



The Data Protection Act (DPA)

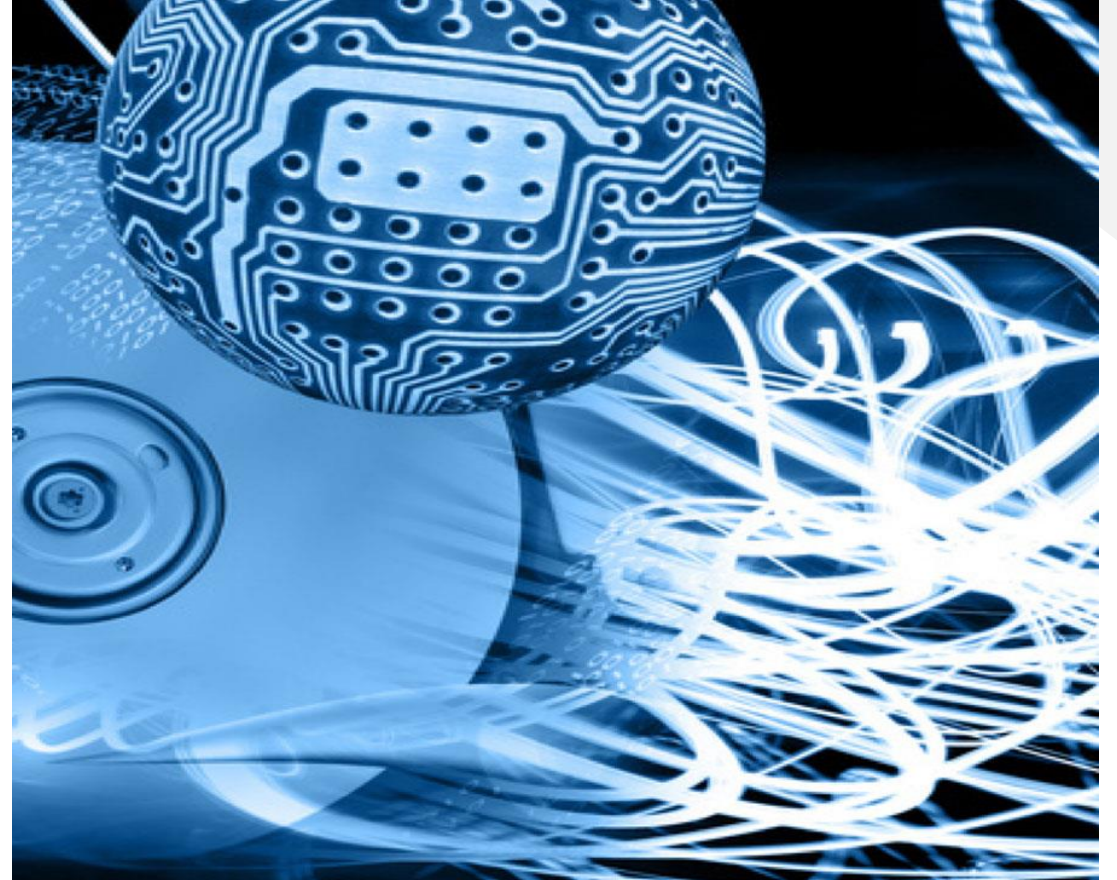


Personal Data Protection.

Learning Objectives



- *What is personal data?*
- *What are the consequences?*
- *Data protection principles and rights*
- *Your institution's data protection policy*



What has Changed?



Data Protection Act 2019



Clause 63 of the Finance
Bill 2024.

What is Personal Data?



- “... Personal data is defined as any information that can be used to identify a natural person or any information that has the capability of identifying a natural person. ...”
- “...it may include expressions of opinion...”
- “...held in manual or electronic systems...”



What constitutes Personal Data

Our company's
annual report

Your salary
details?

Your medical
information?

Your name and
date of birth

Your anonymous
response to a
survey question?

Your photo or
image on a CCTV
camera ?



What is Personal Data under DPA

‘Although the same personal data (as previously) is still covered under the DPA, it goes much further. Personal data also includes:

“...IP addresses...”

“...automated personal data and data held in manual systems...”

