

# DATA PROTECTION LAWS OF THE WORLD

Haiti



Downloaded: 29 April 2024

## HAITI



Last modified 28 November 2022

### LAW

Arrêté n° 234/t/2018; fixant les règles relatives à la protection des données caractérisées par leur nature personnelle, published in the official gazette, Le Moniteur, #87 of May 15, 2018.

Code Penal, Published in the official gazette, Le Moniteur, Special #10, June 24, 2020.

### DEFINITIONS

#### Definition of Personal Data

There is no definition on the act.

#### Definition of Sensitive Personal Data

Article 4 of the Decree on personal data provides that "Any release of personal data that is likely to infringe the rights and freedom of an individual is forbidden";

This disposition refers to sensitive personal data according to our interpretation. Thus, sensitive personal data is any data that is likely of infringe the rights and freedom of an individual.

### NATIONAL DATA PROTECTION AUTHORITY

Such entity does not exist yet in Haiti.

### REGISTRATION

N/A.

### DATA PROTECTION OFFICERS

N/A.

### COLLECTION & PROCESSING

The person on whom the personal data is collected needs to be informed that it is being collected and will be processed. Collection of personal data needs to be relevant and necessary for the purpose of their registration. The purpose of the collection needs to also be communicated to the person.

### TRANSFER

# DATA PROTECTION LAWS OF THE WORLD

If personal data is communicated to a third party, it has to be accessible with the possibility to be modified by the person on which they have been stored.

## SECURITY

The Decree provides that the personal data needs to be stored in a way to protect confidentiality and prevent disclosure. When stored, only specific people should have access to them because of their position.

## BREACH NOTIFICATION

The law does not regulate how breach of data should be handled. However, any communication of personal data (including breaches) can be subject to criminal and administrative lawsuits.

### Mandatory breach notification

No regulation on the matter.

## ENFORCEMENT

No specific regulation on that matter.

Article 436, 437 of the Penal Code.

## ELECTRONIC MARKETING

The Decree on data privacy requires the user's consent whereas Article 438 (2) of the Penal Code only specifies that the person needs to opt-out. Given that the Decree on personal data is a specific legislation on data privacy, we recommend having the user consent prior to collecting his data.

## ONLINE PRIVACY

No specific regulation on that matter.

### KEY CONTACTS

**Cabinet Sales**  
cabinetsales.com/



**Christelle Vaval**  
Partner  
Cabinet Sales  
T +509 3881 5484  
cvaval@cabinetsales.com



**Jean-Frédéric Salas**  
Managing Partner  
Cabinet Sales  
T +509 2815 1500  
jfsales@cabinetsales.com

### DATA PRIVACY TOOL

You may also be interested in our [Data Privacy Scorebox](#) to assess your organization's level of data protection maturity.

## **Disclaimer**

DLA Piper is a global law firm operating through various separate and distinct legal entities. Further details of these entities can be found at [www.dlapiper.com](http://www.dlapiper.com).

This publication is intended as a general overview and discussion of the subjects dealt with, and does not create a lawyer-client relationship. It is not intended to be, and should not be used as, a substitute for taking legal advice in any specific situation. DLA Piper will accept no responsibility for any actions taken or not taken on the basis of this publication.

This may qualify as 'Lawyer Advertising' requiring notice in some jurisdictions. Prior results do not guarantee a similar outcome.

Copyright © 2022 DLA Piper. All rights reserved.