

**Personal Data Protection Ordinance, 2025**

**(Ordinance No. ....of 2025)**

**An Ordinance to make provisions for processing of personal data of a person for the purposes of legitimate use ensuring privacy, confidentiality and security incorporating principles being reflective of best practices, and recognizing the personal data as personal right of a data-subject**

WHEREAS it is expedient and necessary to make provisions for processing of personal data of a person for the purposes of legitimate use ensuring privacy, confidentiality and security incorporating in reflection of principles being reflective of best practices, and recognizing the personal data as personal right of a data-subject; and

WHEREAS the Parliament stands dissolved and the President is satisfied that circumstances exist which render immediate action necessary;

NOW, THEREFORE, in exercise of the power conferred under article 93 (1) of the Constitution of the People's Republic of Bangladesh, the President is pleased to promulgate the following Ordinance:-

**CHAPTER I**

**PRELIMINARY**

**1. Short title, extent and application.-** (1) This Ordinance may be called the Personal Data Protection Ordinance, 2025.

(2) This Ordinance shall apply to any data-fiduciary or processor that-

- (a) is domiciled, ordinarily resident, or ordinarily operating in Bangladesh;
- (b) processes personal data within Bangladesh other than the mere transiting of personal data through Bangladesh; or
- (c) processes personal data outside Bangladesh in connection with any activity involving the offering of goods or services to, or monitoring or profiling of, data-subjects located within Bangladesh.

(3) This Ordinance shall apply to processing of personal data of a person, and to any data-fiduciary, processor or any other person who is engaged in such processing, or performing any duty or discharging any function under this Ordinance.

**2. Definitions.-** In this Ordinance, unless there is anything repugnant in the subject or context,-

- (a) "pseudonymized or de-identified data" means the personal data processed in such a manner that the personal data cannot be used to identify a data-subject without the use of additional information and such additional information is kept separately;

- (b) “financial data” means any number or other data used to identify or relating to an account, debit or credit card or any other physical or digital instrument issued by a financial institution in favour of a data-subject, or any data related to taking loan or financial relationship between the financial institution and the data-subject or relating to the data-subject’s financial condition;
- (c) “data-subject” means the individual to whom the personal data relates;
- (d) “data-fiduciary” means a person who alone or jointly process any personal data for any specific purpose or supervises it for that purpose, or authorises any other person to process any personal data;
- (e) “Authority” means the National Data Governance and Interoperability Authority established under National Data Governance and Interoperability Authority Ordinance, 2025 (Ordinance No..... of 2025);
- (f) “genetic data” means data relating to the inherited or acquired genetic characteristics of an individual which give unique information about the behavioral characteristics, physiology or the health of that natural person;
- (g) “auditor” means a person engaged in auditing of data having qualifications as determined under sub-section (3) of section 25;
- (h) “profiling” means automated processing of personal data to evaluate, analyse or predict aspects concerning that data-subject’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, habits, location or movements;
- (i) “processing” means any operation which is performed on personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, transfer, adaptation or alteration, retrieval, consultation use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, destruction or erasure of the personal data;
- (j) “processor” means any person who processes the personal data on behalf of the data-fiduciary;
- (k) “regulations” means regulations made under section 57;
- (l) “biometric data” means facial images, fingerprints, iris scans, voiceprint, Deoxyribonucleic acid (DNA), blood type, physical measurements, or any other similar personal data resulting from measurements or technical processing operations carried out on physical, physiological, or behavioural characteristics of a data-subject, which allow or confirm the unique identification of that natural person;
- (m) “rules” means rules made under section 56;

- (n) “person” includes any public authority, individual, legal entity, organisation, partnership, company, association, corporation, co-operative society, institution or statutory body;
- (o) “personal data” means any data relating to a person by which that person can be identified, such as, name, parent's name, identification number, financial data, location data or any other similar online identifier or material comprising of the physical, physiological, genetic, economic characteristics of an individual, any other characteristic as may be prescribed by regulation;
- (p) “personal data breach” means a breach of personal data security leading or likely to lead to the accidental, unauthorised or unlawful destruction, loss, alteration, disclosure of, or access to, personal data processed under this Ordinance;
- (q) “child” means a person below 18 (eighteen) years;
- (r) “consent” means any specific indication of the data-subject, which is given willingly by a statement or a clear affirmative action, for processing his personal data;
- (s) “health data” means the personal data related to the state of physical or mental health of the data-subject and records regarding the past, present, or future state of the health of such data-subject and other personal data associating the data-subject to the provision of specific health services; and also includes personal data collected in the course of registration or payment for, or provision of health services;
- (t) “sensitive personal data” means any of the following personal data of a data-subject, namely:-
  - (i) genetic or biometric data;
  - (ii) data relating to ethnic minority or ethnic race and community;
  - (iii) data relating to philosophical or political opinions, religious beliefs or similar other affiliations or beliefs;
  - (iv) data relating to membership of a trade union;
  - (v) health data;
  - (vi) data relating to sexual life;
  - (vii) data relating to any offense alleged to have been committed by the data-subject; and

any other personal data as may be prescribed by rules.

