

THE DATA PROTECTION AND PRIVACY ACT, 2019. TOOL KIT

PREAMBLE:

The Data Protection and Privacy Act ("DPPA") came into force in March 2019. The purpose of the law is to protect the privacy of individuals and of personal data by regulating the collection of personal information, providing for rights of data subjects whose data is collected and providing for the obligations of data collectors, data processors and controllers.

Under Section 1 of the DPPA, the law applies to any person, institution or public body collecting, processing, holding, or using personal data within Uganda and outside Uganda for those who collect, process, hold or use personal data relating to Uganda citizens.

For clarity, personal data includes information that relates to nationality, age, race, marital status, education, occupation, addresses, photographs, salary details, bank account information and next of kin details and any other identity data.

TOOL KIT

NO	REQUIREMENT	ACTION
1.	Consent of the Data Subject	<ul style="list-style-type: none"> - There shall be no collection of personal data without the prior consent of the data subject. - There shall be no collection of personal data relating to children without the prior consent of the parent or guardian of the child.

2.	Inform the Data Subject before collection of data.	<p>Data collector shall inform the data subject on the following:-</p> <ul style="list-style-type: none"> - Nature and category of data to be collected. - Name and address of person responsible for data collection. - Purpose for which the data is required. - Whether or not the supply of the data by the data subject is discretionary or mandatory. - The consequences of failure to provide the data. - The recipients of the data. - The authorised requirement for the collection of the information or the requirement by law for its collection. - The existence of the right of access to and the right to request rectification of the data collected. - The period for which the data will be retained.
3.	Appoint a Data Protection Officer	<ul style="list-style-type: none"> - The head of every organization or institution that handles personal data is required to appoint a Data Protection Officer who is the central point of contact and responsible for all data protection compliance issues. The Data Protection Officer shall also be the main contact person for the National Information Technology Authority.
4.	Correction of Personal Data.	<ul style="list-style-type: none"> - The Data subject may request data controller to correct or delete personal data in the control of the collector that is inaccurate, irrelevant, excessive, out of date, misleading, incomplete, or obtained unlawfully.

5.	Notification of Data Security Breach	<ul style="list-style-type: none"> - A data collector, data processor or data controller believes that the personal data of a data subject has been accessed or acquired by an unauthorized person, the collector, processor, controller shall immediately notify the Authority in a prescribed manner.
6.	Security Measures	<ul style="list-style-type: none"> - It is provided that a data collector, data processor or data controller shall ensure the integrity of personal data by adopting appropriate reasonable technical and organizational measures to prevent loss, damage or unauthorized destruction and unlawful access to or unauthorized processing of the personal data.
7.	Processing Data outside Uganda	<ul style="list-style-type: none"> - A data collector, data processor or data controller is based in Uganda and processes or stores data outside Uganda. The data collector, processor and controller shall ensure that the country in which the data is stored has adequate measures in place for the protection of the personal data.
8.	Retention of Records of Personal Data	<ul style="list-style-type: none"> - A person who collects personal data shall not retain the personal data for a period longer than necessary to achieve the purpose for which the data was collected and processed.

9.	Rights of Data Subjects	<ul style="list-style-type: none"> - A data subject has a right to access personal information. - A data subject has a right to prevent processing of personal data. - A data subject has a right to prevent processing of personal data for direct marketing. - A data subject has a right to be notified in a reasonable and practicable time in relation to an automated decision or automated decision making that affects the data subject.
10.	Sale of Personal Data	<ul style="list-style-type: none"> - Its provided that NO person shall sell or offer for sale personal data of any person.

NB:

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