

Data Protection for Funds under the BVI Data Protection Act: Key Principles

Under the BVI Data Protection Act (the "Act"), funds must adhere to several key data protection principles to ensure the proper handling and protection of personal data.

These principles are designed to safeguard the rights of data subjects and ensure that personal data is processed lawfully and transparently.

The key principles include:

- (a) **Fair and Lawful Processing:** Personal data must be processed fairly and lawfully. This means that funds must have a legitimate basis for processing personal data and must inform data subjects about the purposes for which their data is being processed.
- (b) **Purpose Limitation:** Personal data must be collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Funds must ensure that data subjects are aware of the purposes for which their data is being collected and processed.
- (c) **Data Minimisation:** Personal data must be adequate, relevant, and limited to what is necessary in relation to the purposes for which it is processed. Funds should only collect and process the minimum amount of personal data required to achieve their intended purposes.
- (d) **Accuracy:** Personal data must be accurate and, where necessary, kept up to date. Funds must take reasonable steps to ensure that inaccurate personal data is rectified or erased without delay.
- (e) **Storage Limitation:** Personal data must be kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data is processed. Funds should establish retention policies to ensure that personal data is not retained longer than necessary.
- (f) **Integrity and Confidentiality:** Personal data must be processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage. Funds must implement technical and organisational measures to safeguard personal data.
- (g) **Accountability:** Funds must be able to demonstrate compliance with the data protection principles. This includes maintaining records of data processing activities, conducting data protection impact assessments where necessary, and ensuring that data processors comply with the Act's requirements.
- (h) **Rights of Data Subjects:** Funds must respect the rights of data subjects, including the right to access their personal data, the right to rectification, the right to erasure, the right to restrict processing, the right to data portability, and the right to object to processing. Funds must have procedures in place to handle data subject requests in a timely and efficient manner.

By adhering to these data protection principles, funds can ensure that they are compliant with the BVI Data Protection Act and that they are protecting the personal data of their investors and other data subjects.

For more detailed guidance, please reach out to our team. We can help navigate the process and ensure compliance with all regulatory requirements.

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July 2025

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