

THE ESTABLISHMENT OF THE PERSONAL DATA PROTECTION COMMISSION WHAT YOU NEED TO KNOW



Tanzania has recently launched Personal Data Protection Commission (PDPC), a significant development for privacy and data security, following the enactment of Landmark Legislation “the Personal Data Protection Act of 2022.

The introduction of the establishment of the Personal Data Protection Commission (PDPC) marks a pivotal shift, placing greater emphasis on individual privacy and data security and align Tanzania with global standards in data protection and privacy.

OVERVIEW OF THE PERSONAL DATA PROTECTION COMMISSION (PDPC)

Purpose and Role:

- **Regulation and Enforcement:** The PDPC is responsible with ensuring compliance of the Data Protection Act, 2022. It monitors how personal data is handled and processed by organizations and takes action against non-compliance.
- **Register Controller and processors:** It oversees the registration of data controllers and processors.
- **Research and Corporation:** The PDPC monitors development of technology and collaborates with other countries in managing personal data protection.
- **Complaint Handling:** The Commission handles complaints from individuals regarding data breaches or misuse of personal data. It investigates these complaints and enforces remedies where necessary.

The establishment of the Personal Data Protection Commission is a critical step in implementing and enforcing Tanzania's data protection laws. By having a dedicated authority, Tanzania ensures that there is a structured approach to managing personal data, addressing privacy concerns, and fostering a culture of data protection within the country.

- As the PDPC becomes fully operational, it will play a key role in shaping data protection practices in Tanzania and enhancing confidence among consumers and businesses in the handling of personal data.

THE ESTABLISHMENT OF THE PERSONAL DATA PROTECTION COMMISSION WHAT YOU NEED TO KNOW



IMPACTED SECTORS

1. Financial Services

- Banks and Financial Institutions: These entities handle sensitive personal and financial information, such as account details, transaction records, and credit information. They must ensure stringent data protection measures to prevent breaches and misuse of customer data.
- Insurance Companies: They collect personal and health information for policy underwriting and claims processing, requiring robust data protection practices.

2. Healthcare

- Hospitals and Clinics: Medical institutions manage sensitive health records, patient histories, and other personal health information, which must be protected to ensure privacy and comply with data protection regulations.
- Pharmacies: Pharmacies handles personal data related to prescriptions and patient health information, necessitating careful management and protection.

3. Telecommunications

- Mobile and Internet Service Providers: These companies process vast amounts of personal data, including communication records, browsing histories, and customer identification details. Ensuring the security and confidentiality of this data is critical.

4. Retail and E-Commerce

- Online Retailers: E-commerce platforms collect and store personal information such as payment details, addresses, and purchase histories. They must implement strong data protection measures to safeguard Client's data.
- Physical Retail Stores: Retailers that collect customer information for loyalty programs or marketing purposes also need to adhere to data protection requirements.

THE ESTABLISHMENT OF THE PERSONAL DATA PROTECTION COMMISSION WHAT YOU NEED TO KNOW



5. Education

- **Educational Institutions:** Schools, colleges, and universities manage personal data related to students, faculty, and staff, including academic records, contact details, and health information. They must ensure that this data is securely managed and protected.

6. Public Sector

- **Government Agencies:** Various government bodies handle personal data related to citizens, such as tax records, social services information, and identification details. Data protection regulations require them to manage this information securely and transparently.

7. Technology and IT Services

- **Software Providers:** Companies that develop or provide software solutions, including cloud storage services, must ensure their platforms comply with data protection standards to safeguard user data.
- **Data Processors:** Entities that process personal data on behalf of other organizations need to adhere to strict data protection measures to ensure compliance and protect data.

8. Marketing and Advertising

- **Marketing Agencies:** These organizations handle customer data for targeted advertising and promotional activities. They must ensure that they collect, process, and store data in compliance with data protection laws.

9. Legal Services

- **Law Firms:** Legal professionals, manage sensitive personal information related to clients, including case details, personal history, and legal documentation. They must maintain strict confidentiality and security measures.

THE ESTABLISHMENT OF THE PERSONAL DATA PROTECTION COMMISSION WHAT YOU NEED TO KNOW



10. Travel and Hospitality

- **Travel Agencies:** These businesses collect personal data related to travel bookings, including passport information, travel itineraries, and payment details, which must be securely managed.
- **Hotels and Resorts:** Hospitality establishments handle personal information such as guest records, booking details, and payment information, requiring adherence to data protection standards.

Across these sectors, the Data Protection Act, 2022 mandates that organizations implement robust data protection measures to ensure the confidentiality, integrity, and security of personal data. By doing so, they not only comply with legal requirements but also build trust with their customers and stakeholders in an increasingly privacy-conscious environment.

REGISTRATION

The registration process for data protection in Tanzania is a vital and mandatory step for organizations to comply with the Data Protection Act 2022 and its Regulation. Any collection or processing of personal data without being registered is unlawful.

Failure to register is an offence, whereas upon conviction one may be liable to fine or imprisonment to a term of five (5) years or both.

STEP BY STEP GUIDE TO PDPC REGISTRATION

The Act has put into place several key steps to ensure that organisations adhere to the requirements of handling personal data. These steps are as follows:

1. Prepare your Documents;
2. Submit your Application with fees;
3. Application Verification within 7 days;
4. Application Decision; and
5. Maintaining Your Registration

THE ESTABLISHMENT OF THE PERSONAL DATA PROTECTION COMMISSION WHAT YOU NEED TO KNOW



The Data Protection Act, 2022, and the establishment of the Personal Data Protection Commission represent a pivotal advancement in safeguarding personal data in Tanzania. It is imperative for organizations to act swiftly and diligently.

Registering with the Commission not only ensures compliance with the newly enacted Act but also underscores a commitment to upholding the highest standards of data protection and privacy.

By proactively assessing and refining data handling practices, businesses can avoid potential penalties and build stronger trust with customers and stakeholders. This registration is not merely a regulatory obligation but an opportunity to demonstrate organizational responsibility and dedication to protecting personal information in today's increasingly privacy-conscious environment.

Ultimately, the Personal Data Protection Commission will play a crucial role in guiding, monitoring, and enforcing compliance, thereby contributing to a secure and transparent data management landscape. Embracing these changes and meeting the registration requirements will position organizations to thrive in a digital age where data protection is paramount.

FURTHER INFORMATION:

This editorial is intended to give you a general overview of the Law. If you would like further information and clarification on any issue raised in this editorial, please contact.

Haika-Belinda John Macha
Partner

E: hb.macha@vemmaattorneys.co.tz
M: +255 717 307 999

Haika Allen Mrango
Associate

E: h.mrango@vemmaattorneys.co.tz
M: +255 746 716 191