

# Regulatory Alert- Personal Data Protection Act: Extension of Deadline of Registration of Personal Data Controllers and Data Processors



## Introduction

On 3 April 2024, The Personal Data Protection Commission (PDPC) was launched in Tanzania following the enactment of the Personal Data Protection Act, Cap 44 of 2022. The Commission was established with the main aim of enforcing data privacy and compliance in Tanzania.

## Some Key Definitions

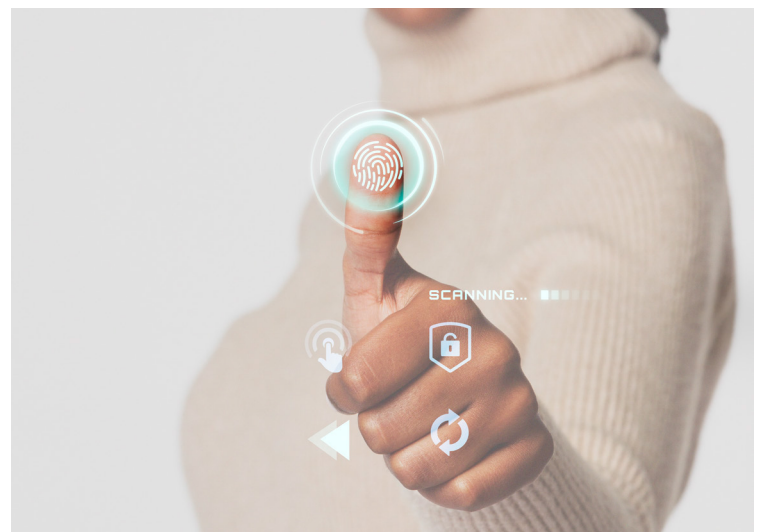
The Act defines a Data Controller as a natural person, legal person or public body which alone or jointly with others determines the purpose and means of processing of personal data; and where the purpose and means of processing are determined by law.

While a Data Processor is defined as a natural person, legal person or public body which processes personal data for and on behalf of the controller and under the data controller's instruction, except for the persons who, under the direct authority of the controller, are authorised to process the data, and it includes his representatives.

Personal Data means data or information about an identifiable person that is recorded in any form, including:

- personal data relating to the race, national or ethnic origin, religion, age or marital status of the individual;

- personal data relating to the education, medical, criminal or employment history;
- any identifying number, symbol or other particular assigned to the individual;
- the address, fingerprints or blood type of the individual;
- the name of the individual appearing on personal data of another person relating to the individual or where the disclosure of the name itself would reveal personal data about the individual; and
- correspondence sent to a data controller by the subject that is explicitly or implicitly of a private or confidential nature, and replies to such correspondence that would reveal the contents of the original correspondence and the views or opinions of any other person about the data subject.



While sensitive personal data includes:

- genetic data, data related to children, data related to offences, financial transactions of the individual, security measure or biometric data;
- if they are processed for what they reveal, personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, affiliation, trade-union membership, gender and data concerning health or sex life; and
- any personal data otherwise considered under the laws of the country as presenting a major risk to the rights and interests of the data subject.

The Act also defines a data protection officer as an individual appointed by the data controller or data processor charged with ensuring compliance with the obligations provided for in the Act.

## **Obligations of Data Controllers and Processors**

The Act has established that the collection and processing of personal data is strictly controlled and that the Data Controllers and Data Processors should ensure that the personal information is:

- processed lawfully, fairly and transparently;
- collected for explicit, specified and legitimate purposes and not further processing in a manner incompatible with those purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
- accurate and where necessary, kept up to date, with each reasonable step taken to ensure that any inaccurate personal data is erased or rectified without delay;
- stored in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed;

- processed in accordance with the rights of a data subject;
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against any loss, destruction or damage, using appropriate technical or organisational measures; and
- not transferred abroad contrary to the provisions of this Act.

## **Registration of Data Controllers and Processors**

The Personal Data Protection (Personal Data Collection and Processing) Regulations, 2023 require all organisations collecting or processing personal data in Tanzania to register with the Commission.

You will need to identify a data protection officer (DPO) and thereafter register as a data collector and data processor if both scenarios apply.

It should be noted that your registration certificate will be valid for five years from the date of issuance.

The deadline for the registration is 31 December 2024.

## **How may we help you?**

As KPMG Advisory Limited, we have an experienced regulatory team that can help you with:

- Advising you on the compliance requirements as per the Act and Regulations;
- Filling in the pertinent forms and collating the necessary documentation and information for registration purposes;
- Following up with the Commission on the status of the application; and
- Once successfully registered providing you with your account details for your compliance.



# Contacts

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