National Cyber Security Authority

DPO
DATA PROTECTION OFFICE

Registration guide for Data Controllers and Data Processors

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Why is the registration required?

Article 29 of Rwanda's Personal Data Protection and Privacy Law[1] (hereafter - DPP Law) provides that a person who intends to be a Data Controller or a Data Processor must register with the supervisory authority.

Therefore, it is mandatory for any natural person, public or private corporate body intending to be a Data Controller or a Data Processor to register with the Data Protection and Privacy Office under National Cyber Security Authority (NCSA) and receive a registration certificate. Operating without a registration certificate is an administrative misconduct.

By registering and providing information about your data processing operations to the supervisory authority, you are making the first step towards compliance and contributing to a responsible, transparent, and accountable data ecosystem in Rwanda. Although the registration application forms are largely self-explanatory, this guide was developed to assist you in ascertaining if you are a Data Controller or Data Processor and provide a step by step overview of the registration and certification process. Please note that the examples and possible answers to particular sub-sections are provided for illustrative purposes only, and you will need to reflect only those that are relevant and fit for your purpose.

Who is required to register?

Any Data Controller and processor who:

- is established or resides in Rwanda and processes personal data while in Rwanda;
- is neither established nor resides in Rwanda, but processes personal data of Data Subjects located in Rwanda.

Are you a Data Controller?

A Data Controller is a natural person, public or private corporate body or legal entity which, alone or jointly with others, processes personal data and determines the means of their processing.

[1] Law Nº 058/2021 of 13/10/2021 relating to the protection of personal data and privacy.

So, if your company/organisation decides '**why**' and '**how**' the personal data should be processed, it is the Data Controller.

Examples of Data Controllers: Telecommunication operators, banks and microfinance institutions, health service providers, insurance companies, educational institutions, retailers, betting companies, government agencies, independent commissions and regulators, charities and religious organisations, international organisations among others.

The following checklists set out indicators as to whether you are a **Data Controller**. The more boxes you tick, the more likely you fall within this category.

☐ You decide alone or jointly with others to collect or process the personal data (any information relating to an identified or identifiable natural person (Data Subject)).

☐ You decide alone or jointly with others the purpose or purposes the data are to be used.

☐ You determine alone or jointly with others the means (automated or non-automated) for the data processing.

☐ You decide alone or with others what personal data should be collected.

☐ You decide alone or with others which Data Subjects to collect personal data about.

☐ You obtain a commercial gain or other benefits from the processing activities.

☐ You are processing the personal data as a result of a contract with the Data Subject.

☐ The Data Subjects are your employees.

☐ You make decisions about the Data Subjects as part of or as a result of the data processing operations.

☐ You select and authorize Data Processor(s) to process the personal data on your behalf.

Are you a Data Processor?

A Data Processor is a natural person, public or private corporate body or legal entity, which is authorized to process personal data on behalf of the Data Controller.

The Data Processor processes personal data only on behalf of the Data Controller. The Data Processor is usually a third party external to the Data Controller and not the Data Controller's employee. This processing is done under the direct instructions of the Data Controller.

Examples of Data Processors: direct marketing service providers, cloud computing or document unitization service providers among others.

The following checklists set out indicators as to whether you are a **Data Processor**. The more boxes you tick, the more likely you fall within this category.

☐ You are contracted to collect, organise, structure, store, alter, disseminate, destroy or otherwise process personal data for the purposes of or on behalf of other natural person, public or private organisation.

☐ You are following instructions from another natural person, public or private organisation regarding the processing of personal data.

☐ You were given personal data by a customer or told what data to collect on their behalf.

☐ You do not determine alone purposes and means of data processing.

☐ You do not decide the lawful basis for the processing of personal data.

☐ You do not decide how long to retain the data.

☐ You may make some decisions on how data is processed but implement these decisions under the instructions and contract with other natural person, public or private organisation.

☐ You are not interested in the end result of the processing.

Examples

#1

A Bank contracts a Researcher to carry out a customer satisfaction survey. The Bank provides access to its client's database but leaves it to the researcher to suggest sample size and research methods.

In this case, although the researcher defines how the survey will be conducted, it processes personal data collected by the Bank and on the Bank's behalf. Thus, the researcher is a Data Processor. The Bank retains overall control of the data because it commissions the survey, provides access to its client's database, and determines the purpose the data will be used for.

#2

The Hospital contracted an IT firm to store archived data. Although the IT firm knows best how to keep this sensitive information secured and stores data on its servers, the Hospital decides that data should be archived and determines its retention period.

