

# Key Considerations for Reviewing

# THE BAHAMAS DATA PROTECTION BILL 2025

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The Organization for Responsible Governance (ORG) believes that transparent, inclusive dialogue leads to better governance. This tool is designed to help you understand and review the tabled Data Protection Bill 2025, not just as a replacement for the 2003 Act, but as a law that will shape how data is handled, how privacy is protected, and how citizens, businesses, and organizations operate in a digital world.

The aim isn't only to ask whether the new Bill improves on the old one, but to explore what it adds to our current circumstances and how practical it will be to comply with, especially for small-scale Bahamian organizations. Use this tool in your community meetings, organizational planning sessions, or consultations to record your views and share them with policymakers.

## About the Bill:

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The **Data Protection Bill 2025** seeks to modernize The Bahamas' privacy laws, replacing the 2003 Act. It regulates how *personal information is collected, stored, processed, and shared*, strengthening individual rights and introducing enforcement measures for accountability.

It proposes the creation of a new independent *Data Protection Commissioner* to oversee compliance, investigate complaints, and promote best practices. However, this role overlaps with other important but not fully-realized watchdogs, such as the Information Commissioner under the Freedom of Information Act (2017), the proposed Ombudsman, and the Independent Commission of Investigation.

Public discussions around these offices have raised concerns about whether such positions are truly independent, especially when funding and appointments fall under ministerial control. This is an important issue to consider when reviewing the new Bill: will the Commissioner be able to act freely and effectively in the public interest?

# Regional & Global Best Practices

*(Benchmarking Your Review)*

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## 01. EU GDPR (Global):

- **Practice:** Strong rights for individuals (e.g., access, correction, erasure); mandatory breach notifications; independent supervisory authorities.
- **Functional Application:** Organizations can adopt simple procedures for responding to requests, set up notification systems for breaches, and create internal accountability roles. Communities can use these standards to advocate for timely government transparency and secure handling of personal data.

# Regional & Global Best Practices

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## 02. CALIFORNIA CCPA (Global):

- **Practice:** Consumer transparency; opt-out rights for data sales; obligations for businesses managing large datasets.
- **Functional Application:** Small businesses and nonprofits can inform clients and donors about data use, implement opt-out options, and track data sharing - building public trust and compliance simultaneously.

# Regional & Global Best Practices

*(Benchmarking Your Review)*

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## 03. JAMAICA DATA PROTECTION ACT (Caribbean)

- **Practice:** Protects vulnerable groups, allows localization of sensitive data, balances privacy with economic needs.
- **Functional Application:** Community organizations can store sensitive information locally and establish protocols for special groups (e.g., children or elderly clients), while ensuring compliance does not prevent service delivery.

# Regional & Global Best Practices

*(Benchmarking Your Review)*

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## 04. BARBADOS DATA PROTECTION FRAMEWORK (Caribbean)

- **Practice:** Impact assessments for high-risk processing; international cooperation clauses.
- **Functional Application:** Organizations handling sensitive donor or client data can assess risks before launching new programs or sharing data abroad, ensuring informed decisions and community safety.

# Regional & Global Best Practices


*(Benchmarking Your Review)*

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## 05. SINGAPORE PDPA & SOUTH AFRICA POPIA (Global/Regional Hybrid)

- **Practice:** Proportionality for small entities; tiered penalties; education-focused compliance.
- **Functional Application:** SMEs and community groups can adopt a phased, education-based approach: implementing key protections first, learning gradually, and avoiding fines while building capacity.

# 10 Key Questions to Guide Your Review

A faint, semi-transparent image of a hand holding a smartphone is visible in the background, showing a document with text and a signature line.

These questions are designed to help individuals, small organizations, and community groups assess the Data Protection Bill's practicality, fairness, and fit for Bahamian life. Consider the regional and global examples above as you review the bill.

# 01. PRINCIPLES (PART II):

Do the new principles of **fairness, accountability, and security** make sense for small Bahamian organizations and nonprofits?

How can these rules prevent breaches while being achievable for smaller entities with limited resources?

How might international principles (like GDPR's fairness and security) be applied practically in your organization?

# 02.

## COMMISSIONER'S OFFICE (PART III):

Does the proposed *Data Protection Commissioner* have sufficient independence and resources to enforce the law effectively?

What measures could ensure the Commissioner functions like global best practice authorities (e.g., GDPR supervisory authorities) while remaining practical for The Bahamas?

# 03.

## DATA SUBJECT RIGHTS (PART IV)

How do the expanded rights (such as access, correction, or deletion) improve protection for citizens, particularly *vulnerable* groups like children or Family Island residents?

How could your organization set up simple procedures to meet these obligations without excessive administrative burden?

# 04.

## CONTROLLERS & PROCESSORS (PART V)

Are obligations such as appointing data officers, keeping records, and reporting breaches feasible for your organization?

How could tiered or educational compliance models (like PDPA/POPIA) be adopted locally to reduce burden while ensuring accountability?

# 05.

## INTERNATIONAL TRANSFERS (PART VI)

Do the rules for transferring data abroad protect privacy while supporting tourism, trade, and financial services?

How could your organization apply Barbados-style risk assessments or GDPR safeguards to safely share data internationally?

# 06.

## EXEMPTIONS (PART VII)

Are exemptions for national security, law enforcement, and journalism clearly explained and limited?

How can your organization or community understand and respect these exemptions without compromising privacy?

# 07.

## ENFORCEMENT (PART VIII)

Are penalties fair and proportional?

How could your organization benefit from education-focused enforcement approaches used in Singapore or South Africa for small entities?

08.

## APPEALS & OVERSIGHT (PARTS IX - X)

Do the *Tribunal and Review Committee* provide accessible avenues for dispute resolution?

Could local organizations or community members practically use these mechanisms to protect rights?

# 09.

## BAHAMIAN CONTEXT & RESILIENCE

Does the Bill consider *hurricane-related risks, digital gaps in outer islands, and variable technical capacity?*

How can organizations apply flexible, proportional measures like regional best practices to maintain resilience during crises?

# 10.

## OVERALL IMPACT & COMPLIANCE FEASIBILITY

Overall, how much does this Bill improve privacy protection while supporting economic growth and innovation?

Which practical steps (like phased implementation, simplified guidelines, or training) could help your organization comply effectively?

# WHY THIS MATTERS

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Trust between citizens and government is key to national progress. Strong, transparent, and well-enforced data laws:

- Protect Bahamians' privacy and digital rights.
- Build confidence in e-commerce, digital payments, and online services.
- Strengthen The Bahamas' reputation for governance.
- Enable collaboration on national challenges like climate change, disaster preparedness, infrastructure, and local economic development - especially across our islands, where trust and cooperation are essential.





# Your Guide to Reviewing the Data Protection Bill 2025

By reviewing and sharing your feedback on the Data Protection Bill 2025, you help shape a stronger, fairer, and more practical law for The Bahamas.

Use this tool in community workshops, organizational meetings, or online forums. Share your feedback with policymakers and during public consultations to ensure this law works for all Bahamians.

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