



***DATA PRIVACY & GOVERNANCE SOCIETY***

## **DPGSK Report, April 2023**

## Table of Contents:

Message from the Chairperson.....	3
Message from the Secretary .....	4
1. Background.....	5
2. Committee .....	6
3. Membership.....	9
4. Meetings of the society .....	9
5. Meetings of the Committee .....	10
6. Administrative structures .....	10
Secretariat.....	11
7. Finances.....	11
8. Society activities.....	11
Continuous professional development .....	11
Sector initiatives.....	11
9. Collaborations.....	12
10. Member volunteers.....	12
11. Looking ahead .....	12

## **Message from the Chairperson**

Dear Members,

I thank all of you for your dedication to promoting and safeguarding privacy and data protection in Kenya. Thanks to your efforts we have created an inclusive Society that brings together members from academia, private sector, public sector, civil society, and university students' associations. The knowledge and opportunity sharing in our forums has enabled all of us to grow together professionally.

Our Society is dedicated to achieving our objectives through education, advocacy, mentorship, and collaboration. We aim to promote best practices in data protection and privacy, collaborate with policymakers and other stakeholders to improve policy and legislation, and raise public understanding on the importance of personal data protection in Kenya.

Special thanks to the Office of the Data Protection Commissioner, CIPIT – Strathmore University, Amnesty International, Adept Technologies, and Tools for Humanity for providing invaluable support thus far.

I urge all of you to be involved and be active in Society initiatives. We can make a huge difference in protecting our interests and welfare, defending privacy and data protection, as well as guaranteeing a safe and secure digital future for all, if we work together.

**Mugambi Laibuta**

## **Message from the Secretary**

Dear colleagues,

In less than one year, we have come together and are now creating a space for ourselves as practitioners in data governance and privacy. This is despite the fact that we come into the discipline from diverse perspectives, private sector, civil society advocacy, research, tech developers, lawyers and so on. We also have different levels of experience from students and researchers with good theoretical understanding to practitioners who apply the law to issues as they emerge in the field. Our different experiences bring colour to our budding society and have enabled us to have robust interactions with different stakeholders.

We extend our gratitude to all members who participated in the Society's activities by giving ideas for activities, contributing to documents, speaking at events, linking the society to other stakeholders and many other ways which have contributed to the growth of our Society.

I join the Chairperson in encouraging all of us whatever sector, experience, or lens you represent, to keep on actively participating in the Society's activities. With all our participation we foresee success and many more opportunities to shape the law, practice and technologies of data protection and governance.

**Grace Mutung'u**

## 1. Background

**Date of Registration:** 13th January 2023

**REG NO:** SOCA-W8TAB9E

**Mission statement:** to be the most inclusive society of data privacy and governance professional in Kenya that champions for the welfare of its members while ensuring legal, responsible, and ethical use of data.

**About us:** we are a Society registered under the Societies Act with the objective to:

- Build a network of data privacy and governance professionals across Kenya and Africa.
- Facilitate continuous professional development and certification.
- Set professional and ethical standards for data privacy and governance professionals.
- Champion and protect the interests of members.
- Collaborate and partner on projects and training.
- Engage data privacy and governance regulators.
- Collaborate and partner with regional and international societies in data privacy and governance.
- Create an engaging community that provides leadership on data privacy and governance related issues in Kenya.
- Champion policy and legislative reforms in data privacy and governance.
- Engage in strategic litigation on data privacy and governance matters.
- Provide mentorship and guidance to members.
- Facilitate knowledge sharing, lobbying, awareness raising, and networking.

**Our members:** we have representation from private practitioners, inhouse data protection officers in public and private sector, academia, civil society, young professionals, and university students.

**Membership categories:**

- o Student Members
- o Professional Members
- o Corporate Members

**Contact:** [dataprivacyke@gmail.com](mailto:dataprivacyke@gmail.com)

**Linkedin:** Data Governance Pros Kenya | **Twitter:** @DataGovProsKe

## **2. Committee**

The Society's Committee is made up of fifteen members drawn from all sectors represented in the Society's membership.

