



***DATA PRIVACY & GOVERNANCE SOCIETY***

## **DPGSK Report, March 2024**

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## **Message from the Chairperson**

Dear Members,

2023 was a great year for the Society. Members have embodied the Society's ethos of inclusivity, collaboration, mentorship, and voluntary service. Thank you all for providing your time, resources, expertise, and knowledge for the betterment of our Society. Due to members concerted and relentless efforts, the Society stands as a beacon of excellence in data governance in Kenya and the region.

Together, we represent the collective expertise and passion that drives data governance regulation forward, shaping its trajectory and impact on Society. Our Pro-Bono Lawyers Initiative is a testament of our commitment and service to society. May we continue to reaffirm our commitment to upholding the highest standards of professionalism, integrity, and service excellence.

As the Society's Chairperson, I am deeply committed to advancing our mission by providing resources, networking opportunities, and professional development initiatives to empower ourselves. Through strategic partnerships and collaborations, we will continue to leverage our collective strengths to address sector issues and drive positive change.

As you all note from our 2023 Annual Report, a lot has been done to provide value to members and society at large. May we continue with the same momentum and make 2024 an even greater year.

**Dr. Mugambi Laibuta, PhD, CIPM**

## **Message from the Secretary**

Dear Colleagues,

We write from a position of gratitude for our shared agenda at times such as this when a lot of changes are taking place. In 2023, we witnessed a rise in data protection complaints, litigation, and decisions from the Data Protection Commissioner. Outside Kenya, we also saw regions such as the European Union, India, China, and Brazil developing frameworks for data governance. These developments remind us that our two-fold agenda for privacy and data governance is relevant and timely.

2024 promises to be equally, if not busier. As your stewards, we can only promise to facilitate more sharing and learning as we navigate the waters. While we create the environment, we ask you to create the time and keep volunteering to support the society. It is only through each one's efforts that our collective will continue to create impact.

To a stronger profession!

**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

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## **2. Committee**

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

**Chairperson** – Dr. Mugambi Laibuta

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

**Secretary** - Grace Mutung'u

**Treasurer** - James Mbugua

**Organising Secretary** - Phillip Kisaka

### **Sector Representatives:**

**Academia** - Dr. Melissa Omino and Francis Monyango

**Civil Society** – Victor Ndede

**Public Sector** - Edith Lubanga

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

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

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

**In-House Data Protection Officers** – Joe Amisi

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

**University Students** - Helgah Were

All members of the Committee serve on a voluntary basis.

### **3. Membership**

470 individuals have signed up to the Society; 62 are fully paid-up members with DPGSK membership numbers.

The Committee will continuously set in place initiatives to get more fully paid-up members to the Society.

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

**06.05.23 - General Meeting:** The General meeting adopted the Code of Ethics and Professional Conduct, the Privacy Notice, and the Board Charter for the Society. The General meeting also confirmed the interim officials as the Society's officials for a period of two years as per the constitution.

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

### **5. Secretariat**

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

### **6. Finances**

The Society has a Bank Account at Kenya Commercial Bank where members deposit their annual subscription fees. A detailed account of the Society's finances is contained in the Financial Report.

### **7. Society activities**

Through the support of members, the Society has carried out various activities including continuous professional development webinars, sector initiatives, mentorship, and policy engagement. The activities listed below provided opportunities for members to network, share knowledge and experiences, plus mentor each other.

#### **a. Continuous professional development**

- 24<sup>th</sup> April 2023 – Introductory webinar for undergraduate students who are members of the Society.
- 24<sup>th</sup> May 2023 – Webinar on The Role of DPOs under Kenya Data Protection Act.

- 3<sup>rd</sup> July 2023 – Webinar on Data Protection Compliance for Lawyers. Webinar was in collaboration with the Law Society of Kenya – Nairobi Branch.
- 3<sup>rd</sup> August 2023 – Webinar on Blockchain & Data Governance: The Future of Technology and Privacy. Webinar was in collaboration with Africa Blockchain Youth Ambassadors (ABYA).
- 12<sup>th</sup> September 2023 – Digital Rights Café at Strathmore University facilitated by Amnesty International and CIPIT – Strathmore University.
- 12<sup>th</sup> October 2023 – Webinar on Data Protection and vulnerable groups.
- 16<sup>th</sup> November 2023 – Webinar on AI and privacy- what are the issues?
- 15<sup>th</sup> February 2024 – Webinar on What do we expect the policy and regulatory landscape to look like in our space?
- 13<sup>th</sup> March 2024 – Webinar on ACFTA Digital Protocol Workshop. Webinar was in collaboration with CIPIT – Strathmore University.
- 14<sup>th</sup> March 2024 – Webinar on the Digital Health Act. Webinar was in collaboration with the Health Rights Advocacy Forum.

## **b. Sector initiatives**

- **Civil society sensitisation initiatives**

25<sup>th</sup> July 2023: initiative facilitated by Amnesty International. Civil society DPOs were taken through a one-day sensitisation session on how to establish effective privacy programmes in their respective organisations.

20<sup>th</sup> – 22<sup>nd</sup> March 2024: initiative facilitated by Amnesty International had Civil Society organisations in Kisumu taken through an introduction to data protection compliance and how to establish effective privacy programmes in their respective organisations.

- **Public sector DPOs sensitisation initiative** – 26<sup>th</sup> July 2023: initiative was facilitated by Amnesty International. Public sector DPOs were taken through a one-day



sensitisation session on how to establish effective privacy programmes in their respective organisations.

