

Law No. 09-08 on the Protection of Individuals with regard to the Processing of Personal Data

Reference: Dahir No. 1-09-15 of 22 Safar 1430 (18 February 2009) promulgating Law No. 09-08

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Practice areas: Business law

Law 09-08 regulates the collection and processing of personal data by businesses and public authorities, establishes the National Commission for the Control of Personal Data Protection (CNDP) and enshrines the rights to information, access, rectification and objection.

Obligations of the data controller

- Fair and lawful processing, a specified purpose, adequate and proportionate data, limited retention period (Art. 3).
- Consent of the data subject or another legal basis (Art. 4).
- Prior declaration to, or authorisation from, the CNDP depending on the nature of the data (Art. 12); authorisation is required for transfers outside Morocco to countries that do not ensure an adequate level of protection (Arts. 43 and 44).
- Security and confidentiality of processing (Arts. 23 and 24).

Sanctions

- Fines of 10,000 to 300,000 dirhams and prison sentences for processing without the required formalities, use of data for unauthorised purposes and unlawful transfers (Art. 51 et seq.).

Key articles

ART. 1

Information technology is at the service of the citizen and develops within the framework of international cooperation. It must not infringe human identity, rights or collective or individual freedoms.

Points to watch

- Any website, customer database or video surveillance system requires a formality with the CNDP.
- Businesses processing data of European residents must comply with both Law 09-08 and the GDPR.

Sheet prepared by Maître Mouad Lahfaia, lawyer at the Rabat Bar. 69 Rue Tansift, Apt 6, Agdal, Rabat 10090, Morocco · +212 808-507367 · cabinetlahfaia@gmail.com

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