### **Chairperson - Mugambi Laibuta**

Mugambi is an Advocate of the High Court of Kenya, Certified Information Privacy Manager, a trained Mediator, a Legislative Counsel and Policy Analyst plus a Privacy and Data Protection Specialist. He has over 13 years' experience as a licensed legal practitioner. He is currently a PhD Candidate at the University of the Witwatersrand researching and writing on privacy and data protection in Kenya. He provides consulting and advisory services in policy development, governance, rule of law, constitutionalism, legislative drafting, digital rights, internet and technology law, privacy, and data protection. He is also a Leader at the Association of Privacy Lawyers in Africa.

### **Vice- Chairperson - Rosemary Koech - Kimwatu**

Rosemary is an Advocate of the High Court of Kenya, a tech lawyer whose practice focuses on data protection and public policy. She serves as Data Protection Officer at KCB Group. Rosemary is passionate about law and technology and lends her time to initiatives that promote this.

### **Secretary - Grace Mutung'u**

Grace is a researcher on technology policies in Africa. Her interests include digital rights, data protection, data governance and digital ID. She has over 10 years' experience in data governance in Africa and has participated in many local, regional, and global policy processes. She is currently undertaking a PhD study on digital ID.

### **Treasurer - James Mbugua**

James Mbugua is a lawyer, writer, and thought leader with a passion for the governance of emerging technologies and tech policy. He has extensive experience in data protection compliance and freedom of information access as the proprietor of BDSI (Business Decisions Support International) and a senior consultant with Devscapes Consulting Ltd. He holds a degree in Law from the University of Nairobi and a certification as an Information Privacy Professional/Europe (CIPP/E). He has also completed a certificate in Ethics of AI from the University of Helsinki. Mbugua is a regular contributor to leading publications such as the Daily Nation, Business Daily, and The Star.

### **Organising Secretary - Phillip Kisaka**

Philip Kisaka is an advocate of the High Court of Kenya and a privacy professional with vast experience in data protection, information technology law, and intellectual property law. He is the Managing Partner of Ayubu Kisaka Advocates LLP. Philip is passionate about advocating for the privacy of individuals & IP rights of organizations and is committed to providing the best quality of legal services to his clients. He is a member of the Law Society of Kenya, ISACA and the International Association of Privacy Professionals.

### **Sector Representatives:**

#### **Academia - Dr. Melissa Omino**

Dr. Omino, is an intellectual property (IP) expert with a research focus on the development and negotiation of IP provisions in international trade agreements by and with Global South countries. A cum laude graduate with practical legal experience both in academia and practice, Dr. Omino holds a Doctorate in Law (focusing on Intellectual Property and Trade Law). Her range of expertise also includes the legal frameworks within the sphere of Artificial Intelligence, Data Protection and Digital Rights. She also focuses her energies in mentoring and nurturing researchers as part of her role as Acting Director at the Center for Intellectual Property and Information Technology (CIPIT) where she leads projects in IP and data protection. Dr. Omino is an Advocate of the High Court of Kenya. She is also a co-host of the Friendly Troll Podcast where she disseminates research to a wider audience in the Global South in accessible language.

#### **Francis Monyango**

Francis is a Nairobi-based privacy and data protection practitioner. He is an advocate of the High Court of Kenya and a Fellow of Information Privacy under the International Association of Privacy Professionals. He recently served as an IT and Data Governance Research Fellow at CIPIT, Strathmore University, and has previously served as a Data Protection Officer and Public Policy Manager at Oxygene MCL.

#### **Civil Society - Catherine Muya**

Catherine is an lawyer with immense expertise and experience in technology and the law. She has been at the forefront of advocating for digital rights in Kenya and the region mainly working with civil society organisations.

#### **Public Sector - Edith Lubanga**

Edith is the Legal Officer and Acting Data Protection Officer in the Office of the Auditor-General. She has 8 years' experience in legal compliance, litigation, legislative drafting, corporate law, and data privacy. She has worked in the public sector for the eleven years.

Edith holds a Bachelor of Laws Degree, a Diploma in Law from the Kenya School of Law, a certificate in forensic investigations. She is a certified Legal Auditor and is currently pursuing her Masters Degree in Public Policy and Administration.