In this case, the Hospital is the Data Controller as it retains exclusive control over the purpose and duration for which the data is stored. The IT firm is a Data Processor as despite the capacity and freedom to make technical decisions about data security measures, the IT firm stores data on behalf and for the purposes of the Hospital.

#3

The Insurance company signs a contract with a payroll firm to manage employee's payments. The Insurance company tells the payroll firm when the wages should be paid and provides all other details for the salary slip and payment.

Although the payroll firm manages the payments, it is a processor as it follows instructions and acts on behalf of the Insurance Company. As a controller, the Insurance Company retains overall control of the data and decides '**when**' and '**how**' the personal data should be processed.

Can you be both a Data Controller and processor?

The answer is **YES.** There are situations where an entity can be both a Data Controller and Data Processor. **For example**, if you are a Data Processor that provides services to other Data Controllers, you will likely be a Data Controller for some personal data (for example, in relation to your own employees' data) and a processor for the personal data that you collect or process on behalf of your customer.

If you act as the Data Controller and Data Processor, you should fill both application forms and obtain certificates as a Data Controller as well as Data Processor.

How to register?

Visit the portal www.dpo.gov.rw for downloading the relevant application. Consult the step by step instructions given below.

A Step by step guide on how to fill the Controller's Registration Form

SECTION 1 – APPLICANT DETAILS

Private organisations should provide their name, registration number, and license number (if applicable).

Public authorities should provide the number of law or presidential order establishing your authority.

Do not forget to tick the relevant box indicating which sector you represent, and under the sub-section "Entity Sector," provide more details e.g. telecommunications, health, education, retail, **(see Annex I).**

All fields under the sub-section "Nature of Entity" are mandatory except the webpage, in case you do not have it.

As for the contact details, please provide the name, phone number, and email address of the person who might be contacted during the registration/certification process. This could be the director or manager, Data Protection Officer, lawyer, or any other staff member of your entity.

As for the local representative, this sub-section should be filled only by the Data Controller who is neither established nor resides in Rwanda, but processes personal data of Data Subjects located in Rwanda. Such controllers should designate in writing a representative in Rwanda to comply with obligations under Article 39 of the DPP Law.

SECTION 2 – PERSONAL DATA

For the "Category of Data Subjects', you should list the categories such as employees, customers, shareholders, directors, suppliers, students, patients, beneficiaries, etc.

For "Description of personal data", you should provide only the kinds/types of personal data you process. For example, if you collect clients' names and telephone numbers, write only the "names" and" phone numbers" and not the actual names and telephone numbers of all your clients.

For 'Purpose of processing', you should state the reasons for the processing. For example, payroll, invoicing, human resource management, service provision, due diligence, examination, amongst others.

For "Recipient(s) to whom personal data is (are) disclosed", you should list all the relevant entities **- for example**, the RSSB, Bank, Rwanda Revenue Authority, RDB,etc.

For the "Grounds for processing", please tick all the relevant boxes, but first consult Article 46 of the DPP Law.

SECTION 3 – CATEGORIES OF SENSITIVE PERSONAL DATA

If you **do not** processes sensitive data (information revealing a person's race, health status, criminal records, medical records, social origin, religious or philosophical beliefs, political opinion, genetic or biometric information, sexual life or family details), simply tick the box not applicable and proceed to Section 4.

If you process any of the data listed above, tick applicable, then tick the relevant box(es) indicating which specific sensitive data you process and list all relevant purposes e.g. provision of health services, crime prevention and investigation, border control, etc.

For the "Grounds for processing", please tick all the relevant boxes, but first consult Article 10 of the DPP Law.

SECTION 4 – DATA PROCESSOR'S INVOLVEMENT

If you, as a Data Controller, process the personal data on your own, without the involvement of the Data Processor, tick the box "not applicable" and proceed to Section 5.

If you in any form involve Data Processor(s) in processing operations, provide their name(s) and, by ticking the relevant box, specify whether you have a written contract with the processor or not.

Please note that the Data Processor is usually a third party external to your organisation that processes personal data on your behalf and based on your instructions. Your employees can not be considered as Data Processors.

SECTION 5 – TRANSFER OF PERSONAL DATA OUTSIDE RWANDA

Please first tick the box applicable or not applicable.

If applicable in your context, list all the countries (e.g. Germany, France, Kenya) where you transfer the data and the purpose(s) for the transfer.

If not applicable, please proceed to section 6.