**3. Effectiveness of the provisions of this Ordinance.** - The provisions of this Ordinance shall be supplemental to the provisions of any other law for the time being in force so long it does not come into conflict, and in case of conflict, the provisions of this Ordinance shall prevail.

## CHAPTER II

### PERSONAL DATA PROTECTION PRINCIPLES

**4. Personal data protection principles.-** For the purposes of this Ordinance, data-processor or any person who is engaged in the processing of personal data shall ensure proper compliance with the following principles of data protection, namely:-

- (a) **Fair and reasonableness:** process personal data in a fair and reasonable manner that respects the provisions of this Ordinance and the rules made thereunder;
- (b) **Integrity:** no additional or unnecessary personal data that is not relevant to the purpose of processing shall be processed; and process accurate and up-to-date personal data consistent with the purpose;
- (c) **Retention:** retain personal data only for the period authorised by this Ordinance and regulations made thereunder and for which personal data is required, and ensure that all personal data is destroyed permanently if it is no longer permitted to be retained;
- (d) **Access to personal data and ensuring data quality:** to ensure quality, the data-subject shall have access to his personal data so that he gets an opportunity to correct that data where it is inaccurate, incomplete, misleading or not up-to-date;
- (e) **Disclosure:** ensure principles of accountability in disclosure of personal data, and subject to the provisions of this Ordinance and regulations, no personal data shall, without the consent of the data-subject, be disclosed for any purpose other than the purpose of processing as mentioned at the time of collection of the such data;
- (f) **Security:** proper security of collected personal data shall be ensured; and during the processing of such data, ensure that it is not damaged, misused or altered or such data is not disclosed, altered or destroyed by unauthorised or accidental access, therefore appropriate measures shall be taken for its protection; and
- (g) **Enforceable standards and conditions of compliance thereof:** in the case of performing acts relating to personal data processing, adherence to the standards and conditions set forth by relevant regulatory authorities or covered by bilateral or multilateral treaties with Bangladesh.

### CHAPTER III

#### PERSONAL DATA COLLECTION AND PROCESSING

**5. Consent and other legitimate grounds of personal data processing.-** (1) A person may process the personal data with consent of a data-subject in accordance with the provisions of this Ordinance.

(2) The consent of the data-subject under sub-section (1) must be free, specific, clear, and capable of being withdrawn.

(3) The burden of proof to establish that consent has been given by the data-subject for processing of personal data in accordance with the provisions of this Ordinance shall lie upon the data-fiduciary.

(4) If the data-subject withdraws his consent to the necessary performance of personal data processing under any contract to which he is a party, then-

- (a) all legal liabilities arising out of such withdrawal shall fall upon the data-subject; and
- (b) the data-subject shall not be able to raise any question of validity in respect of any processing performed while his consent is valid.

(5) Notwithstanding anything contained in sub-section (1), a data-fiduciary may process personal data of a data-subject in the following cases if the processing is necessary, namely:-

- (a) for the performance of a contract to which the data-subject is a party;
- (b) for the taking of steps at the request of the data-subject with a view to entering into a contract;
- (c) for compliance with any legal obligation to which the data-fiduciary is the subject;
- (d) for the purposes of establishing legal rights, defending in any case or legal proceeding;
- (e) for public health, treatment, medical or research purposes or to respond to any medical emergency involving a threat to the life or to the health of a data-subject or any other individual;
- (f) for compliance with any order of the court of competent jurisdiction; for the exercise of any functions conferred under any law;
- (g) for the exercise of any function under any certificate, license or permit, or any services or benefits provided by the Government.
- (h) for the exercise of any function under any certificate, license or permit, or any services or benefits provided by the Government;
- (i) in connection with employment of the data subject and related rights, obligations and benefits;

- (j) in order to protect the interests of the data-subject or another person, in a case where consent cannot be given by or on behalf of the data-subject, or the data-fiduciary cannot reasonably be expected to obtain the consent of the data-subject; and
- (k) where the data-subject has voluntarily disclosed any of his personal data to the public.

(6) A data-fiduciary may, in such manner as may be prescribed by regulations, process data of a data-subject if the processing is necessary-

- (a) for public interest, or
- (b) for the legitimate purpose, or
- (c) for operational interests.

**6. Conditions for further processing of personal data.-** A data-fiduciary may further process personal data if necessary and compatible with the original purpose.

**7. Manner of processing data by a processor.-** (1) A data-fiduciary may engage or otherwise involve a processor to process personal data on his behalf for any activity related to offering of goods or services to data-subjects only under a valid contract.

(2) For the purposes of this Ordinance, rules or regulations made thereunder, the processing of personal data carried out by a processor on behalf of a data-fiduciary shall be considered processing of such personal data by the data-fiduciary, and such data-fiduciary shall have liability under this Ordinance therefor.

(3) Each data-fiduciary shall take reasonable measures to ensure that any processor engaged by him to process personal data on his behalf carries out such processing in a manner that ensures the engaging the data-fiduciary's in compliance with this Ordinance.

