

Office of Data Protection Guidance

Waiver Requests for Late Filing Penalties



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Introduction

Introduction to ADGM

ADGM is an international financial centre established pursuant to Abu Dhabi Law No. 4 of 2013 in the Emirate of Abu Dhabi, United Arab Emirates. With its own civil and commercial laws based on English common law, ADGM offers the local, regional and international business communities a world-class legal system and regulatory regime.

Introduction to the Office of Data Protection

The Office of Data Protection is responsible for regulating the ADGM Data Protection Regulations 2021 ("DPR 2021") within ADGM. It is also responsible for maintaining the register of Data Controllers, enforcing the obligations upon Data Controllers and upholding the rights of individuals. It provides a range of information, guidance and tools not only to entities operating within ADGM, but also to individuals and the general public. As part of ADGM's data protection regime, all ADGM-registered entities are required to register as a Data Controller and pay the statutory fees.

Purpose of this Guidance

This guide explains the process for requesting a waiver of penalties issued by the ODP for late filings under DPR 2021. It outlines the circumstances in which a waiver may be granted, the requirements for making a request, and the consequences of non-compliance.

For a step-by-step guide on how to submit a waiver on the Registry, you can refer to the 'How-to' guide on waivers available on the ODP website here: <https://www.adgm.com/operating-in-adgm/office-of-data-protection/guidance>.

ODP Waiver Requests Process

Overview

ADGM entities may be eligible to apply for a waiver of late filing penalties in relation to ODP-issued fines under the following circumstances:

- System errors by ADGM.
- No notification email issued.
- Liquidation / Deregistration was initiated during the grace period.

ADGM entities need to meet the specific criteria for the Office of Data Protection to consider any waiver request.

Late filing penalties issued by the Office of Data Protection

All ADGM entities are required to maintain their data protection register and ensure it is kept up to date. Each year, on the anniversary of incorporation, entities must renew their data protection registration and pay the statutory fee in accordance with Section 24(2) of the DPR 2021. A one-month grace period is provided for renewal. If the filing is not completed and the renewal fee is not paid before the end of this grace period, an automated Fixed Monetary Penalty of \$450 is applied.

Reasons for a waiver

The Office of Data Protection will consider a waiver request only for the following categories:

A) System errors by ADGM:

- This applies when a technical issue or failure within ADGM's systems prevented the entity from completing the renewal process on time. For example, if the online portal was inaccessible, payments could not be processed, or a system malfunction directly blocked submission despite the entity's attempt to comply within the deadline.

B) No notification email issued:

- Entities normally receive a reminder email regarding the upcoming renewal. If, due to an oversight or failure in ADGM's notification process, no reminder or warnings were sent, an entity may request a waiver on the basis that it was not properly notified of its renewal obligations.

Note: It is the entity's responsibility to ensure that the contact details of its authorised user receiving notifications are up to date. The ODP will only validate that notifications were sent successfully to the appointed authorised user's email address.

C) Liquidation / Deregistration initiated during the grace period:

- If an entity has formally submitted a request for liquidation or deregistration before the end of the one-month grace period, the Office of Data Protection may consider a waiver on this basis of discretion. This is because the entity has already taken steps to wind down and will no longer be subject to renewal requirements once deregistration is finalised.

Requirements for consideration of all waiver request applications

The following requirements must be met before consideration of waiver requests:

1. Complete and accurate information provided to the Office of Data Protection
2. The applicant must ensure that one of the three categories of waiver (see 'Reasons' above) has been met, and that complete and accurate information has been provided to the Office of Data Protection to support this.
3. Application of waivers **must** be submitted through the Registry portal.

Information to be provided to the Office of Data Protection for all waiver applications

The applicant must provide the following information:

- **Evidence of system errors** – such as dated screenshots or error messages showing that the ADGM portal prevented submission or payment.
- **Evidence of deregistration or liquidation** – such as a copy of the submitted application or confirmation of filing through the Registry portal by confirming the 'SR' number.
- **Any other relevant supporting documents** that demonstrate the circumstances under which the waiver request is being made.

Declaration by the applicant to the Office of Data Protection

As part of the waiver application process, applicants will be required to confirm certain declarations through checkboxes on the Registry portal. These declarations confirm that:

- The waiver request falls under one of the three permitted categories; and
- All information and supporting documents provided are complete and accurate.

Where the application is submitted on behalf of a registered entity, the applicant must also acknowledge that the entity remains liable for penalties if inaccurate or incomplete information is provided.

IMPORTANT: The system will not allow the waiver application to be submitted unless all required declarations are acknowledged by selecting the checkboxes.

Outcome of waiver request – late filing fees and late filing fines

The Office of Data Protection will consider the reasons given for the waiver request.

Waivers can only be submitted once against a fine.

The two outcomes are:

- The waiver request is accepted; or
- The waiver request is rejected.

If the waiver request is accepted by the Office of Data Protection, the late filing penalty will be cancelled and no longer payable. If the waiver request is rejected, it will remain as 'pending' and will be payable. In accordance with Section 56 of the DPR 2021, the ODP may also apply to ADGM Courts for recovery of any part outstanding of the fee as a debt.