

Personal Data Protection. Decree 285 of May 28, 2021, that regulates Law 81 of 2019.

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The great value of this legislation, now regulated by Decree 285 of May 28, 2021, is in its comprehensive intention, since it is not directed at a specific sector, but to any enterprise, business or profession that manages a database from Panama and maintains personal data. Its content is even extensive, as a general regime and minimum standard of compliance, to entities in regulated sectors such as banks, insurance companies, financial institutions and telephone companies. Therefore, it is of vital importance to have knowledge of it.

This decree regulates Law 81 of 2019 and elaborates on those aspects that were not specified up until now, for example, the standards for graduated sanctions, considering factors such as intentionality, recidivism, damage caused, nature, amount and length of time the infringement lasted; all of which makes it possible to impose the corresponding sanctions on a proportional basis. The regulation also stipulates that every person must be warned about his or her rights (access, rectification, cancellation and opposition) (ARCO) before giving consent for the use of his or her personal data so that his or her consent is considered informed and unequivocal.



In addition, the data protection officer, his profile and functions are contemplated. It should be noted that, while it is not mandatory for private sector companies to appoint a data protection officer, their appointment will be taken into consideration for the graduation of sanctions.

Another important aspect addressed in Decree 285 is that of cross-border data transfers. Here the parameters for transferring data between countries are established, applying the concept of “adequate guarantees”, such as clauses between the agent who transfers the data and the agent who receives it, according to models of contractual clauses that are validated by the controlling authority, that is, the National Authority for Transparency and Access to Information (ANTA).

Consult the complete text of the regulation [here](#)

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