**8. Processing of sensitive personal data.-** Subject to the provisions of sub-sections (5) and (6) of section 5, a data-fiduciary may, subject to the following conditions, process any sensitive personal data of the data-subject, namely:-

- (a) the data-subject has given his explicit consent to the processing of the personal data;
- (b) for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data-fiduciary in connection with employment; or
- (c) in order to protect the interests of the data-subject or another person, in a case where consent cannot be given by or on behalf of the data-subject, or the data-fiduciary cannot reasonably be expected to obtain the consent of the data-subject;
- (d) in order to protect the interests of another person, in a case where consent by or on behalf of the data-subject has been unreasonably withheld;

- (e) for medical purposes and is undertaken by a healthcare professional, and to respond to any medical emergency involving a threat to life or to the health of a data-subject;
- (f) for the purpose of, or in connection with, any legal proceedings;
- (g) for the purposes of establishing legal rights, defending in any case or legal proceeding;
- (h) for orders of a court of competent jurisdiction;
- (i) for the exercise of any functions conferred on any person by or under any law; and
- (j) where the data-subject has voluntarily disclosed any of his personal data to the public.

**9. Personal data relating to children or a person with incapacity to consent.-** (1)

The data-fiduciary may process the personal data of a child, or of a person with incapacity to consent, with the prior consent of the child's parent, guardian or a person authorized to make decision on behalf of the child or a person with incapacity to consent in such manner as may be prescribed by regulations.

(2) The personal data of a child or a person with incapacity to consent shall be processed in a manner that protects the rights and interests of the child or a person with incapacity to consent.

**10. Classification of data-fiduciary.-** The Authority may classify data-fiduciary and determine their obligations according to classification, as may be prescribed by regulation on the basis of:

- (a) the volume and sensitivity of personal data processed;
- (b) risk to the rights of data-subjects;
- (c) potential impact on the sovereignty, security and integrity of the State;
- (d) risk to democracy; and
- (e) public order.

## **CHAPTER IV**

### **DATA-SUBJECT'S RIGHTS**

**11. Right of access to personal data.-** (1) The data-subject shall have the right to obtain the necessary information from the data-fiduciary and access to the relevant personal data regarding the personal data processed by the data-fiduciary or the person authorised to do so.

(2) The data-subject may request the data-fiduciary to obtain personal data relating to the data-subject.

(3) Upon request under sub-section (2), the data-fiduciary shall provide the data-subject with necessary data as requested specifically.

**12. Right to correction, etc.-** (1) Where necessary, having regard to the purposes for which personal data is being processed, the data-subject shall have the right to obtain the correction of inaccurate or misleading personal data, the completion of incomplete personal data, and the updating of personal data that is out of date from the data-fiduciary processing the personal data of the data-subject.

(2) Where the data-fiduciary receives a request under sub-section (1), and the data-fiduciary does not agree with the need for such correction, completion, or updating having regard to the purposes of the processing, the data-fiduciary shall inform the data-subject along with cogent justification in writing for rejecting the application.

(3) Where the data-subject is not satisfied with the justification given by the data-fiduciary under sub-section (2), he may request the data-fiduciary to mark the concerned data as disputed personal data, and inform the matter to the Authority

(4) Where the data-fiduciary corrects, completes, or updates the personal data in accordance with sub-section (1), the data-fiduciary shall also take reasonable steps within time as may be prescribed by regulations to notify all concern including data-subject regarding the relevant correction, completion or updating.

(5) The procedure for filing and processing requests by data-subject for correction, completion and subsequent updating of the personal data and other matters by the data-fiduciary under this section shall be prescribed by regulations.

**13. Withdrawal of consent.-** (1) A data-subject may, by a written application or in the same manner in which consent was granted, withdraw his consent to the processing of the personal data in respect of which he is the data- subject.

(2) The data-fiduciary shall, upon receiving the application under sub-section (1), cease the processing of the personal data.

(3) The failure of the data-subject to exercise the right conferred by this section does not affect any other rights conferred on him by this Ordinance.

**14. Right to personal data portability.-** The data-subject shall have the right to receive his personal data processed by the data-fiduciary in a structured, commonly used and machine-readable format.

**15. Right to erase personal data.-** (1) The data-fiduciary shall, upon request of the data-subject, erase the personal data of the concerned data-subject stored with him following the provisions as may be prescribed by regulations, if-

- (a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- (b) the data-subject withdraws consent on which the processing is based;
- (c) the data-subject objects to the processing pursuant to the provisions of this Ordinance;

- (d) the personal data have been unlawfully processed;
- (e) the personal data have to be erased for compliance with a legal obligation; or
- (f) such other conditions, as may be prescribed by regulations, arises

(2) A data-fiduciary may refuse to erase the data requested by a data-subject on the following grounds, if:

- (a) it is classed as public interest data; and
- (b) it is set to be used in archival purposes.

**16. Right to prevent processing of personal data.-** (1) If for any reason it appears to the data-subject that he is likely to be harmed or shall be affected in a practical sense if any personal data is processed, then the data-subject may, by written application, request the data-fiduciary or the processor to stop processing his personal data.

(2) Upon receipt of the request under sub-section (1), the data-fiduciary shall cease the processing of such personal data by informing the data-subject, and if such processing cannot be stopped, then the data-fiduciary shall inform the Authority and the data-subject about the matter, including its reasons.