#### **Private Practitioners (technology sector) - John Walubengo**

John holds an MSc in Strategic Business IT (University of Portsmouth) and a BSc in Mathematics (Kenyatta University). He holds several industry certifications including the CDPSE, (Certified Data Privacy Solutions Engineer) CCNA (Certified Cisco Network Associate) and the CISA (Certified Information Systems Auditor) certification. His area of specialisation is in ICT Governance, Security, Policy & Strategy. John has over 20 years' experience in the ICT Training and Consulting. His work experience included working for the Strathmore University as the IT Course Director and as the founding Dean, Faculty of Computing at the Multimedia University. He is currently a PhD candidate at the University of Nairobi and continues to provide Consultancy services to Government and other organisations.

Most recently, he was appointed a member of two critical Taskforces looking into emerging technologies and policies. These are the National Taskforce on Blockchain & Artificial Intelligence as well as the Data Protection Taskforce respectively. They completed their work and handed in the reports to the ICT Cabinet secretary in the year 2019.

#### **Private Practitioners (Legal) - Faith Mutune**

Faith is an experienced lawyer and a member of the Kenyan Bar currently practicing in Nairobi, Kenya. With a focus on Technology law, Privacy, Data Protection, and IP Law. Faith has a wealth of experience working with clients across various industries, including healthcare, finance, technology among others. Beyond her legal work, Faith is passionate about raising awareness on privacy rights. She has lent her expertise to several not-for-profit organizations and volunteered to give talks on privacy matters. She is an active member of the Law Society of Kenya ICT and IP Committee, where privacy matters are addressed, a Council member of the Data Privacy and Governance Society of Kenya, and a member of the Association of Privacy Lawyers in Africa.

#### **Private practitioners (other) - Patience Santa**

Patience is a data privacy professional. She is a DPO at Habib Bank Ag Zurich. Patience has over 14 years' experience as a compliance champion. She offers advisory services in Data Privacy and Protection framework setting and implementation.



### **In-House Data Protection Officers - Shem Gitonga**

Shem is a Data Protection Officer and a Lawyer with interest in data protection, technology, and the law. His work has been mainly in the financial sector.

### **Young professionals (less than five years in the profession) - Jade Makory**

Jade is a lawyer and arbitrator specifically interested in data protection audit and advisory; cybersecurity advisory; and technology, media, and telecommunications (TMT) law. She is a Member of the International Association of Privacy Professionals (IAPP), and a Member of the Internet Society (ISOC). She has also served as a NextGen, a NextGen Ambassador, a Fellow and a Returning Fellow with the Internet Corporation for Assigned Names and Numbers (ICANN) and a Youth Ambassador with ISOC. Jade has also served as a Member of the Steering Committee of the Kenya School of Internet Governance. She is also a Certified Information Privacy Professional/Europe (CIPP/E), a Certified Information Privacy Manager (CIPM), and a Fellow in Information Privacy (FIP), certified by the IAPP. On a broader spectrum, Jade is also interested in financial services law (including FinTech regulation); international trade and environmental, social and governance (ESG) compliance. She is currently a Senior Associate in PwC Kenya, in the Legal Business Solutions Team.

### **University Students - Helgah Were**

Helga is a student of law at the University of Nairobi who is highly passionate about using research as a tool for social change. She is the Chairperson of the University of Nairobi Data Privacy and Governance Association. As a data protection enthusiast, she is passionate about safeguarding individuals' personal information and dedicated to staying up to date on the latest developments in data protection laws and regulations and understanding how they apply to different sectors.

### **3. Membership**

310 people have signed up to the Society. To ensure sustainability of the Society, all signed up members will be encouraged to be fully paid-up members of good standing in the Society.

### **4. Meetings of the society**

**12.10.22 - Special General Meeting:** This meeting formally passed a resolution to establish a professional association and register it as a society under the laws of Kenya. The then proposed constitution of the society was also adopted. Officials who had been serving as founders were confirmed as interim officials. In addition, more members were co-opted into the committee to represent various interests.

**22.12. 22 - December get together:** This was a social get-together where members who were in Nairobi met for an end of year networking evening.

## 5. Meetings of the Committee

**15.8.22:** This meeting considered the requirements for registration. A sub-committee was appointed to draft a constitution for consideration by the full committee and members.

**06.09.22:** This meeting passed formal resolutions to register a society with the registrar of societies; have interim officials for purposes of registration; committee to cater for registration costs.

