

**PROPOSING AN EFFECTIVE LEGAL FRAMEWORK TO
REGULATE DATA PROTECTION AND PRIVACY IN
SRI LANKA: INSIGHTS FROM EUROPEAN UNION AND
UNITED KINGDOM**

By

**PATTIARACHCHIGE NELSANI UDESHIKA
PATTIARACHCHI**

The Thesis submitted to

**GENERAL SIR JOHN KOTELAWALA DEFENCE
UNIVERSITY
SRI LANKA**

In partial fulfilment of the requirement for the award of the degree

of

Master of Laws

21st August 2023

ABSTRACT**PROPOSING AN EFFECTIVE LEGAL FRAMEWORK TO
REGULATE DATA PROTECTION AND PRIVACY IN
SRI LANKA: INSIGHTS FROM EUROPEAN UNION AND
UNITED KINGDOM****P.N.U.Pattiarachchi**

General Sir John Kotelawala Defence University, Sri Lanka

In the modern digital world, technology has become more complex, and with the advancement of technology and widespread growth of internet usage, digital transactions are rapidly increasing and personal data has become a significant asset to many fields. At the same time, the development of technology brings a lot of challenges to the subject of personal data. If a country does not have an effective data protection regime, it is very easy to access its personal data and information in cyberspace. Therefore, the concept of data protection and privacy is a debatable topic in all over the world. Similarly, Sri Lanka is one of the developing countries which has had an open market economy since 1977. Therefore, personal data has become a significant asset in many fields in Sri Lanka. As a result of this data protection and privacy is a major concern subject matter and a critical issue that must be resolved.

Therefore, the researcher intends to examine the adequacy of the existing legal framework for data protection and privacy in Sri Lanka compared with the European Union and the United Kingdom. This research is mainly based on qualitative research methodology and is carried out as doctrinal research. In achieving this purpose, a researcher has extensively used primary and secondary legal sources. Relevant legislative enactments and decided case laws have been used as primary sources and books, journal articles, and web articles have been used as secondary sources. Secondary data have been collected through journal articles and web articles.

The findings of this study revealed that until the Sri Lankan Parliament adopted the Personal Data Protection Act, No. 9 of 2022, there was no separate legislation to cover data protection and privacy in Sri Lanka. In addition to that, there are few provisions in various statutes that are indirectly applicable to data protection and privacy. And also, this research shows that the legal landscape of the field of personal data protection has not been adequate to solve some issues relating to the subject of personal data and privacy. Accordingly, this research concludes that providing effective recommendations to said issues such as the introduction of the right to privacy as a Constitutionally protected right, including provisions to the Sri Lankan data protection law, in accordance with the international law and best practices, following the lessons of European Union and United Kingdom, etc.

KEY WORDS: Data Protection and Privacy, Sri Lanka, European Union GDPR, UK