



# Data Protection & Privacy



# Outline

1. About NITA-U
2. How we arrived where we are – the information age
3. The need for Data Protection & Privacy
4. The Data Protection & Privacy Bill

# About NITA-U

The National Information Technology Authority-Uganda (NITA-U) is an autonomous statutory body established under the NITA-U Act 2009, to coordinate and regulate Information Technology services in Uganda.

## **Vision**

**A globally competitive Uganda enabled by IT**

## **Mission**

**To transform Uganda into a knowledge-based society by leveraging IT as a strategic resource to enhance government services, enrich businesses and empower citizens.**

## **Mandate**

**Coordinate, promote and monitor Information Technology (IT) developments in Uganda within the context of National Social and Economic development**

## **NITA-U Establishment**

**The National Information Technology Authority Uganda (NITA-U) was established by an Act of Parliament (National Information Technology Authority, Uganda Act of 2009).**

# THE TECHNOLOGY EVOLUTION

‘The advancement in technology has greatly revolutionized the way we live, communicate and work as well as how Governments and Private Sector handle business,’ – National ICT Policy, 2013

# THE INFORMATION AGE

**Information Age  
[1985]**

**Industrial Age  
[1800s]**

**Agricultural Age  
[1700s]**

# TECHNOLOGY EVOLUTION EFFECT ON SOCIETY

<b>Attribute</b>	<b>Agricultural Age</b>	<b>Industrial Age</b>	<b>Information Age</b>
Wealth	Land	Capital	Knowledge
Advancement	Conquest	Invention	Paradigm Shifts
Time	Suns/ Seasons	Factory Whistle	Time Zones
<b>Workplace</b>	<b>Farm</b>	<b>Capital Equipment</b>	<b>Networks</b>
<b>Organization Structure</b>	<b>Family</b>	<b>Corporation</b>	<b>Collaborations</b>

# TECHNOLOGY EVOLUTION EFFECT ON SOCIETY..

<b>Attribute</b>	<b>Agricultural Age</b>	<b>Industrial Age</b>	<b>Information Age</b>
<b>Tools</b>	<b>Plow</b>	<b>Machines</b>	<b>Networked Computers</b>
<b>Problem Solving</b>	<b>Self</b>	<b>Delegation</b>	<b>Integration</b>
<b>Knowledge</b>	<b>Generalized</b>	<b>Specialized</b>	<b>Interdisciplinary</b>
<b>Learning</b>	<b>Self-taught</b>	<b>Classroom</b>	<b>Online</b>



# THE INFORMATION AGE CHARACTERISTICS

Information Age – Very Fast Growth in Communication and Information Technology characterized by:-

- Global Economy;
- Disruption;
- Innovation;
- Convergence of Technologies; and
- **Internet – accelerated connectedness.**

# The need for Data Protection & Privacy

1. Data is the new oil
2. Our data is linked to various entities [common data includes names, banking information, health information, etc]
3. Increasing scale of data breaches
4. Compromised data can be misused by malicious actors for fraud, identity theft & phishing

# The Data Protection & Privacy Bill

- **Data Protection** according to *Black's Law Dictionary (8<sup>th</sup> Edition, 2004)* is any method of securing information from being either physically lost or seen by an authorized person.
- **Justification for the Law**
  - ✓ A lacuna with regard to regulation of data protection and privacy;
  - ✓ Data concerning individuals is collected, stored or processed regularly by institutions (private and public)
  - ✓ Breaches of individual privacy during the gathering, processing, transmission, storage and use of personal data
  - ✓ Risk of abuse/misuse of personal data - e.g. identity theft, blackmail.

# EXISTING LEGAL FRAMEWORK

Data protection and privacy is currently addressed in various statutes such as those below. However the provisions therein are inadequate to fully address the international standard on data protection.

- ✓ Constitution of the Republic of Uganda (*Article 27*); *Right to privacy*
- ✓ Access to Information Act, 2005 (*Section 26*); *Data that may infringe on a person's right may not be shared by a Government agency*

# EXISTING LEGAL FRAMEWORK

- ✓ *Electronic Signatures Act, 2011 (Section 81); Requires data hosts to ensure security of data they collect*
- ✓ *Computer Misuse Act, 2011(Section 18); Makes it an offence to access data that one is not authorized to access; and*
- ✓ *Regulation of Interception of Communications Act, 2010. Provides measures Government has to take before intercepting communication.*

# OBJECTIVES OF THE BILL

1. To **protect the privacy** of the individual and personal data
2. To **regulate the collection and processing** of personal information
3. To provide for the **rights of the persons** whose data is collected
4. To provide **obligations of data collectors and data processors**
5. To **regulate the use or disclosure** of personal information; and for related matters.

# PRINCIPLES OF DATA PROTECTION

1. Personal data should be processed fairly and lawfully
2. Personal data should be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
3. Personal data should be obtained only for a specified and lawful purpose or purposes
4. Personal data processed for any purpose should not be kept for longer than is necessary for that purpose

# PRINCIPLES OF DATA PROTECTION

5. Personal data should **be accurate** and kept up to date
6. Personal data should be **processed** in accordance with the rights of data subjects prescribed in the law
7. Ensure the **security** of personal data (electronic and manual)
8. **Transfer data** to a country outside Uganda – country should have adequate level of protection.



# REMEDIES TO BREACH OF DATA PROTECTION

## ❖ **Compensation;**

To provide for redress of a data subject who is aggrieved by the actions of a data collector, data processor or data controller.

## ❖ **Appeals;**

To provide mechanisms for redress for aggrieved persons. Provides for the procedure that should be followed for appeals.

## ❖ **Unlawful obtaining and disclosure of personal data;**

To guard against unauthorized access and disclosure of personal data by creating an offence that is punishable under the law.

# REMEDIES TO BREACH OF DATA PROTECTION ...

## ❖ Sale of personal data;

To criminalize the sell or offer for sale of persona data. A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both

## ❖ Offences by corporations;

To apportion liability to all persons who unlawfully access and disclose personal data. To criminalizes the unauthorized act.

# DATA PROTECTION REGISTER

Part VI provides for the establishment of the Data Protection Register. Clause 25 (2) provides that the Authority shall register in the Data Protection Register, every person, institution or public body collecting or processing personal data and the purpose for which the personal data is collected or processed. The register can be accessed by the public



**THANK YOU**