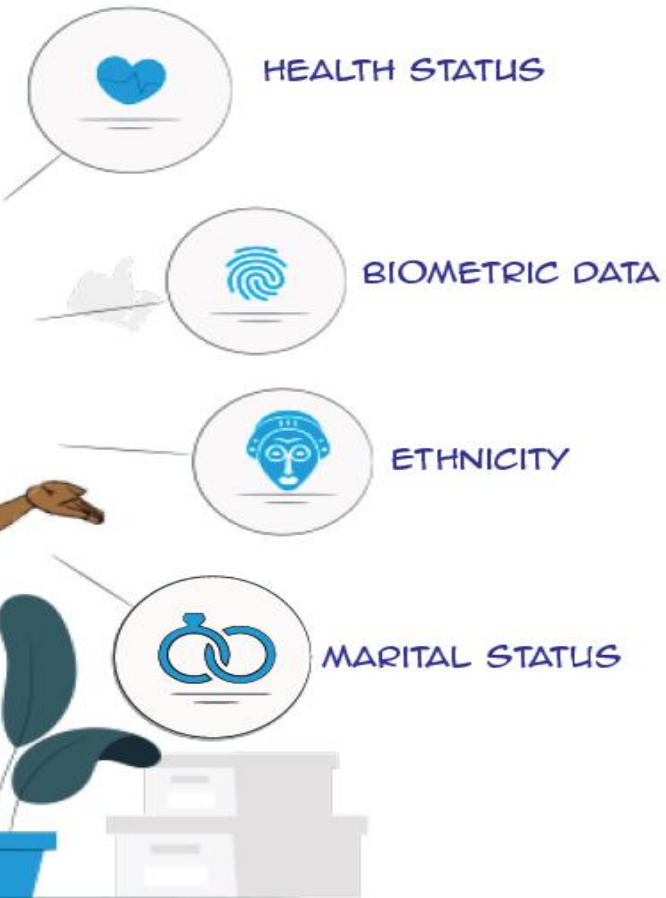
“...key-coded (pseudonymised) personal data...”

Personal Data Vs Sensitive Data

PERSONAL DATA



SENSITIVE DATA



Lawful Processing

1. Explicit consent of the data subject
2. Necessary for the performance of a contract
3. Necessary for legal or judicial reasons
4. Necessary to protect the data subject's best interests
5. Necessary to perform a task carried out in the public interest
6. Necessary for legitimate interests
7. Necessary for historical, statistical, scientific research





What rights do data subjects have?

I don't want to receive your marketing letters and promotions

I want to be able to take my data and reuse it on other platforms

Did I agree to that? I didn't see a privacy notice on your website when I typed in my details

Does the right to be forgotten apply to me?

I want to have any errors corrected

I want to find out what data you have about me and how you're using it

Please stop using my data until you've checked there is a legitimate purpose

Rights of individuals under DPA

- 1. The right to be informed*
- 2. The right of access*
- 3. The right to rectification*
- 4. The right to erasure (“right to be forgotten”)*
- 5. The right to restrict processing*
- 6. The right to data portability*
- 7. The right to object*
- 8. Rights on automated decision making & profiling*



When it goes wrong



One of the remedies for violation of the Act is the issuance of a Penalty Notice imposing an administrative fine of up to Kshs.5,000,000/= where an institution fails to comply with an enforcement notice issued under the Act..

A school has been fined Kshs.4,550,000/= for posting images of minors without parental consent in breach of the provisions of the Act.

The ODPC has also imposed a fine of Kshs. 1,850,000/= on a restaurant in Nairobi for posting the image of one of its data subjects on the restaurant's social media platform without the consent of the data subject.

The ODPC has fined a Digital Credit Provider (DCP) Kshs.2,975,000/= for using contact information obtained from third parties without the consent of the data subjects. The DCP used the contact information to send threatening messages and phone calls to the data subjects as part of its debt recovery processes.

Organizations should ensure that collection and processing of personal data is done in line with the provisions of the Act or risk penalties by the ODPC.



Your Data Protection Policy



- 1. What personal data we use and how*
- 2. Our rules and procedures – creating, storing, sharing and disposing of personal data safely*
- 3. Identifying our Data Protection Officer and how to contact them*
- 4. Requiring everyone to read and implement our Data Protection Policy*



What should your customers do?

- ✓ Read your Sacco's Data Protection Policy – make sure they understand the rules and why they're important
- ✓ Follow your policies and rules whenever they use personal data – taking particular care to prevent unauthorized access, loss, theft or alteration
- ✓ Speak out promptly if they accidentally lose, delete or transfer personal data to someone else – the Sacco has just 72 hours to report it
- ✓ Talk to their manager or our Data Protection Officer if they have any questions or concerns

What you should not do



- x Keep using customers' personal data for marketing if they ask you to stop*
- x Leave personal data lying around on a desk or unattended onscreen*
- x Collect or use children's personal data without getting parental consent first*

About KIPROD



KIPROD is a Risk Consulting Company providing Credit Risk Management Solutions.

*This presentation is just one of our 20+ **free** training resources*

The End

