SDAIA
الهيئة السعودية للبيانات والذكاء الاصطناعي
Saudi Data & AI Authority

Rules Governing the Issuance of Accreditation Certificates for Controllers and Processers

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بسم الله الرحمن الرحيم

Chapter One: Definitions, Scope, and Objectives

Article 1: Definitions

The Terms and Phrases set forth in these Rules shall bear the meanings assigned to them in Article (1) of the Personal Data Protection Law (The Law) issued by Royal Decree No. (M/19), dated 9/2/1443 AH, and its amendments, as well as Article (1) of the Implementing Regulation of the Personal Data Protection Law and Article (1) of the Regulation on Personal Data Transfer Outside the Kingdom (The Regulations). Unless the context requires otherwise, the following terms and expressions, wherever mentioned in these Rules, shall have the meanings expressed herein.

1. **Rules:** Rules governing the issuance of accreditation certificates for Controllers and Processers.
2. **Licensee:** The entity authorized by the Competent Authority to engage in the activity of issuing accreditation certificates.
3. **Applicant:** A Controller or Processor —operating either within or outside the Kingdom— that submits an application for an accreditation certificate to a licensee.
4. **Accreditation Certificate:** A certificate issued by the Licensee to Controllers and Processors, confirming that the practices and procedures followed by the Controllers and Processors in processing personal data comply with the provisions of the Law, the Regulations, and the requirements provided for in these Rules.
5. **Certification Issuance Assessment Report:** A report prepared by the Licensee that includes the results of the evaluation of the practices and procedures in processing personal data pursuant to the provisions of the Law and the Regulations, in accordance with the mechanism and standards set by the Competent Authority.
6. **Competent Authority Platform:** An online platform operated by the Competent Authority to support the implementation and enforcement of the provisions of the Law and the Regulations.

Article 2: Scope and Objective

These Rules shall apply to entities authorized to engage in the issuance of accreditation certificates, as well as to applicants for accreditation certificates, whether Controllers or Processors. The objectives of these Rules are to:

1. Enhance the performance of entities subject to the Law in aspects related to practices and procedures for personal data protection.
2. Build trust among data subjects in the practices and procedures adopted by Controllers and Processors when handling personal data.

Chapter Two: Requirements for Obtaining Accreditation Certificates

Article 3: General Requirements for Accreditation Certificates

The Applicant shall meet the following requirements:

1. The Applicant shall be registered in the National Register of Controllers, pursuant to the provisions governing this matter.
2. The Applicant's practices and procedures for personal data processing activities shall comply with the provisions of the Law and the Regulations. This shall be determined by an evaluation conducted by the Licensee.

3. The Applicant shall disclose any prior or existing complaints filed against them pursuant to the provisions of the Law and the Regulations.
4. The Applicant shall disclose any violations of the provisions of the Law and the Regulations previously identified by the Competent Authority.

The Competent Authority is entitled to undertake all necessary measures to verify compliance with the requirements provided for in this Article and shall ensure that no ongoing evidence-gathering proceedings exist regarding any alleged violations of the provisions of the Law by the Applicant.

Article 4: Requirements for Obtaining Accreditation Certificates

An Applicant shall have the following in place:

1. The tools, means, and procedures for verifying the implementation of personal data processing activities in accordance with the provisions of the Law and the Regulations.
2. Documented and approved procedures to identify and implement appropriate organizational, administrative, and technical measures to protect personal data, as well as procedures for periodically monitoring the effectiveness of such measures.
3. Documented and approved procedures for handling personal data breach incidents, and for periodically reviewing such procedures.
4. Qualified legal and technical personnel with experience in the regulatory and technical aspects of personal data protection practices and procedures, with no less than three (3) years of relevant experience, in addition to a designated Personal Data Protection Officer.
5. Annual plans that include training, awareness programs, and workshops in the field of personal data protection, directed at employees across different roles and responsibilities.
6. Any additional requirements prescribed by the Licensee, provided they align with the provisions of the Law and the Regulations and comply with instructions issued by the Competent Authority regarding their implementation.

Chapter Three: Application Procedures for Accreditation Certificates

Article 5: Application for Accreditation Certificates

An application for an accreditation certificate shall be submitted through the means specified by the Competent Authority, taking into account the following:

1. The Applicant shall verify the list of Licensees published on the Competent Authority's platform.
2. A copy of the supporting documents demonstrating compliance with the requirements provided for in Articles (3) and (4) of these Rules shall be submitted.
3. The Applicant shall fulfill any additional application submission requirements as determined by the Competent Authority.

Article 6: Evaluation of the Application for Accreditation Certificates

1. The Licensee shall evaluate the application in accordance with the requirements set forth in Articles (3) and (4) of these Rules. The application shall be reviewed, and the evaluation report for the issuance of accreditation certificates shall be issued within a maximum period of ninety (90) business days from the date of receipt of the application. The Applicant shall be notified of the evaluation result and provided with a copy of the evaluation report.

