





# Rwanda's Data Protection Law



## *Three days left for full compliance deadline*

It is now almost two years since Law No. 058/2021 of 13th October 2021, on the protection of personal data and privacy (the "Data Protection Act" or "DPA" or "DPP") came into force, subject to a grace period of two years. This period ends on 15 October 2023, leaving only three days to comply. The DPA sets out a comprehensive framework for the protection of personal data, and this comprehensive and far-reaching new law applies to all organisations that collect or process personal data in Rwanda. This is especially important for organisations that conduct business in Rwanda and process the personal information of Rwandans, with significant fines being imposed should they be found to be non-compliant.

Organisations that collect or process personal data in Rwanda should take note of the following requirements and practical steps in order to comply with the law:

- Registering as a data controller or data processor with the National Cyber Security Authority (NCSA)
- Designating a data protection officer (DPO)
- Implementing a privacy policy
- Conducting a Data Protection Impact Assessment (DPIA)
- Meeting all other requirements as may be prescribed by the NCSA

## **Organisations can avoid severe penalties by ensuring full compliance with the DPA.**

The below cases are considered as of non-compliance with Data Protection Law:

- Failure to designate a personal data protection officer
- Failure to register as a data controller or data processor or operating without a registration certificate
- Failure to maintain records of processed personal data
- Failure to notify a personal data breach

The above cases of non-compliance can result in an administrative fine of not less than two million Rwf 2,000,000 (approximately USD2,000) but not more than Rwf 5,000,000 (approximately USD 5,000) or 1% of the global turnover of the preceding financial year.

In addition to financial penalties, non-compliance can result in reputational damage and lead to a loss of customer trust.

Considering this approaching deadline, it is crucial that businesses take meaningful steps to comply with the requirements of the Data Protection Act before the deadline. Organisations should consider seeking consultancy advice to guide them towards full compliance with the DPA before the grace period ends on 15 October 2023.

# Who is required to register ?



## Any Data Controller and processor who:-

- Is established or resides in Rwanda and processes personal data while in Rwanda;
- Is neither established nor resides in Rwanda, but processes personal data of Data Subjects located in Rwanda.

## Are you a Data Controller?

A Data Controller is a natural person, public or private corporate body or legal entity which, alone or jointly with others, processes personal data and determines the means of their processing.

So, if your company/organization decides 'why' and 'how' the personal data should be processed, it is the Data Controller.

### Examples of Data Controllers

- Telecommunication Operators,
- Banks and Microfinance Institutions,
- Health Service Providers, Insurance Companies,
- Educational Institutions,
- Retailers,
- Betting Companies,
- Government Agencies,
- Independent Commissions and Regulators,
- Charities and Religious Organizations,
- International Organizations among Others

## Are you a Data Processor?

A Data Processor is a natural person, public or private corporate body or legal entity, which is authorized to process personal data on behalf of the Data Controller.

The Data Processor processes personal data only on behalf of the Data Controller. The Data Processor is usually a third party external to the Data Controller and not the Data Controller's employee. This processing is done under the direct instructions of the Data Controller.

Examples of Data Processors

- Direct marketing service providers,
- Cloud computing or document unitization service providers among others.

## Who Does DPP Law Apply To?

DPP Law is designed to help safeguarding rights for individuals in Rwanda, and introduces a single set of rules across Rwanda when it comes to how organizations handle data relating to identifiable individuals. If you are either established in Rwanda or outside Rwanda and process any of the following personal information, you would be subject to the requirements of the DPP Law.

