



National Cyber
Security Authority

DPO

Data Protection and
Privacy Office

GUIDANCE NOTE ON COMPLAINTS LODGING

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GUIDANCE NOTE ON COMPLAINTS LODGING

Introduction

The Government of Rwanda officially gazetted Law N° 058/2021 of 13/10/2021 relating to the protection of personal data and privacy (DPP Law) on 15th October 2021.

This Law designates the National Cyber Security Authority (NCSA) as the supervisory authority in the Republic of Rwanda.

NCSA implements the DPP Law through its unit of Data Protection and Privacy Office, which spearheads all activities related to protecting personal data and privacy of individuals in Rwanda. DPP Law imposes obligations on persons, private institutions, public institutions, and all legal entities (collectively referred to as “organizations”) on how they should process an individual’s personal data in Rwanda.

“**Processing of personal data**” means to collect, use, disclose, erase, destroy or any operation performed on personal data.

Where personal data is misprocessed, an individual can lodge a complaint with the Data Protection and Privacy Office at no cost.

Lodge a complaint

You can complain when you note non-compliance with the DPP Law. This may be in the following circumstances:

- a) You are concerned about how your personal data is secured.
- b) An organization will not give you details on personal data it has about you.
- c) An organization is holding personal data about you that is inaccurate or incomplete and has not made corrections when requested.
- d) An organization has not honored your request to destroy or delete a record of your personal data held by them which is inaccurate, irrelevant, excessive, out of date,

incomplete, misleading, obtained unlawfully or they no longer have the authority to retain.

e) Your personal details (for example, your telephone number, age, name) have been shared with another organization without your consent or no legal basis for doing so.

f) Your personal details have been used for direct marketing without your consent.

g) The organization has kept your personal data for a longer period than is required.

h) The organization has not given you enough information to enable you make an informed consent prior to the collection of your personal data.

I) An organization collects and uses your personal data without your prior consent in circumstances that required them to obtain your consent.

j) An organization collects or uses personal data relating to children without obtaining prior consent of the parent or guardian or any other person having authority to make decisions on behalf of the child or where the collection or use was not necessary to comply with a specific law.

k) Your request to an organization to stop using, holding, storing or sharing your personal data has not been honored and this has led or likely to lead to your distress or cause you unwarranted substantial damage. However, this only applies where the organization relied on your consent to collect or use your personal data.

l) An organization makes an automated decision without any human involvement and such decision has a significant adverse effect on you in relation to your personal data.

m) You become aware of an organization collecting or using your personal data and it does not have a complaint handling system to deal with complaints from individuals whose personal data is collected and used.

n) An organization is using your personal data for a purpose other than one for which your personal data was collected and that new purpose is not compatible with the original purpose, and neither have you given your consent in relation to the new purpose.

While effort has been made to provide examples of scenarios from which you can raise a complaint, the list is not exhaustive.

Before you lodge a complaint, first raise your complaint with the concerned organizations

If you are concerned that your personal data has been mishandled, you first need to complain to the organization you think has mishandled it. All organizations that hold personal data must have a privacy notice/policy/statement/disclosure. You can find out how to contact them on their website or deliver your complaint in person.

If you contact the organization by telephone, make sure you take a note of:

- a) when you called
- b) who you spoke to
- c) what you discussed
- d) the response you got.

We recommend you raise your complaint in writing to enable us to follow up with the organization against which a complaint is being raised. If you write or email, keep copies of the correspondence. If they do not respond to your complaint within thirty (30) days or you are not happy with their response, you can lodge a complaint with us.

How to lodge a complaint?

The Law N° 058/2021 of 13/10/2021 relating to the Protection of Personal Data and Privacy gives responsibility to the NCSA to investigate the subject matter of the complaint lodged by the data subject, the data controller, the data processor or a third party relating to the processing of personal data.

Complaints are submitted through the following channels:

- a) Toll Free number 9080
- b) Website at <https://dpo.gov.rw/contact-us/>
- c) E-mail to complaint@dpo.gov.rw and copy dpp@nca.gov.rw
- d) At the Data Protection and Privacy Office in-person

Lodging a complaint for someone else

You can help someone else lodge a complaint if they give their consent. You must provide a written authorization to act on their behalf. This should be guided by relevant civil procedure laws in Rwanda on representative action.

Your right to appeal

If you are aggrieved by a decision on a complaint or a decision made by the Data Protection and Privacy Office, you may file a case to the competent court.

NOTE

The guidance note contains practical guidance on how to lodge complaints with the Data Protection and Privacy Office. It does not have the status of legal advice but aims to help you know how to lodge complaints with the Data Protection and Privacy Office.