



Five years on and the story of DPGSK

The Cabinet Secretary for Information Communications and the Digital Economy Dr. Margaret Nyambura

The Principal Secretary for the State Department of ICT Eng. John Tanui

The Data Commissioner, Commissioner Immaculate Kassait

The Executive Director, Amnesty International Kenya, Irungu Houghton

Distinguished guests and colleagues.

Sincere gratitude to the Ministry, the Data Commissioner, and Amnesty for facilitating this opportunity to reflect on five years of the Data Protection Act.

Our Data Protection Act has undergone a tremendous journey. From debates in parliament around 1998 to 2000, to the first drafts by Civil Society in 2008/09, to the Senate and National Assembly Bills. When the Act was enacted in November 2019, many of us were sceptical as there were several glaring gaps in the statute. Personally, I wrote a lot about those gaps. But we adopted an attitude of appreciating what we have.

Not everyone adopted this attitude, and a five-year-old petition sits at the High Court challenging the constitutionality of the Data Protection Act. Potentially, it might be the biggest threat to the Act in its current form. The Society has made an application to be an interested party in the matter. Apart from this petition, data protection regulation in Kenya faces many political, social and economic challenges.

In all the stages of coming to life of the Act, debate was not structured and data protection enthusiasts like me resulted to social media and blogs to debate issues around the Act. In all this, the idea was born to form a WhatsApp group of data protection enthusiasts. By then we really had not conceptualised data protection as a full-time profession. This is the WhatsApp group that has grown to the Data Privacy and Governance Society that has 537 signed up members.

When we conceived the idea of a Society in the data protection space, we wanted it to be most inclusive and accommodating. It is for this reason that our Society has representation from public sector, civil society, private sector, academia, technology sector, law practitioners, and university students. We also have members from Tanzania, Uganda, and Nigeria.

From our annual survey at least 60% of practicing data protection professionals are lawyers and at least 60% are young professions. Our membership varies from internationally certified data protection professionals to colleagues who are starting their data protection learning journey.

The diversity of our membership is our strength, providing opportunity for cross-professional learnings, mentorship, and networking. It is also critical to note that all the achievements of the Society thus far are based on voluntary service from members and collaborations. Hats off to all members and the Society's for the sacrifices they have made to add value to the Society.

Notable collaborations that have grown our society include with the Office of the Data Protection Commissioner, Amnesty International-Kenya, The Law Society of Kenya, Centre for Intellectual Property and Technology, KICTANET, and Scratch and Script. Thank you for supporting and trusting us as we seek to be better and effective data protection professionals.

What have we as a Society collectively been up to since our incorporation in January 2023? I will highlight a few that have added immense value to members.

Continuous Professional Development sessions: under the leadership of our Secretary, Grace Bomu and members in the CPD Sub-Committee we have had at least one CPD session every month. In these sessions, a member presents on a topical data governance matter which may include the role of data protection officers, and how to comply with data protection laws and regulations.

Mentorship sessions: unlike the CPD sessions, mentorship adopts a townhall approach for members to discuss issues that are critical to their day-to-day practice. In our last session, the Office of the Data Protection Commissioner took us through audits, registration, and the complaints process. We also have one on one mentorship sessions where members help others to prepare for certification exams and DPO interviews.

Training and sensitisation: with facilitation from Amnesty International Kenya and Scratch and Script, the Society has trained professionals in the not-for-profit sector, public sector, and professionals across the continent.

Policy discussions: the Society has been a key and participating stakeholder in discussions on Maisha Number, AI regulation, and the Ministry's Technical Working Group.

University students' mentorship: we are proud of our university student members and more so the University of Nairobi Data Privacy and Governance Association headed by Helga Were. The Society remains committed to mentoring the next generation of data protection professionals and is reaching out to other universities for partnership and mentorship.

Pro-Bono Lawyers initiative: this initiative was crafted by Mwangi Munga, Advocate and to date members have offered pro-bono legal advice related to data protection disputes.

Professionals survey: we have undertaken two surveys of our members. The survey report covers matters such as remuneration, certification, support from employers, and challenges faced. The reports shape our strategies to improve the welfare of members.

One outcome of the surveys is the FAQs for DPOs. The FAQs available on our website - www.dataprivacyke.africa provide our members a step-by-step guide about what it takes to serve as an inhouse or external DPO.

Regional collaboration: it gives us immense pride as a Society to know that the data governance association of Kenya, Uganda, Tanzania, and Zambia have fashioned themselves using our all-inclusive model.

Review of the Data Protection Act: we are currently reviewing the Act as relates to our day-to-day practice and in the coming year we will be sharing a proposed amendment Bill for debate and consideration.

Looking ahead, we will strive to continue providing value to our members and our partners. More can be done and will be done as we navigate the social, political, and economic challenges that face data protection regulation in Kenya.

We look forward to more and greater partnerships with the Ministry, the ODPC, Amnesty International, Scratch and Script and other like-minded professions and organisations.

Thank you all and we look forward to many more years of a robust, engaging, and proactive Society. Check us out on our new website www.dataprivacyke.africa.

Mugambi Laibuta, PhD, CIPM

Chairperson, Data Privacy and Governance Society of Kenya