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SRI LANKA**

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SUPPLEMENT

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PERSONAL DATA PROTECTION (AMENDMENT)

**A
BILL**

to amend the Personal Data Protection Act, No. 9 of 2022

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STATEMENT OF LEGAL EFFECT

Clause 2 : This clause amends section 1 of the Personal Data Protection Act, No.9 of 2022 (hereinafter referred to as the “principal enactment”) and the legal effect of the section as amended is to provide for -

- (a) all other provisions of the principal enactment except section 1 to come into operation on such date or dates as the Minister may appoint by Order published in the *Gazette*; and
- (b) anything duly done under Parts V, VI, VIII, IX and X of the principal enactment which have already been brought into operation by Orders made under the repealed subsection (3) of section 1 of the principal enactment, to be valid and continue to be in force.

Clause 3 : This clause amends section 12 of the principal enactment by the repeal of subsection (2) of that section and is consequential to the amendment made by clause 11.

Clause 4 : This clause amends section 17 of the principal enactment and the legal effect of this section as amended is to provide for-

- (a) the procedure to be followed in relation to a request received by a controller from a data subject under section 13, 14, 15, 16 or 18 of the principal enactment; and
- (b) such request to be complied with by the controller free of charge, except in certain circumstances.

Clause 5 : This clause amends section 18 of the principal enactment and the legal effect of this section as amended is to provide for the right of a data subject to request a controller to review a decision of such controller based on automated processing which is likely to create an impact of the rights and freedoms of such data subject under the Constitution, in addition to such rights and freedoms under any written law.

Clause 6 : This clause amends section 19 of the principal enactment and the legal effect of this section as amended is to provide further for a data subject to appeal to the Authority in respect of a refusal to provide access to personal data under section 13 and to allow withdrawal of consent under section 14(1).

Clause 7 : This clause amends section 20 of the principal enactment and the legal effect of this section as amended is-

- (a) to dispense with the requirement to designate or appoint a Data Protection Officer where the processing is carried out by a public corporation; and
- (b) to provide for the requirement to appoint or designate a Data Protection Officer where the core activities of processing carried out by the controller or processor consists of categories of processing which results in a risk of harm affecting the rights of the data subjects.

Clause 8 : This clause amends section 24 of the principal enactment and the legal effect of this section as amended is to provide for a personal data protection impact assessment to be submitted to the Authority only upon a written request of the Authority.

Clause 9 : This clause amends section 25 of the principal enactment and the legal effect of this section as amended is-

- (a) to limit the application of that section in respect of risk of harm to the rights of data subjects guaranteed under the principal enactment; and
- (b) to repeal subsections (2), (3), (4), (5) and (6) thereof.

Clause 10 : This clause replaces section 26 of the principal enactment and the legal effect of this section as replaced is to specify the requirements to be complied with by a controller or processor engaged in cross-border data flows.

Clause 11 : This clause inserts new section 51A in the principal enactment enabling the Authority to make guidelines in respect of the matters specified in the principal enactment.

Clause 12 : This clause amends section 53 of the principal enactment by the repeal of paragraph (b) of subsection (2) thereof and is consequential to the amendments made by clause 10 and clause 13.

Clause 13 : This clause amends section 56 by the replacement of the definitions of the expressions “Data Protection Officer”, “public authority” and “third country”.

Clause 14 : This clause amends Schedule VI to the principal enactment enabling the meetings of the Board of the Authority to be summoned by the Chairperson of the Authority.

Personal Data Protection (Amendment)

L.D.-O 6/2025

AN ACT TO AMEND THE PERSONAL DATA PROTECTION
ACT, NO. 9 OF 2022

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows:-

1. This Act may be cited as the Personal Data Protection (Amendment) Act, No. of 2025. Short title

5 2. (1) Section 1 of the Personal Data Protection Act, No.9 of 2022 (hereinafter referred to as the “principal enactment”) is hereby amended as follows:- Amendment
of section 1 of
Act, No. 9 of
2022

(a) by the repeal of subsection (3) thereof and the
substitution therefor, of the following subsection:-

10 “(3) All other provisions of this Act except
this section, shall come into operation on such
date or dates as the Minister may appoint, by
Order published in the *Gazette*.”; and

(b) by the repeal of subsections (4) and (5) thereof.

15 (2) Notwithstanding the repeal of subsection (3) of section
1 of the principal enactment, anything duly done under Parts
V, VI, VIII, IX and X prior to the date of commencement of
this section, shall be deemed to be valid and continue to be
in force.

