SmartSuite

Framework / Privacy / Global Privacy Regulations

Bahamas Data Protection (Privacy of Personal Information) Act, 2003

The Bahamas Data Protection Act, 2003 remains in force until the Data Protection Act, 2025, passed in December 2025, is commenced by the Minister and replaces it.



What it is

The Bahamas' data protection law is currently the Data Protection (Privacy of Personal Information) Act, 2003 (Chapter 324A), administered by the Office of the Data Protection Commissioner. Parliament has passed a replacement, the Data Protection Act, 2025 (No. 74 of 2025), assented to on 9 December 2025 and published in the Official Gazette on 11 December 2025. It comes into operation on a date the Minister appoints by notice in the Gazette, with different dates possible for different provisions, and it repeals the 2003 Act (section 101). No commencement notice had been found as of 14 October 2026, so the 2003 Act remains the operative law until one is published.

At a glance

PUBLISHER
Parliament of The Bahamas; administered by the Office of the Data Protection Commissioner

TYPE
Framework

VERSION
Data Protection (Privacy of Personal Information) Act, 2003 (Ch. 324A), in force; Data Protection Act, 2025 (No. 74 of 2025), not yet in operation

EFFECTIVE
2 April 2007 (2003 Act); the 2025 Act commences on a date appointed by the Minister

DOMAIN
Privacy

FAMILY
Global Privacy Regulations

REGION
Bahamas

ADOPTION MODEL
Regulatory Compliance

IMPLEMENTATION COMPLEXITY
Medium

Source: dataprotection.gov.bs

Why it matters

- **Reach beyond the Bahamas** The 2025 Act applies to organizations outside The Bahamas that offer goods or services to people there or monitor their behavior there (section 3).
- **Defined principles** Personal data must be processed lawfully, fairly, and transparently, collected for specified lawful purposes, adequate and not excessive, accurate, kept no longer than necessary, and kept secure (section 5).
- **A clear breach clock** Controllers notify the Commissioner within 72 hours of becoming aware of a qualifying breach and processors notify controllers within 72 hours, with a written record of every breach (section 48).
- **Named accountability roles** The Act requires data protection officers where core activities involve regular and systematic monitoring or sensitive personal data, and sets out their functions (section 46).

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How SmartSuite supports Bahamas DPA

Law and commencement tracker

Record which Bahamian law and which provisions apply, and update the status when the Minister publishes a commencement notice.

Record of processing activities

Keep the written record the 2025 Act requires: purposes, data subject and data categories, recipients, overseas transfers, and the data protection officer.

Registration and data protection officer

Track registration with the Office of the Data Protection Commissioner, the representative for foreign controllers, and the data protection officer's functions.

Data subject requests

Run access, rectification, erasure, objection, and portability requests as tracked tasks with owners and deadlines, using Privacy Management requests.

72-hour breach workflow

Run breach assessment, notice to the Commissioner and data subjects, and the processor notification step with Workflow Orchestration.

Transfers and processors

Record overseas recipients and the adequacy basis for each transfer, and assess processors with Third Party Risk Management.

Common framework mappings

APEC PF | GDPR | ISO 27701 | NIST Privacy Framework v1.0 | PIPEDA | UK DPA 2018

Official resources

Bahamas Data Protection Act

Defines the legal framework for data protection in the Bahamas, ensuring personal information security.

bahamas.gov.bs/dataprotection

Frequently asked questions

Which data protection law applies in The Bahamas today?

The Data Protection (Privacy of Personal Information) Act, 2003 (Chapter 324A) remains the operative law until the Data Protection Act, 2025 is brought into operation. The 2025 Act was assented to on 9 December 2025 and repeals the 2003 Act when it commences.

When does the Data Protection Act, 2025 take effect?

On the date the Minister appoints by notice published in the Gazette, and the Minister may appoint different dates for different provisions. No commencement notice had been found as of 14 October 2026, so check the Official Gazette and the Office of the Data Protection Commissioner for the current position.

Does the 2025 Act apply to organizations outside The Bahamas?

Yes, in some cases. It applies to controllers and processors not established in The Bahamas that use equipment in The Bahamas, other than for transit, or whose processing relates to offering goods or services to people in The Bahamas or monitoring their behavior there.

What breach notification rules does the 2025 Act set?

A controller must notify the Commissioner within 72 hours of becoming aware of a breach that is likely to put a person's rights, freedoms, reputation, or legitimate interests at risk, or that involves unauthorized disclosure of sensitive personal data, and give reasons if it is late. A processor notifies the controller within 72 hours. Controllers also record every breach, and may have to communicate it to data subjects.

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Do controllers and processors have to register under the 2025 Act?

Yes, subject to regulations that prescribe which categories are subject to or exempt from mandatory registration. Applications go to the Office of the Data Protection Commissioner, a controller or processor not established in The Bahamas nominates a representative there unless an exception applies, and operating without required registration is an offence.

License included / downloadable: Yes Bahamian legislation, including the Data Protection Act, 2025, is published on the Bahamas laws portal at laws.bahamas.gov.bs and is free to read. The text is not included with the platform.

Full framework page and mappings: smartsuite.com/frameworks/bahamas-data-protection-act-data-protection-privacy-personal

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