(3) After being notified under sub-section (2), if the Authority is satisfied that the data-subject has reasonably requested to refrain from processing the personal data under this section, he may direct the data-fiduciary to take such necessary action.

**17. General conditions for the exercise of rights by the data-subject.-** (1) Data-subject, by a written request made to the data-fiduciary, can exercise his right under this Chapter, and the data-fiduciary shall acknowledge receipt of such request within such period of time as may be prescribed by regulations.

(2) The conditions for the exercise of rights, conditions of refusal to comply with the request and the procedure for compliance by a data-fiduciary and other matters relating thereto under this Chapter shall be prescribed by regulations.

## **CHAPTER V**

### **ACCOUNTABILITY AND TRANSPARENCY**

**18. Accountability.-** The data-fiduciary or processor shall be responsible for in the processing of personal data of a data-subject in compliance with obligations set out in the provisions of this Ordinance.

**19. Transparency.-** (1) The data-fiduciary shall take reasonable steps to maintain transparency regarding its general practices related to processing of personal data and shall make available the following information and notify the data-subject of important operations in the processing of personal data related to the data-subject, namely:-

- (a) the categories of the personal data generally collected and the manner of such collection;

- (b) the purposes for which personal data is generally processed;
- (c) any categories of personal data processed in exceptional situations or any exceptional purposes of processing that create a risk of significant harm;
- (d) the existence of and procedure for the exercise of data-subject's rights, and any related contact details for the same;
- (e) the existence of a right to file complaints to the Authority;
- (f) information regarding transfers of personal data to the place that the data-fiduciary generally carries out, where applicable;
- (g) the identity of and means of contacting the data-fiduciary; and
- (h) such other personal data as may be prescribed by regulations.

(2) As to informing the data-subject relating to ensuring access to information under sub-section (1), and other matters related therewith shall be prescribed by regulations.

(3) This section shall not apply to the extent that compliance would involve disproportionate effort or expense.

**20. Non-disclosure of personal data.-** Subject to other provisions of this Ordinance, no personal data shall, without the consent of the data-subject, be disclosed for any purpose other than the purpose for which the data was collected.

**21. Security standards to protect personal data.-** (1) Each data-fiduciary and processor shall implement and ensure any processor processing data on his behalf implements appropriate technical and organisational measures to ensure the security, integrity and confidentiality of the personal data including protections against accidental or unlawful destruction, loss, misuse or alteration, unauthorized disclosure or access.

(2) In implementing measures under sub-section (1), each data-fiduciary and processor shall take into account-

- (a) the volume and sensitivity of the personal data;
- (b) the nature, degree and likelihood of harm to data-subjects that could result from the loss, disclosure or other misuse of the personal data;
- (c) the extent of the processing;
- (d) the period of data retention; and
- (e) the availability and cost of any technologies, tools or other measures to be implemented.

(3) Measures implemented under sub-section (1) may include-

- (a) pseudonymisation of personal data;
- (b) encryption of personal data;
- (c) processes to ensure security, integrity, confidentiality, availability and resilience of processing systems and services;

- (d) processes to restore availability and access to personal data in a timely manner in the event of a physical or technical incident;
- (e) periodic assessments of risks to processing systems, services and transmission over electronic communications networks;
- (f) regular testing, assessing and evaluation of the effectiveness of the measures implemented against current and evolving risks identified; and
- (g) regular updating of the measures and introduction of new measures to address shortcomings in effectiveness and accommodate evolving risks.

(4) The Authority may prescribe standards for technical and organizational measures under sub-section (1) in regulations.

(5) The processor shall be liable to ensure compliance with security standards under this section.

**22. Personal data retention requirements.-** (1) A data-fiduciary shall not retain personal data in a form that permits identification of data subjects beyond the period required for the purpose for which the personal data was processed except as otherwise prescribed by regulations.

(2) A data-fiduciary may store personal data for longer periods than referred to in sub-section (1) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes so long as technical and administrative measures are implemented to protect the rights of data subjects.

**23. Preservation of records.-** (1) Subject to the provisions of section 22, the data-fiduciary shall properly preserve all records related to the processed personal data (such as applications, requests, notices, data processing related information, etc.).

(2) The records in sub-section (1) shall be preserved or maintained in such manner and form as may be prescribed by regulations.

**24. Personal data protection breaches.-** (1) In the event of personal data breach, which is likely to result in significant harm to affected data-subjects, a data-fiduciary shall notify the Authority regarding such personal data breach in the form, manner and within such period of time as may be prescribed by regulations.

(2) The Authority shall take into account, among other conditions, the following aspects as may be prescribed in the regulations-

- (a) the nature of the personal data breach including, where possible, the categories and approximate numbers of data-subjects and personal data records concerned;
- (b) the name and contact details of a point of contact of the data-fiduciary where more information can be obtained;
- (c) the measures taken or expected to be taken by the data-fiduciary, or any relevant processor, to address the personal data breach, including any measures to mitigate its possible adverse effects;

**25. Data Audit.-** (1) Certain class/category of the data-fiduciary as prescribed by regulations may conduct of its processing of personal data audited by an independent data auditor as authorised by the Authority under sub-section (4) within such time as may be specified by it.

