



OFFICE OF THE DATA PROTECTION COMMISSIONER

1.0 DATA PROTECTION LEGISLATION

The Constitution of Kenya guarantees the right to privacy as a fundamental right. To give effect to this constitutional right under Article 31(c) and (d), the Data Protection Act, 2019 was enacted and came into effect on 25 November, 2019.

2.0 ESTABLISHMENT OF THE OFFICE OF DATA PROTECTION COMMISSIONER

The Office of the Data Protection Commissioner was established in November, 2020 pursuant to the Data Protection Act, 2019 and designated as State Office in accordance with Article 260 (q) of the Constitution to regulate the processing of personal data; ensure that the processing of personal data is guided by the principles set out in Section 25 of the Act; protect the privacy of individuals; establish legal and institutional mechanism to protect personal data and provide data subjects with rights and remedies to protect their personal data from processing that is not in accordance with the Act.

The Office is fully operational and independently regulates the processing of personal data in the country guided by Personal Data Protection Rules and its first cycle strategic plan. The Office is headed by the Data Commissioner who is the authorized and Accounting Officer.

3.0 INTERNATIONAL COOPERATION

The office promotes international cooperation in matters relating to Personal Data Protection and ensures that Kenya complies with Personal Data protection obligations under the international conventions and agreements. So far, Kenya is a member of the Commonwealth Common Thread Network and African Network of Data Protection Authorities to enhance knowledge and experience sharing among peers.

4.0 VISION, MISSION AND FUNCTIONS OF THE OFFICE OF DATA PROTECTION COMMISSIONER

4.1 VISION

“To enhance trust and build transparency of data protection in Kenya”

4.2 MISSION

“Protect personal data in Kenya through compliance, enforcement, public awareness and institutional capacity development”

4.3 FUNCTIONS

The Functions of ODPC is derived from Section 8, of the Data Protection Act, 2019 of 25th November 2019 include:

- i) To oversee the implementation of and be responsible for the enforcement of the Data Protection Act.

- ii) To establish and maintain a register of data controllers and processors.
- iii) To exercise oversight on data processing operations, either of own motion or at the request of a data subject and verify whether the processing of data is done in accordance with the Data Protection Act.
- iv) To promote self-regulation among data controllers and data processors.
- v) To conduct an assessment, on its own initiative of a public or private body, or at the request of a private or public body for the purpose of ascertaining whether information is processed according to the provisions of this Act or any other relevant law.
- vi) To receive and investigate any complaint by any person on infringements of the rights under this Act.
- vii) To take such measures as may be necessary to bring the provisions of the Data Protection Act to the knowledge of the general public.
- viii) To carry out inspections of public and private entities with a view to evaluating the processing of personal data.
- ix) To promote international cooperation in matters relating to data protection and ensure country's compliance on data protection obligations under international conventions and agreements.
- x) To undertake research on developments in data processing of personal data and ensure that there is no significant risk or adverse effect of any developments on the privacy of individuals.
- xi) To perform such other functions as may be prescribed by any other law or as necessary for the promotion of the objectives of the Data Protection Act.

5.0 CONTACT

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