- **Legal practitioners' initiative** – 4<sup>th</sup> August 2023: DPGSK and the Law Society's ICT Law Committee held a meeting to deliberate areas of possible collaboration. From the meeting it was resolved that DPGSK members would volunteer to guide the Law Society of Kenya in complying with the Data Protection Act.
- **Young Professionals Initiative:** – 8<sup>th</sup> June 2023: zoom meeting to discuss possible activities for the Young Professionals. Young Professionals resolved to be more visible and active in Society's activities.
- **University students' initiative** – the University of Nairobi Data Privacy and Governance Association was established. Professional members of the Society will continue offering mentorship and leadership to the Society's undergraduate members.
- **Inhouse DPOs Initiative** – 18<sup>th</sup> March 2024: zoom meeting to discuss possible activities for inhouse DPOs. In 2024/25 inhouse DPOs will have frequent and targeted collaborations to network, engage in mentorship, address challenges, and share opportunities.

#### **c. Advocacy and policy engagements**

- 22<sup>nd</sup> June 2023 took part in the Kenya Internet Governance Forum 2023, organised by KICTANET.
- **Universal Personal Identifier:** the Society participated in the discussions on the regulatory regime relating the Unique Personal Identifier project by the government.
- **Digital Health Bill, 2023:** the Society presented members views on the Digital Health Bill that has since been enacted into law.
- **Ministry of ICT and Digital Economy Taskforce on ICT Reforms:** the Society presented members views to the Taskforce on proposed reforms in data governance in Kenya.

## **8. Engagement with the Office of the Data Protection Commissioner**

In line with the Society's objectives to engage with regulators within the data governance space, the Society engaged the ODPC in the following initiatives:

- a. Input into the draft sector specific data protection guidelines.
- b. In August 2023, the Society shared with the ODPC challenges facing data protection practitioners.
- c. Facilitating the data protection masterclass during the data protection week in January 2024.
- d. The Society has requested collaboration with the ODPC on the Pro-Bono Lawyers Scheme.

The Society appreciates the open communication and collaboration channels provided by the Office of the Data Protection Commissioner.

## **9. Review of the Data Protection Act**

The Society in Collaboration with CIPIT – Strathmore University provided members with an opportunity to review the Data Protection Act. Proposals for legal reforms in data governance regulation were presented to the Ministry of ICT and Digital Economy Taskforce on ICT Reforms.

## **10. R v Tools for Humanity & Others ex parte Katiba Institute**

The Society was included in the *R v Tools for Humanity & Others ex parte Katiba Institute* as an interested party. The suit relates to a challenging '**WorldCoin**' activities in Kenya. The matter is still pending in Court.

## **11. Data Protection Officers Survey**

In 2023, the Society carried out a survey on the work environment of internal and external data protection officers and published a report. The survey covered areas such as remuneration, conflict of interests, sectors of operation, dual roles, and general work environment. The survey report revealed the need for data handlers to understand and appreciate the role a data protection officer plays in the organisation.

The survey will be an annual activity of the Society.

## **12. Frequently Asked Questions for Data Protection Officers**

Stemming from the findings of the DPOs survey, the Society in January 2024 published FAQs to guide members who seek to engage as inhouse and external DPOs. The FAQs cover matters relating to job description, conflict of interest, skills necessary for a DPO, work plans for DPOs, remuneration, and certification of DPOs.

## **13. Pro-Bono Lawyers Initiative**

The Society has rolled the Pro-Bono Lawyers initiative. Over 30 licenced legal practitioners have volunteered for the initiative. The Society is aware that not all data subjects have the knowledge and financial capacity to prosecute their data protection complaints to completion. The Pro-Bono Lawyers Scheme is to provide indigent complainants with the requisite legal representation for data protection related complaints to be filed or already filed with the Office of the Data Protection Commissioner.

DPGSK shall retain the right to vet data subjects eligible to benefits from the Pro-Bono Lawyers Scheme. Priority shall be given to low-income individuals, persons with disabilities, marginalised persons/groups, elderly persons, and persons below the age of 18.

## **14. Media Appearances**

On 29th February, Committee members of the Society were hosted by Capital FM where they discuss the state of data protection regulation in Kenya and the work of the Society.

## **15. Regional Collaboration**

29th November 2023: the Committee and the Tanzanian Privacy Professionals Association held a meeting to explore areas of collaboration. These would include webinars, physical meeting in the future, mentorship and experience sharing.

## **16. Ignite Programme**

The Society in collaboration with Scratch and Script Limited and a number of local ISACA chapters, ISACA Kenya Chapter ISACA Kampala Chapter ISACA Rwanda Chapter ISACA South Africa Chapter conducted cybersecurity and data protection training program from February 6th to March 12<sup>th</sup>, 2024.

The training sessions included participants from various African countries including Kenya, Uganda, Rwanda, Nigeria, South Africa, Zambia among others, with an average attendance of 100 to 150 per session.

Over six weeks, key privacy topics were covered, including Introduction to Privacy, Principles of Data Protection, Rights of Data Subjects, Legal Basis for Data Processing, Data Protection Impact Assessment, and Establishing a Privacy Program.

### **17. Member volunteers**

Members have continuously provided their time, resources, and professional services to the Society.

### **18. Looking ahead**

- **Membership:** The Committee will continuously put in place initiatives to get more members to the Society.
- **Secretariat:** Once the Society has adequate resources, it shall establish a secretariat.
- **Sector meetings:** for Academia, Private Sector (Legal), and Private Sector (Tech) will be held before end of 2024.
- **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 2024.