(2) The data auditor shall evaluate the compliance of the data-fiduciary under the provisions of this Ordinance and the regulations made thereunder.

(3) The qualification of auditor and the manner, forms, procedure and other related matters for conducting an audit of the processing of personal data under this section shall be prescribed by regulations.

(4) For conducting an audit, the Authority shall prepare a panel of data auditors having expertise and experience in the area of information technology, computer systems, data science, data protection or privacy.

(5) Notwithstanding anything contained in sub-section (1), where the Authority has reason to believe that the data-fiduciary is processing the personal data in a manner that is likely to cause harm to a data-subject, the Authority may order the data-fiduciary to conduct an audit by an approved data auditor for that purpose.

**26. Data Protection Officer.-** (1) For the purpose of protection of personal data under this Ordinance, certain class/category of the data-fiduciary as prescribed by regulations shall appoint a qualified data protection officers under his control.

(2) The data protection officer shall perform his functions and duties in such place as may be determined by Authority.

(3) The data protection officer shall:-

- (a) represent the data-fiduciary to the Authority;
- (b) report to the data-fiduciary and the Authority of major importance;
- (c) be the point of contact for data-subjects exercising rights under section 19;  
and
- (d) be involved with the overall activities related to the personal data processing under this Ordinance, taking into account its purpose, nature, scope and context.

**27. Data protection by design.-** Every data-fiduciary shall implement that-

- (a) the organisational and business practices and standard technical systems are designed in a manner to anticipate, identify and avoid harm to the data-subject;
- (b) the technology used in the processing of the personal data is in accordance with the standards as may be prescribed by regulations;

- (c) the legitimate interests of its functions may be achieved without compromising privacy interests and the interest of the data-subject is accounted for at every stage of processing of the personal data; and
- (d) the processing of the personal data is carried out in such transparent manner as may be prescribed by regulations.

## **CHAPTER VI**

### **MATTERS RELATING TO EXEMPTION**

**28. Exemption.-** Subject to the provisions of this Ordinance, exemption from the application of the relevant provisions of this Ordinance shall apply in the following cases for carrying out the personal data processing activities, namely:-

- (a) processing of personal data for the prevention or detection of crime or for the purpose of investigations; or the apprehension or prosecution of offenders; or the assessment or collection of any tax or duty or any other imposition of a similar nature;
- (b) processing of personal data for preparing statistics or carrying out research unless the data-subject is identified due to the result derived of such research and statistics;
- (c) processing of personal data for the purpose of or in connection with any order or judgment of a court;
- (d) processing of personal data for the purpose of discharging regulatory functions if the application of those provisions to the data is likely to prejudice the proper discharge of those functions;
- (e) processing data for journalistic, literary, artistic or academic purposes;
- (f) processing of personal data by an individual solely for personal, recreational or household purposes.

(2) In addition to the cases described in sub-section (1), a data-fiduciary or processor, or certain class/category of the data-fiduciaries or processors as prescribed by regulations, or a type of processing may be exempted from the application of any provision of this Ordinance, subject to-

- (a) the requirement that any processing use reasonable, proportionate and effective measures to safeguard the fundamental rights and the interests of the data-subject; and
- (b) any additional terms or conditions imposed in such regulations.

## **CHAPTER VII**

### **FUNCTIONS OF THE AUTHORITY, ETC.**

**29. Functions of the Authority.-** The Authority shall perform the following functions in addition of its responsibility entrusted under Data Governance and Interoperability Authority Ordinance, 2025 (Ordinance No..... of 2025), namely:-

- (a) oversee the proper supervision of the implementation of this Ordinance;
- (b) promote the protection and observance of the right to privacy and of the protection of personal data;
- (c) monitor, investigate, and report on the observance of the right to privacy and of the protection of personal data;
- (d) take necessary steps intended to raise public awareness about the Ordinance;
- (e) enrollment of data-fiduciary and processors in the manner as prescribed by rules;
- (f) preparation of audit panels for the purpose of auditing any activities relating to the personal data processing in accordance with the provisions of this Ordinance;
- (g) receive and investigate complaints and impose administrative fines relating to violation or infringement of the right of data-subject under the Ordinance;
- (h) establish and maintain a personal data protection and privacy register;
- (i) make guidelines for efficient functioning of the collection, processing, holding, using and other related matters of personal data;
- (j) provide assistance in the safe use of personal data in the field of research & development and innovation for the economic development of the people;
- (k) make regulations and things ancillary to any of the aforesaid functions; and
- (l) perform such other functions as may be prescribed by rules.

**30. Powers of the Authority.-** (1) The Authority may take any measures and exercise any powers necessary for carrying out the functions under this Ordinance in addition to the powers entrusted under Data Governance and Interoperability Authority Ordinance 2025 (Ordinance No..... of 2025).