Please note that Article 48 of the DPP Law regulates the transfer of personal data to a third party outside Rwanda. Please consult the conditions stipulated in Article 48 and note that you may need authorization from the supervisory authority after providing proof of appropriate safeguards concerning personal data protection.

SECTION 6 – MEASURES FOR THE PROTECTION OF PERSONAL DATA

Please list the risk(s) to personal data, for example, unauthorized access, unlawful disclosure, and theft.

You should also describe the safeguards and security measures you apply to protect personal data. For example, access control, strong passwords and multi-factor authentication, data encryption, data security training for the staff, privacy and information security policies and protocols, firewalls and antivirus, amongst others.

Please indicate whether you store personal data outside of Rwanda and also note that according to Article 50 of the DPP Law, storage of personal data outside Rwanda is only permitted if the Data Controller or the Data Processor holds a valid registration certificate issued by the supervisory authority.

A Step by step guide on how to fill the Processor's Registration Form

SECTION 1 – APPLICANT DETAILS

Please provide your name, registration number and license number (if applicable). If you are a natural person acting as a processor, indicate your ID or passport number. Public authorities filling the Processor's form have to provide the number of law or presidential order establishing authority.

Do not forget to tick the relevant box indicating which sector you represent, and then under the sub-section "Entity Sector," provide more details e.g., IT services, marketing, accounting, audit etc.

All fields under the sub-section "Nature of Entity" are mandatory except the webpage, in case you do not have it.

As for the contact details, please provide the name, phone number, and email address of the person who might be contacted during the registration/certification process. This could be the director or manager, Data Protection Officer, lawyer or any other staff member of your entity.

As for the local representative, this sub-section should be filled only by the Data Processor who is neither established nor resides in Rwanda, but processes personal data of Data Subjects located in Rwanda. Please note that under Article 39 of the DPP Law, such processors should designate in writing a representative in Rwanda.

SECTION 2 – PERSONAL DATA

To fill this section, you will need to consult your controller(s), as usually, the controller defines the purposes of the processing as well as the legal grounds for the processing. If you process personal data on behalf of two or more controllers, please clearly distinguish which data is processed for which controller.

For the "**Category of Data Subjects**", you should list the categories such as employees, customers, shareholders, suppliers, students, patients, beneficiaries, etc.

For "**Description of personal data**", you should provide only the kinds/types of personal data you process for the purposes and on behalf of the controller. In many cases, controllers can hold and process more data about Data Subjects than their processors. For example, if you process only

telephone numbers and emails of the clients (Data Subjects) of your controller, write only the "telephone numbers" and "emails" and not the actual phone numbers or email addresses of individuals or other types of data that the controller may process about Data Subjects.

For "**Purpose of processing**", you may state the reasons relevant to processing operations you are involved in, such as payroll, invoicing, human resource management, marketing, or IT service provision. Your controller could have more purposes for the processing of personal data.

For "**Recipient(s) to whom personal data is (are) disclosed**," most probably, you will need to indicate your controller(s) and all other entities to whom you, as a processor, disclose the data.

For the "**Grounds for processing**", please tick all the relevant boxes, but first consult your controller.

SECTION 3 – CATEGORIES OF SENSITIVE PERSONAL DATA

If you do not processes sensitive personal data (information revealing a person's race, health status, criminal records, medical records, social origin, religious or philosophical beliefs, political opinion, genetic or biometric information, sexual life or family details), simply tick the box not applicable and proceed to Section 4.

If you process any of the data listed above, tick applicable, then tick the relevant boxes indicating which specific sensitive data you process and all relevant purposes e.g., provision of data storage, security, or data utilization services. For the "Grounds for processing", you might need to consult your controller.

SECTION 4 – DATA PROCESSOR'S INVOLVEMENT

Please fill this section only if you apply for as a Data Controller, provide the name(s) of your Data Processor(s) and, by ticking the relevant box, specify whether you have a written contract with Data Processor(s). If you have a written contract with one Data Processor and not the other Data Processors, please add the note.

SECTION 5 – PROCESSING AUTHORIZATIONS

Please fill this section only if you apply for as a Data Processor, provide the name(s) of your Data Controller(s) and, by ticking the relevant box, specify whether you have a written contract with

Data Controller(s). If you have a written contract with one Data Controller and not the other Data Controllers, please add the note.

SECTION 6 – TRANSFER OF PERSONAL DATA OUTSIDE RWANDA

Please tick the box applicable only if you involved in data transfer outside Rwanda and list all the countries (e.g. Germany, France, Kenya) where you transfer the data and the purpose(s) for the transfer.