**18.10.22:** During this meeting, committee members were updated on the progress of registration of the society. A big focus of the meeting was discussion of a draft workplan that was approved. The workplan guided the activities of the society for the remainder of the year.

**28.02.23:** This meeting passed the financial strategy and resolved to open a bank account. Other resolutions passed at this meeting included: to further develop the draft board charter; to further develop the code of ethics for presentation at the AGM; and to develop a privacy policy and notice.

## 6. Administrative structures

The Committee with input from members developed the following documents:

- **Constitution:** The Constitution sets principles, structure, and functions of the society.
- **Board Charter:** The Charter outlines the roles, responsibilities, and functions of members of the Committee. It will ensure effective governance and ensure the Committee operates in a transparent, accountable, and responsible manner.
- **Privacy Notice:** The privacy notice is in place in compliance with provisions of the Data Protection Act, 2019.
- **Code of Conduct:** The Code of Conduct sets rules, principles, and values that govern the behaviour of members of the Society. It outlines the expected standards of behaviour and provides guidelines for ethical and professional conduct. The purpose of the code of conduct is to ensure that members of the Society act in a responsible, honest, and ethical manner.

## Secretariat

The Secretariat will be constituted once the Society has sufficient resources.

### 7. Finances

The Society is yet to have any funds. The Committee will share Bank account details of the Society for members to remit their membership fees.

### 8. Society activities

Through the support of members, the Society has carried out various activities including continuous professional development webinars, sector initiatives, and mentorship.

#### Continuous professional development

- February 16th - *Registration under the Data Protection Act* (Panellists: Peninah Chepkorir, Mugambi Laibuta, and Mutua Mutuku).
- March 22nd - *Data subject Rights under the Kenya Data Protection Act* (Panellists: Phillip Kisaka, Ochieng Ogango, Njoki Kimemia, Carol Gichina, and George Otiga).
- April 20th – *Privacy by design and by default* (Panellists: Grace Mutung’u, Amit Gadhia, and Mugambi Laibuta).

#### Sector initiatives

- **Civil society initiative** - 27th February 2023: Amnesty International and Article 19 are organising a session for CSOs to take them through the registration process with the Office of the Data Protection Commissioner. This will be done in collaboration with the Society and members of this group. The aim is to get as many CSOs as possible starting the data protection compliance process.
- **Public sector DPOs initiative** - 5th April 2023: DPGSK to collaborate to ODPC and KSG to have a session to sensitive public sector DPOs.
- **University students’ initiative** - 24th April 2023: the Society hosted University of Nairobi students for a data protection sensitisation session.

## Advocacy and policy engagements

- The Society with input from members submitted a memorandum on digitisation of government to the ICT and Interior Ministries.

## 9. Collaborations

The Society has had several collaborations:

- Collaboration with Amnesty International on 6th December 2022 for a workshop on taking stock of the year 2022.
- Collaboration with the Office of the Data Protection Commissioner to facilitate a data protection master class during privacy week.
- Collaboration with Adept Kenya Limited in hosting the February CPD.
- Collaboration with CIPIT - Strathmore University. CIPIT facilitated the registration of the Society domain and hosting March CPD.
- Collaboration with Tools for Humanity in co-hosting the April CPD.

## 10. Member volunteers

Members have provided their time, resources, and professional services in the DPGSK CPD sessions and providing mentorship to new and young members. We have 41 members who have volunteered to be facilitators/speakers on diverse topics.

## 11. Looking ahead

- **Membership:** The Committee will continuously set in motion initiatives to get more members to the Society. We hope that all current members will transit to be full and paid-up members.
- **Secretariat:** Once the Society has adequate resources, it shall establish a secretariat.
- **Sector meetings:** for Academia, Private Sector (Legal), Private Sector (Tech), Inhouse DPOs, and Young Professionals will be held before end of 2023.
- **Continuous Professional Development:** The Committee has monthly CPD webinars planned. The committee will coordinate with members who volunteered as well as external partners to deliver talks on emerging issues and technologies for data protection and governance as well as practical application of the law.

- **Collaborations:** The Committee shall work with members to create greater collaborations around data privacy and governance.
- **Social events:** The Committee is working on having at least two social events before the end of 2023.