2. If the application is rejected, the Applicant may submit a subsequent application upon addressing the issues that led to the rejection of their prior application.
3. Upon approval of the application, the Licensee shall issue the accreditation certificate and provide the Applicant with a copy of the report.

Article 7: Technical Elements of the Accreditation Certificate

The accreditation certificate shall include, at a minimum, the following technical elements:

1. The accreditation certificate number.
2. Information about the entity to which the accreditation certificate is issued, including its contact details.
3. The date of issuance of the accreditation certificate and the duration of its validity.
4. Information about the Licensee authorized to issue the accreditation certificate, including its contact details.

The Competent Authority has the right to require additional elements for the issuance of the accreditation certificate.

Article 8: Obligations of the Parties

1. The entity that received the accreditation certificate shall continue complying with the requirements set forth in Article (4) of these Rules throughout the validity period of the certificate specified in Article (9). The entity shall notify both the Licensee and the Competent Authority if it is unable to maintain such compliance.
2. An entity located outside the Kingdom shall notify the Licensee of any changes in regulatory requirements or practices in its country of operation that conflict with any of the conditions or requirements for obtaining an accreditation certificate stipulated in Articles (3) and (4) of these Rules. The Licensee shall, in turn, notify the Competent Authority accordingly.
3. An entity located outside the Kingdom that has been issued an accreditation certificate under these Rules shall cooperate with the Competent Authority and the Licensee in relation to any requests related to the Law, the Regulations, and these Rules.
4. The Licensee shall, upon the request of the Competent Authority, conduct an evaluation of the practices and procedures followed. The Licensee shall also ensure the continued compliance of the accredited entity with the provisions of the Law, the Regulations, and the conditions and requirements stipulated in Articles (3) and (4) of these Rules, including in cases of complaints or the detection of violations arising from the application of the Law and the Regulations.

Chapter Four: Duration, Renewal, or Revocation of Accreditation Certificates

Article 9: Duration of the Accreditation Certificate

The accreditation certificate shall be issued by the Licensee for a duration of two (2) years, starting from the date of issuance.

Article 10: Renewal of the Accreditation Certificate

1. The entity holding the accreditation certificate may submit a renewal application to the Licensee no less than thirty (30) business days prior to its expiration date. Renewal shall be approved upon verification of compliance with the requirements set forth in Articles (3) and (4) of these Rules. The

duration of the renewed accreditation certificate shall be in accordance with the period specified in Article (9) of these Rules.

2. If the renewal of the license from the Licensee is not possible for reasons related to the suspension, revocation, or cancellation of the license, the entity may submit a new application to one of the authorized entities for the issuance of accreditation certificates.

Article 11: Revocation or Cancellation of Accreditation Certificates

1. The Licensee shall revoke the accreditation certificate in any of the following circumstances:
   A. Failure of the entity holding the accreditation certificate to comply with the requirements set forth in Articles (3) and (4) of these Rules, the provisions of the Law and the Regulations, or any instructions issued by the Competent Authority regarding the accreditation certificate.
   B. If the entity holding the accreditation certificate provides false information to the Licensee, or fails to disclose information it is obligated to provide for the purpose of obtaining the accreditation certificate, or after obtaining it.
   C. The Competent Authority may direct the Licensee to revoke the accreditation certificate if it is determined that the entity holding the accreditation certificate has violated any of the provisions set forth in Subparagraph (a) of Paragraph (1) of this Article.
   D. The Licensee shall notify the entity whose accreditation certificate has been revoked of the reasons for the revocation. The entity may, within thirty (30) business days from the date of revocation, either object to the Licensee's decision or rectify its status and submit evidence thereof, provided the revocation was made in accordance with Subparagraph (a) of Paragraph (1) of this Article.
   E. The entity whose accreditation certificate has been revoked shall immediately cease its use and shall implement a plan to address all consequences arising therefrom.
2. Accreditation certificates issued to any entity under these Rules shall be deemed void in the following circumstances:
   A. Transformation of the legal entity into another legal form.
   B. The dissolution of the legal entity of the Licensee, in accordance with the relevant regulations.
   C. The transformation, merger, or division of the entity to which the accreditation certificate was issued, in accordance with the provisions of the Companies Law.

Chapter Five: General Provisions

Article 12: Conflict of Interest

Employees of the Licensee shall disclose any actual or potential conflict of interest with the Applicant.

Article 13: Publication

The Competent Authority shall publish on its official websites a list of entities that have received accreditation certificates, including the duration of validity for each certificate and the official contact details of the certified entities.

Article 14: Review and Amendment

The Competent Authority may, when deemed necessary, review these Rules and make any amendments or updates thereto.

Article 15: Entry into Force

These Rules shall enter into force on the date of their publication on the official website of the Competent Authority.

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