If not applicable, please proceed to section 6.

Please note that Article 48 of the DPP Law regulates the transfer of personal data to a third party outside Rwanda, and you or your Data Controller needs to apply for an authorization from the supervisory authority.

SECTION 7 – MEASURES FOR THE PROTECTION OF PERSONAL DATA

Please list the risk(s) to personal data, for example, unauthorized access, unlawful disclosure, and theft.

You should describe all safeguards and security measures in place to protect personal data. For example, access control, strong passwords and multi-factor authentication, data encryption, data security training for the staff, privacy and information security policies and protocols, firewalls and antivirus, amongst others.

Please indicate whether you store personal data outside of Rwanda and also note that according to Article 50 of the DPP Law, storage of personal data outside Rwanda is only permitted if the Data Controller or the Data Processor holds a valid registration certificate issued by the supervisory authority authorizing such storage.

Signature and additional documents to be submitted

Once all the information has been entered, please review the application and correct all errors or inaccuracies. Put your name, signature, and date.

The application form should be accompanied by the following:

- ✓ Letter addressed to the Chief Executive Officer of NCSA
- ✓ Business profile of the applicant
- ✓ Letter/Document designating a Data Protection Officer (DPO)
- ✓ Certificate of incorporation

- ✓ License from Regulator (if applicable) e.g. license issued by RURA, MINICOM
- ✓ Legal instrument establishing the entity (in case of public entity)
- ✓ Contract with the representative (only for those Data Controllers/ Data Processors that are neither established nor reside in Rwanda but process personal data of Data Subjects located in Rwanda)
- ✓ Any other supporting document (e.g. a contract between Data Controller and Data Processor, privacy notice)

Please convert all documents into PDF, zip, and send them to registration@dpo.gov.rw and dpp@ncsa.gov.rw by writing your organization name in the email's subject.

Is there a registration fee, and when to expect the certificate?

There is **no fee** for registration.

If the application form is complete and meets all the requirements, the NCSA will issue a registration certificate within thirty (30) working days from the date of reception of your application by email.

The registration certificate issued remains valid until its expiry date thereon indicated or upon cancellation by NCSA.

What if my application is rejected?

If your application is not complete or rejected for any other reason, NCSA will contact you by email within seven (7) working days from the date of reception of your application and provide reasoning and refusal notice.

A Data Controller or Data Processor whose application has been rejected can make a new application upon complying with the requirements specified in the refusal notice.

What if circumstances change after obtaining a certificate?

Where there is a change in any of the particulars in your application, you must, within fifteen (15) working days of the date of the change, notify the NCSA in writing or electronically of the nature and date of the change.

A Data Controller or Data Processor who fails to notify the NCSA will commit a misconduct and will, on conviction, be liable to an administrative fine of not less than two million Rwandan francs (RWF 2,000,000) but not more than five million Rwandan francs (RWF 5,000,000) or one percent (1%) of the global turnover of the preceding financial year.

Modification, renewal and cancelation of the certificate

NCSA, on its own motion or on request by the registration certificate holder, may modify the registration certificate before its expiry, if that modification is needed to respond on:

1. change that occurred on applicable laws;
2. a change in the information that the Data Controller and Data Processor provided may affect the registration certificate.

You can apply for renewal within forty-five (45) working days before the expiry date of the existing certificate.

The NCSA may cancel the registration certificate before its date of expiry if the registration certificate holder:

(i) has submitted false or misleading information;

(ii) fails to comply with the requirements of DPP Law or terms and conditions specified in the certificate.

Before cancellation of the registration certificate, NCSA provides the certificate holder with fifteen (15) working days' prior notice in writing or electronically, requesting for explanations on non-compliance.

Failure to register or operating without a registration certificate

A Controller or a Processor who operates without a registration certificate or uses a certificate

whose term of validity has expired will commit misconduct and will, on conviction, be liable to an administrative fine of not less than two million Rwandan francs (RWF 2,000,000) but not more than five million Rwandan francs (RWF 5,000,000) or one percent (1%) of the global turnover of the preceding financial year.

Annex I: Entity Sector

- Financial services
- Telecommunications
- Utilities
- Education
- Health
- Insurance
- Tourism & Hospitality
- Construction
- Mining
- Humanitarian
- Transport
- Retails
- Industrial
- Agriculture
- Entertainment
- Real Estate
- Research
- Digital services
- Gambling
- Accounting & Auditing
- Pharmaceutical
- Law enforcement
- Migration
- Others: Please Specify

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