(2) Without prejudice to the generality of the provisions of sub-section (1), the Authority may, among others, exercise all or any of the following powers, namely:-

- (a) conducting investigations through personal data protection audits;

- (b) ordering the data-fiduciary or the processor or, the representative empowered for the purpose to provide records of personal data processing necessary to demonstrate compliance with this Ordinance and regulations and rules made thereunder;
- (c) providing notice to the data-fiduciary or processor of alleged violations of this Ordinance, rules or regulations;
- (d) accessing personal data under the control of the data-fiduciary or the processor for the purposes of enquiry or investigation;
- (e) accessing personal data processing premises of the data-fiduciary or processor, including personal data processing infrastructure and other related facilities, for the purpose of audit and examination;
- (f) warning the data-fiduciary or processor of processing the personal data in breach of these Ordinance and regulations;
- (g) instructing the data-fiduciary or processor to comply with the request of the data-subject in the continuation of the exercise of rights pursuant to the provisions of this Ordinance;
- (h) issuing necessary instructions to the data-fiduciary and processor regarding the conduct of processing operations in compliance with the obligations under this Ordinance, and, where applicable, conduct such operations at the time and in the manner prescribed by regulations;
- (i) instructing the data-fiduciary to communicate with the data-subject in the event of a personal data breach; and
- (j) prohibiting the processing operations, where necessary to cease violations of this Ordinance, rules and regulations made thereunder;
- (k) directing the correction or deletion of personal data;
- (l) submitting to the Authority the necessary information in respect of the imposition of administrative penalties under this Ordinance;
- (m) ordering the cessation or suspension of the supply of personal data to a customer in a foreign country or to an international organisation;
- (n) advising the data-fiduciary in the performance of functions under this Ordinance and the regulations;
- (o) issuing precautionary instructions to all concerned on personal data protection matters;
- (p) instructing all concerned to follow the principles relating to personal data protection standards;
- (q) empowering concerned persons to take administrative action.

**31. Standard operations procedure.-** (1) The Authority shall, with prior approval of the Government, subject to the provisions of this Ordinance, rules and regulations, issue standard operations procedure on the processing of personal data.

(2) Without prejudice to sub-section (1), or any other provision of this Ordinance, the Authority may, among others, issue standard operations procedure in respect of the following matters, namely:-

- (a) formulating forms, etc. with requisite conditions relating to notification under this Ordinance;
- (b) measures to be taken to ensure the quality of personal data processing and storage;
- (c) terms of giving consent;
- (d) matters relating to personal data processing;
- (e) the exercise of powers under this Ordinance by the data subject;
- (f) exercise the right to personal data portability;
- (g) measures to be taken by data-fiduciary and processors to maintain data processing standards, including transparency and accountability;
- (h) pseudonymized or de-identified personal data processing methods;
- (i) personal data destruction, erasure and disposal procedures;
- (j) personal data protection impact assessment procedures;
- (k) procedures for transferring personal data outside Bangladesh;
- (l) other matters necessary to carry out the purposes of this Ordinance.

(3) Non-compliance by the data-fiduciary or processor with any standard operations procedure shall be deemed to be violation of the provisions of this Ordinance.

**32. Power of the Authority to issue directions.-** (1) The Authority may, subject to the provisions of this Ordinance, rules or regulations, issue such directions, in writing, to data-fiduciary or any person engaged in processing, storage and transfer of data as it may consider necessary for the discharge of its functions, and if any direction is issued under this section, they shall be bound to comply with it.

(2) The Authority may specify the period for the compliance of the direction issued by it under this section.

**33. Power to conduct inquiry and investigation.-** (1) The Authority may conduct necessary inquiry or investigation, as the case may be, where it has reasonable grounds to believe that the activities of the data-fiduciary or processor or persons in charge of processing being conducted in a manner which is detrimental to the interest of data-subjects, or any data-fiduciary or processor has violated any of the provisions of this Ordinance or the regulations made thereunder, or directions issued by the Authority.

(2) For the purpose of sub-section (1), the Authority may, by an order in writing, authorize one of its officers as an Inquiry or Investigating Officer.

(3) If any authority is delegated under sub-section (2), the officer concerned shall, after conducting the inquiry or investigation, submit the report to the Authority.

(4) The detail procedure for inquiry or investigation shall be prescribed by regulations.

## **CHAPTER VIII**

### **PROVISIONS RELATING TO STORAGE AND TRANSFER OF PERSONAL DATA**

**34. Classification of personal data and storage thereof.**- (1) Considering the protection of national security, defence, public safety, public health, economic and financial order tied with the stability of the People's Republic of Bangladesh, personal data, for the sake of localization shall be classified into the categories as Public, Private/Internal, Confidential and Restricted.

(2) Public and Private/Internal should be cloud first and open. Restricted data from (1) must be localized. Which confidential data should be subject to obligatory localization should be subject to organizational decision.

(3) Data classification and membership criteria, to facilitate its legitimate and useful transfer leading to economic development and societal growth compatible with cosmopolitan pace, shall have to be defined by the Authority through regulation.

(4) To determine the stage where from levying heads of fees/revenue may be charged on the data generated within Bangladesh by any of the domestic or foreign entities including social media operating/carrying on business.

**34\*. Classification of personal data and storage thereof.**- (1) The Authority, with the prior approval of the Government, may make classifications of personal data in consideration of the following matters/features/elements, namely:-

- (a) the protection of national security, defence, public safety, public health, economic and financial order tied with the stability of the People's Republic of Bangladesh;
- (b) without causing impairment of impartiality and independence of the judiciary;
- (c) the protection of rights and fundamental freedoms of persons, specially, right to information and expression.

