



PROTECTION OF PERSONAL DATA IN TANZANIA

INTRODUCTION

The Personal Data Protection Act was enacted and passed by the parliament of Tanzania on 2022. The Act was enacted for the purpose of protecting personal data as recognition to the right of privacy and personal security as articulated under the constitution of United Republic of Tanzania. The Act applies to Tanzania mainland and Tanzania Zanzibar.

Personal data is defined under the Act to mean data about identifiable person that is recorded in any form, including;-

- i. Data relating to race, national, religion, age, marital status.
- ii. Education, medical, employment history.
- iii. Address, fingerprint, blood type, signs, number, symbol.
- iv. Name of individual appearing on personal data of another person.

REGISTRATION OF A DATA CONTROLLER/PROCESSOR

The Act makes a mandatory requirement of registration for any person (artificial or natural) collecting personal data, application for registration of a data controller or data processor is made to the commission for registration. Thereafter the commission may issue certificate of registration. The certificate for registration lapses after 5 years from the date of issuance and it's subject to renewal within 3 months before the expiration.

NB; A person collecting data is termed as "Data Controller" and person who process personal data on behalf of a data controller is termed as "Data Processor"

COLLECTION, USE & RETENTION OF PERSONAL DATA

A data controller is obliged to collect personal data directly from the data subject concerned except where personal data is publicly available or a data subject authorizes the collection of his data from a third party.



Data controller has to make sure that data subject knows the purpose for which his personal data is collected, and he ought to know any intended recipients of his personal data. A data controller may use personal data for other purposes if;-

- i. The data subject authorizes the use of his data for that other purpose.
- ii. The use of personal data is a requirement of the law.
- iii. The purpose for which the personal data is used is directly related to the purpose for which the personal data was collected.
- iv. Personal data is used for statistical or research purpose and shall not be published in a form that could reasonably be expected to identify the data subject.

The Act has imposed a duty to a data controller to protect and safeguard personal data against negligent loss or unauthorized destruction, alteration, access or processing of personal data. It is prohibited for a person to transfer personal data to a country that has no legal framework that provide for adequate data protection.

The Act also prohibit any person to process a sensitive personal data without obtaining prior written consent of the data subject; Sensitive personal data is defined to mean and include;-

- i. Genetic data, data related to children, data related to offence, financial transaction of the individual, security measure or biometric data.
- ii. Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, affiliations, trade union membership, gender and data concerning health or sex life.

RIGHTS OF DATA SUBJECT

- i. Data subject has the right to be informed by the data controller that his personal data is being controlled by his or on his behalf.
- ii. Data subject has the right to prevent processing of his data if is likely to cause danger or harm to other persons.
- iii. Right to prevent processing of personal data for direct marketing purpose.



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- iv. Right to be compensated when he suffers damage by any reason/action which is in contravention of the Act.

COMPLAINTS FOR PERSONAL DATA INFRINGEMENT

Any person who considers that a data controller or processor has infringed personal data protection principles may file a complaint to the commission, thereafter; the commission may initiate investigation on the matter if it thinks there is reasonable ground to do so. The investigation has to be concluded within 90 days.

Before commencing of investigation, the commission has to notify data controller or processor on the intention to carry out the investigation.

Any person aggrieved by the decision of the commission may appeal to the high court of Tanzania.

ABOUT US

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