20 3. Section 12 of the principal enactment is hereby
amended, by the repeal of subsection (2) thereof. Amendment of
section 12 of
the principal
enactment

4. Section 17 of the principal enactment is hereby
amended as follows:- Amendment of
section 17 of
the principal
enactment

2 *Personal Data Protection (Amendment)*

- (1) by the repeal of subsection (1) thereof and the substitution therefor, of the following subsection:-

5 “(1) Where a controller receives a written request from a data subject under section 13, 14, 15, 16 or 18, such controller shall inform in writing to the data subject, without undue delay and within one month of the receipt of such request, whether-

(a) such request was granted; or

10 (b) such request was refused, with reasons therefor, unless the disclosure of such reasons is prohibited by any written law.”;

- 15 (2) by the insertion, immediately after subsection (1) thereof, of the following subsections:-

20 “(1A) Where a controller requires an extension of the time period referred to in subsection (1) for reasons assigned, such period may be extended for a further period of two months, which shall not exceed three months from the date of the receipt of the request.

25 (1B) In the event of extension of time period under subsection (1), the controller shall inform the data subject, regarding such extension, prior to the expiry of the period of one month referred to in subsection (1).

30 (1C) A controller shall inform the data subject on the availability of the right of appeal to the Authority in respect of the refusal of a request made under section 13, 14, 15, 16 or 18.”;

- (3) in subsection (2) thereof, by the substitution for the words and figures “sections 13, 14, 15 or 16” of the words and figures “section 13, 14, 15, 16 or 18”;
- 5 (4) in subsection (4) thereof, by the substitution for the words and figures “sections 13, 14, 15 or 16,” of the words and figures “section 13, 14, 15, 16 or 18,”;
- (5) in paragraph (d) of subsection (5) thereof, by the substitution for the words “an heir” of the words “by an heir”;
- 10 (6) by the repeal of subsection (6) thereof and the substitution therefor of the following subsection:-
- “(6) A request made by a data subject under section 13, 14, 15, 16 or 18 shall be complied with by the controller free of charge:
- 15 Provided however, the Authority may determine by way of rules, the criteria or circumstances under which a fee may be charged by a controller to give effect to such requests.”; and
- 20 (7) by the repeal of subsection (7) thereof.

5. Section 18 of the principal enactment is hereby amended, in subsection (1) thereof, by the substitution for the words “under any written law.”, of the words “under the Constitution or any written law.”.

Amendment of section 18 of the principal enactment

- 25 **6.** Section 19 of the principal enactment is hereby amended by the repeal of subsections (1), (2) and (3) thereof and the substitution therefor of the following subsections:-

Amendment of section 19 of the principal enactment

“(1) Where a controller–

- (a) has refused to provide access to personal data under section 13;
- 5 (b) has refused to allow withdrawal of consent under section 14(1) or refused to refrain from further processing of personal data under section 14(2);
- (c) has refused to rectify or complete personal data under section 15;
- (d) has refused to erase personal data under section 16;
- 10 (e) has refused a request of the data subject under section 17(2); or
- (f) has refused a request to review a decision based solely on automated processing under section 18(1),
- 15 the data subject may, appeal to the Authority against such refusal in such form, manner and within such period of time as may be prescribed.

(2) Upon receipt of an appeal under subsection (1), the Authority may determine whether the–

- 20 (a) decision of the controller to refuse to provide access to personal data under section 13 was lawful;
- (b) decision of the controller to refuse to allow withdrawal of consent under section 14(1) or not to refrain from further processing of personal data
- 25 under section 14(2) was lawful;

- (c) decision of the controller to refuse to rectify or complete personal data under section 15 was lawful;
- 5 (d) decision of the controller to refuse the erasure of personal data under section 16 was lawful;
- (e) refusal under section 17(2) by the controller was lawful; or
- 10 (f) refusal to review a decision based solely on automated processing under section 18(1) was lawful.

(3) Upon receipt of an appeal under subsection (1) and after concluding the necessary investigations, the Authority shall determine within such period as may be prescribed-

- (a) whether the appeal is allowed; or
- 15 (b) whether the appeal is disallowed, with reasons therefor,

and the Authority shall inform to the data subject and the controller of such determination.”.

20 7. Section 20 of the principal enactment is hereby amended as follows:-

Amendment
of section
20 of the
principal
enactment

- (1) in subsection (1) thereof-
 - 25 (a) in paragraph (a) thereof, by the substitution for the words “by a ministry, government department or public corporation,” of the words “by a Ministry or government department,”; and

- (b) by the repeal of sub paragraph (iii) of paragraph (b) thereof and the substitution therefor of the following subparagraph:-

5 “(iii) categories of processing which
results in a risk of harm affecting
the rights of the data subjects
protected under this Act, based on
the nature of processing and its
10 impact on the data subjects, as may
be determined by the Authority by
way of guidelines made under this
Act.”; and

- (2) in subsection (5) thereof-

15 (a) in paragraph (a) thereof, by the substitution
for the words “processing requirements
provided under this Act or any other written
law;” of the words “processing obligations or
requirements, as the case may be, under this
Act or any other written law;”;

20 (b) by the repeal of paragraph (b) thereof and
the substitution therefor of the following
paragraph: -

25 “(b) advise the controller or processor
on how to comply with the
provisions of this Act;” and

(c) in paragraph (e) thereof, by the substitution
for the words “data protection.” of the words
“personal data protection.”.

