

HIPSSA Project

Support for Harmonization of the ICT Policies
in Sub-Sahara Africa,
Workshop with Data Protection Stakeholders
Kigali, July 2013

TRAINING ON DATA PROTECTION POLICY AND COMMISSIONER

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introduction

Provision on Data Protection in Current legislations

Does Rwanda have a specific legislation on data protection
Or provision on Data protection exist in different Laws?

1. Constitution of Rwanda
2. Penal Code of Rwanda
3. Law relating to electronic message, electronic transaction...
4. Law relating to interception of electronic communication

Need of a specific Policy and Legislation on Data Protection

The establishment of an environment conducive to data protection in Rwanda is a national imperative

Data Protection Policy purpose

combat the violations of data likely to arise from the collection, processing, transmission, storage and use of personal data



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Definitions

Data controller or controller

Data subject

Personal data or personal information

Processing or processing of personal data

Data Protection Commission or Commission



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Data protection Policy

Guiding Principles

Principles applying to sensitive personal Data

This Policy pertains to protection of personal data, whether in the public or private sectors, which, because of the manner in which they are processed, or because of their nature or the context in which they are used, pose a danger to privacy and individual liberties

Principles non applying to non sensitive personal Data

Exclusion from the application of the Policy of personal data which obviously do not contain any risk to privacy and individual liberties.

Exceptions to Data Protection principles

Exceptions to Policy statement including those relating to national sovereignty, national security and public policy, should be:

- as few as possible, and
- made known to the public



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Policy Statement 1

Collection Limitation

There should be limits to the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.



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Policy Statement 2:

Data quality

Personal data should be relevant to the purposes for which they are to be used and, to the extent necessary for those purposes, should be accurate, complete and kept up-to-date.



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Policy Statement 3

Purpose Specification

The purposes for which personal data are collected should be specified not later than at the time of data collection and the subsequent use limited to the fulfillment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose



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Policy Statement 4

Use Limitation

Personal data should not be disclosed, made available or otherwise used for purposes other than those specified in accordance with 6.3.3 except:

- with the consent of the data subject; or
- by the Commission of law



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Policy Statement 5

Security Safeguards

Personal data should be protected by reasonable security safeguards against such risks as loss or unauthorised access, destruction, use, modification or disclosure of data



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Policy Statement 6

Openness

There should be a Generali policy of openness about developments, practices and policies with respect to personal data. Means should be readily available of establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and usual residence of the data controller



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Policy Statement 7

Individual Participation

An individual should have the right:

- to obtain from a data controller, or otherwise, confirmation of whether or not the data controller has data relating to him;
- to have communicated to him, data relating to him within a reasonable time;
at a charge, if any, that is not excessive;
in a reasonable manner; and
in a form that is readily intelligible to him;
- to be given reasons if a request made under subparagraphs(a) and (b) is denied, and to be able to challenge such denial; and
- to challenge data relating to him and, if the challenge is successful to have the data erased, rectified, completed or

amended



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Policy Statement 8

Accountability

A data controller should be accountable for complying with measures which give effect to the principles stated above



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Trans Border Data Transfer

- Rwanda shall take into consideration the implications of cross-border (transborder) transfer of personal data to countries for processing
- Rwanda shall promote that all reasonable and appropriate steps to ensure that transborder flows of personal data, are uninterrupted and secure.
- Rwanda shall refrain from restricting transborder flows of personal data between itself and another country except where the latter does not yet substantially observe compatible protection of personal data in its domestic privacy legislation
- Rwanda shall avoid developing laws, policies and practices in the name of the protection of privacy and individual liberties, which would create obstacles to transborder flows of personal data that would exceed requirements for such protection



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Data Protection Commission

Legal statute

Independence

Legal Personality

Missions

Organs

Functioning

Budget and Audit



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Thank You

Questions/ Discussion

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