(2) Government and non-government organisations which are performing their duties and carrying on business in Bangladesh creating data silos which need to be classified by regulation in such a way that their storage, costs and time involved may remain practicable.

(3) Data classification shall have to be designed to facilitate its legitimate and useful transfer leading to economic development and societal growth compatible with cosmopolitan pace.

(4) To determine the stage where from levying heads of fees/revenue may be charged on the data generated within Bangladesh by any of the domestic or foreign entities including social media operating/carrying on business.

(5) Government by order or by making rules may impose restrictions on publication, storage and transfer of personal data relating to the security of the state, confidentiality, and sensitivity.

[\*Comment: Classification and localization of personal data has been shared with the WB and other stakeholders. Lately, this was discussed with the honorable Special Assistant a number of times, and gracefully we recall his advice with insights, even then considering the likely ramifications we opt to have his advice and instruction on it before finalization. Noteworthy, WB in its comments didn't include classification of personal data; it has only been aligned in favor of transfer.]

**35. Provisions relating to transfer of personal data outside Bangladesh.-** Pursuant to the regulation made in the light of the principles of data protection described in the provisions of section 34-

- (a) any personal data referred to in section 34 may be transferred under this Ordinance for the purpose of inter-state trade, international relations, or any other matter specified by the Government; and
- (b) any personal data may be transferred to Bangladesh from other country, or to other country from Bangladesh under the principle of reciprocity where Bangladesh is a member state of a bilateral, regional or multilateral agreement, convention or forum.

## CHAPTER IX

### CLASS BASED ENROLLMENT OF DATA-FIDUCIARY, DATA PROTECTION REGISTER, ETC.

**36. Enrollment of data-fiduciary.-** (1) The Authority, during discharging its function, considering the classification of data, volume of data and cost-effectiveness, may decide in favour of enrollment of certain class/category of data-fiduciary as may be prescribed by regulations.

(2) In case, the Authority decides for enrollment of data-fiduciary under sub-section (1), the Authority may make proper regulations for enrollment of the data-fiduciary.

**37. Personal data protection register.-** (1) The Authority shall keep and maintain a personal data protection register in such manner as may be prescribed by regulations.

(2) The Authority shall record in the data protection register every data-fiduciary of major importance as may be determined by the regulation and the purpose for which personal data is collected or processed by it.

(3) The data-fiduciary of major importance mentioned in sub-section (2) shall record and maintain, under his supervision, the collection, processing, retention, structuring, subtraction, storage, adaptation, modification, return of personal data and other matters relating thereto of a data-subject under this Ordinance in an accurate and up-to-date manner, following the procedure as may be prescribed by regulations.

**38. Access to register.-** The Authority shall, on an application made by the concerned person, make the information contained in the data protection register available for inspection in the manner prescribed by regulations.

## **CHAPTER X**

### **COMPLAINTS, ADMINISTRATIVE FINES, ETC.**

**39. Filing of complaints.-** (1) A data-subject or any person who believes that a data-fiduciary or processor is infringing upon their rights or acted in violation of the provisions of this Ordinance may make a complain to the Authority.

(2) The Authority shall hear a complaint brought under sub-section (1) in such time and manner as may be prescribed by regulations.

**40. Unlawful processing of personal data.-** (1) If any person processes or knowingly causes to be processed, disseminates or discloses data in violation of any of the provisions of this Ordinance, such Ordinance of the person shall be violation of the order or direction made under this Ordinance, rules or regulations, and for this reason he shall be liable to an administrative fine not exceeding to taka three lac and in case of a subsequent violation of unlawful processing of data, the fine may extend up to taka five lac.

(2) In case the violation committed by a person under sub-section (1) relates to sensitive personal data he may be liable to an administrative fine not exceeding to taka five lac.

**41. Failure to adopt appropriate data security measures.-** If any person or data-fiduciary fails to adopt the security measures that are necessary to ensure data security in violation of the provisions laid down in this Ordinance, rules or regulations made thereunder, such failure of the person shall be violation of the order or direction made under this Ordinance, rules or regulations and for this reason he shall be liable to an administrative fine not exceeding taka three lac.

**42. Failure to comply with orders.-** If any person or data-fiduciary fails to comply with the orders made under this Ordinance, rules or regulations, such failure of the person shall be treated as violation of the order or direction and for this violation he shall be liable to an administrative fine not exceeding to taka two lac.

**43. Obtaining, transferring or selling of data.-** (1) If any person or data- fiduciary alone or jointly with others, knowingly or intentionally or recklessly, in contravention of the provisions of this Ordinance, obtains data, or discloses data, or transfers data to another person, or sells or offers to sell data to another person, which results in causing harm to a data-subject, such non-compliance shall be treated as violation of the order or direction under this Ordinance, rules or regulations and for the act of violation he shall be liable to an administrative fine not exceeding to taka three lac.

(2) In case the offence committed under sub-section (1) relates to sensitive personal data the violator may be punished with a fine not exceeding to taka five lac.