8. Section 24 of the principal enactment is hereby amended as follows:-

Amendment of
section 24 of
the principal
enactment

- 5 (1) in subsection (3) thereof, by the substitution for the words “Data Protection officer, where designated,” of the words “Data Protection Officer,”; and
- (2) by the repeal of subsection (5) thereof and the substitution therefor of the following subsection:-

10 “(5) Upon a written request from the Authority, the controller shall submit to the Authority the personal data protection impact assessment required to be carried out under this section and provide any other information relating to such assessment, as may be required by the Authority.”.

15 9. Section 25 of the principal enactment is hereby amended as follows:-

Amendment
of section
25 of the
principal
enactment

- (1) in subsection (1) thereof, by the substitution for the words “under this Act or any written law,” of the words “under this Act,”;
- 20 (2) by the repeal of subsections (2), (3), (4), (5) and (6) thereof;
- (3) in subsection (7) thereof, by the substitution for the words and figures “in section 24 (1) and where such processing”, of the words and figures “in section 24 (1) where such processing”; and
- 25 (4) in the marginal note thereto, by the substitution for the words “risks of harm and the requirement for prior consultation” of the words “risks of harm”.

10. Section 26 of the principal enactment is hereby repealed and the following section is substituted therefor:-

Replacement
of section
26 of the
principal
enactment

“Cross-border
data flow

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26. (1) A controller or processor may engage in cross-border data flows, only where such controller or processor, as the case may be, ensures compliance with the provisions of Part I, Part II and sections 20, 21, 22, 23, 24 and 25.

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(2) For the purpose of ensuring compliance under subsection (1), a controller or processor shall adopt such instruments as may be specified by a directive issued by the Authority under paragraph (c) of section 33, to ensure binding and enforceable commitments of the recipient in the third country to ensure appropriate safeguards to the rights of the data subjects and remedies available under this Act.

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(3) Notwithstanding the provisions of subsection (1), a controller or processor, other than a public authority may engage in cross-border data flows, if-

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(a) the data subject has explicitly consented to the proposed cross-border data flow, after having been informed of the possible risks of such processing for the data subject;

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(b) the transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of any pre contractual measures taken by the controller at the request of the data subject;

- (c) the transfer is necessary for the establishment, exercise or defence of legal claims relating to the data subject;
- 5 (d) the transfer is necessary for reasons of public interest as defined in item (g) of Schedule I to this Act;
- 10 (e) the transfer is necessary to respond to an emergency that threatens the life, health or safety of the data subject or where his legal guardian is physically or legally incapable of giving consent;
- 15 (f) the transfer constitutes only a transit of personal data through Sri Lanka; or
- (g) such processing is permitted under any other conditions as may be prescribed under this Act.
- 20 (4) A controller or processor who is a public authority shall not engage in cross-border data flows in respect of the categories of personal data as may be prescribed under subsection (5).
- 25 (5) The Minister may, prescribe the categories of personal data for the purposes of subsection (4), upon a request made by the Authority or a controller or processor who is a public authority in consultation with the
- 30 relevant statutory or regulatory body.”.

11. The following new section is hereby inserted immediately after section 51 of the principal enactment and shall have effect as section 51A thereof:-

Insertion of new section 51A in the principal enactment

”Guidelines **51A.** The Authority may, from time to time, issue guidelines in respect of the matters specified in this Act, including the matters relating to the Data Protection Management Programme as specified in section 12.”.

12. Section 53 of the principal enactment is hereby amended by the repeal of paragraph (b) of subsection (2) thereof.

Amendment of section 53 of the principal enactment

13. Section 56 of the principal enactment is hereby amended as follows:-

Amendment of section 56 of the principal enactment

(1) by the repeal of the definition of the expression “Data Protection Officer” and the substitution therefor of the following definition:-

““Data Protection Officer” means, the person designated or appointed under section 20 and includes a third party who is not directly employed by a controller or processor, but fulfils the responsibilities under section 20(5);”;

(2) by the repeal of the definition of the expression “public authority” and the substitution therefor of the following definition:-

““public authority” means, a Ministry, any Department or Provincial Council, local authority, or a Ministry or Department of Provincial Council but does not include-

5 (a) a public corporation; or

(b) a company incorporated under the Companies Act, No. 07 of 2007;”;
and

10 (3) by the repeal of the definition of the expression “third country” and the substitution therefor of the following definition:-

““third country” means, any other territory or country other than Sri Lanka;”.

15 **14.** Schedule VI to the principal enactment is hereby amended in subparagraph (2) of paragraph 6 thereof, by the substitution for the words “The Director-General shall” of the words “The Chairperson shall”. Amendment of Schedule VI to the principal enactment

15. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency

