



February 21, 2024

**Global Data Alliance Comments on the
Draft Standard Contractual Clauses of the Kingdom of Saudi Arabia**

The Global Data Alliance (GDA)¹ welcomes the opportunity to provide feedback to the Saudi Data and AI Authority (SDAIA) on Saudi Arabia's draft [Rules Governing the Issuance of Accreditation Certificates for Personal Data Protection](#). This submission builds on the following GDA submissions to Saudi Arabia: (1) [GDA Comments on Standard Contractual Clauses \("SCCs"\)](#) (August 30, 2024); (2) [GDA Comments on Regulation on Personal Data Transfer](#) (April 30, 2024); (2) [GDA Comments on Data Transfer Regulation](#) (July 31, 2023); (3) [GDA Comments on Data Sovereignty Public Policy](#) (April 9, 2024); (4) [GDA Comments on the Draft Executive Regulation on the Personal Data Protection Law](#) (March 2022); (5) [GDA Comments on the Revised Personal Data Protection Law](#) (Sept. 2022); and (6) [GDA Comments on the Draft Amendments to the Personal Data Protection Law](#) (Dec. 2022).

The GDA is a cross-industry coalition of companies that are committed to high standards of data responsibility and that rely on the ability to transfer data around the world to innovate and create jobs. The GDA supports policies that help instill trust in the digital economy without imposing undue cross-border data restrictions or localization requirements that undermine data security and economic development.

The GDA supports efforts in Saudi Arabia to develop a legal framework to protect individual privacy and personal data, while continuing to enable and facilitate the responsible transfer of data across transnational digital networks. We are grateful that Saudi Arabia engages so actively with the Saudi Arabian public and stakeholders from around the world on these issues. We continue to welcome engagement by SDAIA in global cross-border data initiatives, including the Data Free Flow with Trust (DFFT) initiative and the Global Cross Border Privacy Rules (CBPR) Forum. This positive momentum will produce benefits in various cross-border data policy and international investment indices, such as the GDA Cross-Border Data Policy Index.²

The GDA is a supporter of new accreditation mechanisms as a way to promote both data responsibility and cross-border transfers. To ensure that SDAIA's proposed accreditation mechanism is well integrated

¹ The Global Data Alliance is a cross-industry coalition of companies that are committed to high standards of data responsibility and that rely on the ability to transfer data around the world to innovate and create jobs. Alliance members are headquartered across the globe and are active in the advanced manufacturing, aerospace, automotive, consumer goods, electronics, financial services, health, media and entertainment, natural resources, supply chain, and telecommunications sectors, among others. BSA | The Software Alliance administers the Global Data Alliance. For more information on the Global Data Alliance, please see: <https://www.globaldataalliance.org>

² GDA, Cross-Border Data Policy Index (2023), <https://globaldataalliance.org/resource/cross-border-data-policy-index/>

into Saudi Arabia's broader data transfer framework and to promote the adoption of this certification mechanism by the private sector, we recommend that SDAIA:

1. Clarify that accreditation relieves corresponding obligations under the Personal Data Protection Law;
2. Update the Data Transfer regulations to confirm the status of the accreditation certificates. Additionally, we recommend that SDAIA make clear that accreditation constitutes a safeguard for personal data transfers as contemplated in Article 4.1.c. of the Transfer Regulations;
3. Detail the processing contexts in which the accreditation mechanism applies. This will help answer questions about what the certification scheme applies to – e.g., an entity, privacy program, or the process of processing personal data for a particular product or service). It should be made clear what the benefits of pursuing certification scheme are as compared to other transfer mechanisms;
4. Publicize the criteria for evaluation by Licensees [under Article 3.1 of the draft Rules] (including prospective Applicants) so that such information can be taken into account in the preparation of applications.
5. Promote interoperability between the accreditation mechanism and prevailing international practice. We recommend that SDAIA take steps to ensure that Licensee evaluations are based upon clear control catalogues that map to prevailing/international standards so as to facilitate certification process and ensure interoperability/scalability of the program;
6. Specify that 'complaints' [in Article 3.2 of the draft Rules] refers to 'complaints made to the competent authority pursuant to Article 34 of the PDPL';
7. Refine the reference to 'personnel' [in Article 4.1 of the draft Rules] to mean 'by, or under the supervision of, personnel' who are legally and technically qualified, etc.; and
8. Revise the phrase, 'duly approved documentation' [in Article 4.2 of the draft Rules] to instead refer to 'appropriate documentation' – or otherwise propose an approval mechanism by which such documentation can be duly approved.
9. Offer an additional opportunity to public review and comment: We respectfully submit that Saudi Arabia's draft accreditation mechanism would benefit from an additional period for public review and comment. As a matter of government administration and well-informed stakeholder coordination, it would be highly beneficial to have an additional iterative opportunity for SDAIA to share its proposals with Saudi people and other affected stakeholders, and to receive their collective views and input.

Thank you again for the opportunity to provide these comments. Please do not hesitate to reach out with any questions or comments.

Sincerely yours,

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