**44. Violation of directions, etc. to be prescribed by rules.-** Despite any other provision in this Chapter, if a person fails to perform his duties or obligations that shall be treated as failure of the provisions of this Ordinance and for this failure, an amount of administrative fine determined by the rules may be imposed upon him.

**45. Realization of compensation.-** (1) In case any data-subject sustains loss as a result of any action taken or not taken by any data-fiduciary or processor in violation of this Ordinance, rules or regulations made thereunder, the said data-subject may file a complaint for appropriate compensation with the Authority or the authority as may be determined by it, and if any such application is made, the Authority or such authority shall dispose it in the manner prescribed in sub-section (2).

(2) Filing of complaints under this section, taking legal proceedings in connection therewith, method of settlement thereof and other matters shall be prescribed by regulations.

**46. Violations of certain provisions of this Ordinance by a foreign company:-** If any foreign company registered under Chapter X of the Companies Act, 1994 (Act No. 18 of 1994) violates any provision of this Ordinance, then an administrative fine of not more than 5% (five percent) of the total turnover of the company in Bangladesh for the preceding financial year, or 150% (one hundred and fifty percent) of the loss resulting from the violation of the provisions may be imposed upon the company:

**47. Imposition of administrative fine.-** (1) The Authority may, subject to the other provisions of this Ordinance, after giving the opportunity of being heard, impose an administrative fine on the parties concerned of such amount as may be prescribed by this Ordinance or rules made thereunder.

(2) If a person fails to pay the administrative fine imposed on him under this Ordinance, within the time prescribed by rules, it shall be recoverable as public demand under the Public Demand Recovery Act, 1913 (Act 1X of 1913).

(3) The amount of administrative fine to be imposed in certain cases in accordance with the severity of the complaint under this Ordinance shall be determined by rules.

**48. Alternative dispute resolution.-** If the Authority is of the opinion that any complaint may be resolved by mediation, it may direct the parties concerned to take initiative to resolve the subject matter of the dispute by appointing mediator(s) as the parties may mutually agree upon following such procedures as may be prescribed by regulations.

**49. Consideration of some issues in determination of amount of administrative fine.-** Authority shall consider the following matters for determination of amount to impose administrative fine-

- (a) the nature of failure of performing duties;
- (b) the likely amount of losses of the data-subject, or gain to the data-fiduciary or processor, due to failure of performing duties;

- (c) the extent of act of violation of the provision;
- (d) negligence in performing duties imposed by the provision of this Ordinance; and
- (e) any other subject which may be determined by the regulations.

## **CHAPTER XI**

### **APPEAL, CONSTITUTION OF APPELLATE AUTHORITY, ETC.**

**50. Appeal, Constitution of Appellate Authority, etc.-** (1) Any person aggrieved by an order passed by the Authority under section 47, may appeal to the Appellate Authority within 30 (thirty) days of the passing of the said order.

(2) For the purposes of this section, the Government may, by notification in the official Gazette, constitute an Appellate Authority, in the manner prescribed by rules, consisting of 5 (five) members.

(3) The Appellate Authority may dispose of any appeal, received under sub-section (1), within 30 (thirty) days of the receipt of such appeal:

Provided that the appellate authority may, considering the importance of the content of the appeal, take the opinion of the expert committee consisting of 3 (three) expert persons in data science and information technology by fixing the time limit and in that case the period of disposal of the appeal shall be 90 (ninety) days.

(4) The procedure for filing and disposal of appeals shall be prescribed by rules.

## **CHAPTER XII**

### **MISCELLANEOUS**

**51. Power of Government to issue directions in certain cases.-** (1) For the purposes of this Ordinance, the Government may, from time to time, issue to the Authority such directions as it may think necessary in the interest of the sovereignty and integrity of Bangladesh, the security of the state, friendly relations with foreign states or public order or public health.

(2) Without prejudice to other provisions of this Ordinance, the Authority shall be bound to comply with such directions of the Government in the performance of his duties under this Ordinance.

**52. Reports, etc.-** The Government may, if necessary, from time to time, require from the Authority any report and statement on any matter performed under this Ordinance, and if any such report and statement is required, the Authority shall furnish it to the Government.

**53. Personal data processed before the date of coming into operation of this Ordinance.-** Where a data-fiduciary has processed personal data from the data-subject or any third party before the date of coming into operation of this Ordinance, such personal data shall be processed in accordance with the provisions of this Ordinance.

**54. Power to remove difficulties.-** If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by written order, take any measure for removing such difficulty.

**55. Bilateral, multilateral and cross-border enforcement co-operation.-** The Government may join with any other country or multilateral organisation or consortium or forum for the purposes of bilateral, multilateral and cross-border personal data exchange and other cooperation for the purposes of this Ordinance.

**56. Power to make rules.-** The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

**57. Power to make regulations.-** The Authority may, by notification in the official Gazette, make regulations on the subject matters as designed in the provisions of this Ordinance but do not fall within the purview of rules.

**58. Publication of authentic English text.-** (1) After the commencement of this Ordinance, the Government may, by notification in the official Gazette, publish an authentic English text of this Ordinance.

(2) In the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

Date: .....

President  
The People's Republic of Bangladesh.