PARTICULARS.....	9
2.8. FAILURE TO REGISTER OR RENEW	10
3. ONLINE FORM SUBMISSION	10

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 PROCESSORS

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

2.1. Processor

A processor is an organisation who processes personal data on behalf of a controller. There must be a contract between the processor and the controller that clearly defines this relationship. The processor has no decision making power on the personal data that he is processing. An example of processor is a company who prepares the payroll of the employees of other companies(controllers) and performs all the functions of payroll as defined in the contract between the processor and the controllers. If some of your departments are processing the personal data of customers or employees for example packing, printing, embroidery, transport, payroll amongst others, these departments are not to be considered as processors as they form part of the controller (i.e. your organisation).

The new application form for registration or renewal of registration as processor 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 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

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 AS PROCESSOR

- (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	
PROCESSOR	
Name *	AZ COMPANY LIMITED
Address *	Block/House No 5TH FLOOR
	Street Name RUE DE LA PASSE EBENE
	Village/Town EBENE
Telephone Number *	4600251
Mobile Number	54337555
Fax Number	2017111
Email address *	az@gmail.com
REPRESENTATIVE AND DATA PROTECTION OFFICER	
Name *	MR JOHN SMITH
Address *	Block/House No 5TH FLOOR
	Street Name WALL STREET
	Village/Town EBENE
Telephone Number *	4600251
Mobile Number	54337555
Fax Number	2017111
Email address *	dpo@johnsmith.mu

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

- For 'description of personal data', you should provide only the **kinds/types** of personal data you process on behalf of the controller. For example, if an organisation processes employee names, salary details and bank account numbers of employees of the controller, you should write only the kinds/types of information in the form which are related to the name, salary details, and bank account number. Do not write the actual employee names, salary details, and bank account numbers of the personal data being processed on behalf of the controller.

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.) *
Name, Address, Telephone Number, Date of Birth, National Identity Card Number, Email address , Bank Account Number, Salary, deduction, allowances

- 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 or customers are categories of individuals.

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

- For ‘purpose of processing’, you should state the reasons for the processing. For example, processing the payroll of our customers.

PURPOSE OF PROCESSING (E.g. for payroll, invoicing, Know Your Customer (KYC), registration, etc.) *
Processing the payroll of our client AZ COMPANY LIMITED

- For ‘recipient(s) to whom personal data is (are) disclosed’, you should list all the entities, for example, the National Pension, Bank, Revenue Authority etc.

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

(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 on behalf of the controller.
- 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

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: *

We process the special categories of personal data on behalf of the controller.

(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 our server outside Mauritius

(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

- 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, visitors' logbook, privacy policy, information security policy, etc.) *

Physical Access Control, Fined grained access control, Visitors logbook, Privacy Notice, Information Security Policy (Firewall, antivirus amongst others), email policy.

- (vi) **Section 6 - Contract with Controller** - You should tick all the three boxes as a processor. A processor has to meet all the three criteria for the form to be accepted.

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

- (vii) **Section 7 - 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 7. Number of Employees (refer to point 1 for fees under NOTES below)

Total Number of Employees:

- (viii) **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 (certificate of incorporation(COI) and/or BRN or other relevant documents). If more than one file, please zip (Max Size: 5 Mb)

Attach Document No file chosen

2.2. Documents to be submitted at Registration.

Processors 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) Processors 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) Processors 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 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) A processor 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 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 processor 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.