



National Cyber
Security Authority

DPO
Data Protection and
Privacy Office

GUIDE ON DESIGNATION OF A REPRESENTATIVE

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GUIDE ON DESIGNATION OF A REPRESENTATIVE

INTRODUCTION

The Law N° 058/2021 of 13/10/2021 relating to the protection of personal data and privacy (hereinafter referred to as the “DPP Law”) requires Data Controllers and Data Processors established or residing outside Rwanda but processing personal data of data subjects located in Rwanda, to designate in writing a representative in Rwanda (hereinafter referred to as the “representative”) to comply with their obligations in regards to data protection and privacy matters as stipulated in article 39 of DPP Law.

Designation of a representative is crucial in ensuring compliance with the DPP Law in force by Data Controllers and Data Processors who process personal data of data subjects located in Rwanda.

The Supervisory Authority (hereinafter referred to as the “NCSA¹”) publishes this guide to outline the extent and scope of designating a representative whilst ensuring compliance with the DPP Law.

Please note that designation of a representative is a separate procedure from, and may apply in addition to, the obligation to appoint a Data Protection Officer, which is a separate obligation under the article 40 of DPP Law.

WHO QUALIFIES TO BE A REPRESENTATIVE?

A Data Controller or Data Processor established or residing outside Rwanda that processes personal data of individuals located in Rwanda must appoint a representative. The designated representative must fulfill the following criteria. They must:

1. Be a corporate body or legal entity established in Rwanda (this could be either an external service provider or a local entity within the corporate group of the Data Controller or Data Processor) ;
2. Be registered as a Data Controller or Data Processor with NCSA;
3. Understand the designating party’s business operations;
4. Understand the data processing operations of the designating party;

¹ NCSA: National Cyber Security Authority

5. Be able to fulfill the mandate ascribed in the representation agreement to be entered into between the designating party and the representative;
6. Be able to work with the designating party to handle data subjects' requests;
7. Be able to ensure the respect of the rights and freedoms of data subjects; and
8. Ensure collaboration and cooperation with the NCSA.

HOW TO DESIGNATE A REPRESENTATIVE ?

The Data Controller or Data Processor established or residing outside Rwanda designates a representative in writing through a representation agreement (hereinafter referred to as the “agreement”) laying out the roles and responsibilities of involved parties in compliance with the DPP Law.

The agreement must govern the relations and obligations between the representative in Rwanda and the Data Controller or Data Processor established outside Rwanda and encompass the nature, scope and purpose of processing operations with respect to the provisions of the DPP Law.

WHAT ARE THE DUTIES OF A REPRESENTATIVE?

1. To act on behalf of the Data Controller or Data Processor (hereinafter referred to as the “Designating Party”) in all matters pertaining the processing of personal data and privacy, including the required compliance mechanisms.
2. To take and be able to respond to any actions including but not limited to complaints presented by data subjects, any issues raised by NCSA and any legal actions taken against the Designating Party.
3. To keep a copy of the records of personal data processing operations carried out by the Designating Party, and must make these available to NCSA if requested under the DPP Law.
4. To take over any liabilities and be able to enforce verdicts or arbitral awards rendered against the Designating Party.
5. To perform any other obligations and duties attributed to the Designating Party by NCSA.

WHEN TO REPORT A CHANGE OF REPRESENTATIVE?

After receiving a registration certificate, if there is a change in subject matters or termination of representative agreement or designation of new representative, both designated representative and Designating Party should report such change to NCSA in writing on registration@dpo.gov.rw and copy dpp@ncsa.gov.rw within fifteen (15) working days from the date on which such a change occurred.