Complying with the Data Protection Act, 2012 (Act 843)
Introduction

✓ Who we are?

✓ What is Data Protection?

✓ The Data Protection Act, 2012 (Act 843)

✓ Registration
Who are we?

The Data Protection Commission (DPC) is an independent statutory body established under the Data Protection Act, 2012 (Act 843) to protect the privacy of the individual and personal data by regulating the processing of personal information.

Our Functions

- Implement and monitor compliance with Act 843. (Sec 3)
- Investigate and determine complaints under the Act. (Sec 3)
- Register data controllers and processors. (Sect 46)
- Provide Guidelines and promote good practice to ensure compliance. (Sec 86)
- Conduct public education and awareness on data protection. (Sec 86)
- Keep and maintain the Data Protection Register. (Sec 3)
What is Data Protection?

Technical term relating to specific information management practices. It is also means the legal protection of personal data/information. Data Protection is the relationship between collection and dissemination of data, technology, the public expectation of privacy, and the legal and political issues surrounding them.
The Data Protection Act, 2012 (Act 843) sets out the rules and principles governing the collection, use, disclosure and care for your personal data or information by a data controller or processor.

**Why data protection?**
In Ghana, the recognition of the right to privacy with respect to the processing of personal data or information led to the passage of the Act 843 to further guarantee the right to privacy enshrined under Article 18(2) of the 1992 Constitution.

**How does Act 843 work?**
The Act provides standard principles that must be complied with by all who process personal information across the country and beyond. The law applies to all forms of personal data or information stored on both electronic and non-electronic platforms.

**When Does the Act come into effect?**
The Act was assented to in May 2012 and came into force in accordance with Section 99 on 16th October 2012.
Data Protection Act, 2012 (Act 843) cont’d

**Governing Body**
11 member board appointed by the President in accordance with Article 70 of the Constitution. The Governing Body of was inaugurated in November 2012.

**Data Protection Principles (sec 17)**
The Act also sets out the principles governing the processing of personal information.

**Data Protection Register**
The Act sets out modalities for the establishment of the Data Protection Register and the application process for registration.

**Exemptions**
The Act defines areas for exemption from strict implementation of the Act. These include information given for purposes of public order, public safety, public morality, national security, public interest, education, regulatory activity, etc.

**Enforcement**
The Act defines the methods for enforcement of its provisions.
What is Personal Data... (Sec 96)

Personal data means information on an individual or from which an individual may be identified.

Examples of personal data

➢ Name, Address, Phone No.,
➢ ID No., Email / IP Address
➢ CCTV images, pictures, videos, etc.
➢ Financial statements, health records, academic records,
Does this law apply to my organisation?

- The data controller is established in this country and the data is processed in this country.
- The data controller is not established in this country but uses equipment or a data processor carrying on business in this country to process the data.
- Processing is in respect of information which originates partly or wholly from this country.
- Section 45
This Act binds the Republic of Ghana - Sec 91(1)

For purposes of this Act, each government department shall be treated as a data controller - Sec 91(2)

Each department shall designate an officer to act as a data supervisor – Sec 91(3)
Data Protection Compliance & MMDA's

- Where the purposes and the manner in which the processing of personal data are determined by a person acting on behalf of the Executive, Parliament and the Judiciary, the data controller in respect of that data for the purposes of this Act is:
  
  (a) in relation to the Executive, the Chief Director,
  
  (b) in relation to Parliament, the Clerk to Parliament, and
  
  (c) in relation to the Judiciary, the Judicial Secretary.

- A different person may be appointed under subsection (4) for a different purpose.
The 8 data protection principles (s17)

A person who processes data shall take into account the privacy of the individual by applying the following principles:

- Accountability
- Lawfulness Of Processing
- Specification Of Purpose
- Data Subject Participation
- Openness
- Quality Of Information
- Compatibility Of Further Processing With Purpose Of Collection
- Data Security Safeguards

25th April 2015
Data Processing Obligations

- Processing of Personal Data (Sec 18)
- Minimality (Sec 19)
- Consent, justification and objection (Sec 20)
- Collection of personal data (Sec 21)
- Retention of records (Sec 24)
- Data processed by data processor or an authorised person (Sec 29)
- Collection of data for specific purpose (Sec 22)
- Data subject to be made aware of purpose of collection (Sec 23)
Data Processing Obligations cont’d

- Further processing to be compatible with purpose of collection (Sec 25)
- Quality Of Information (Section 26)
- Registration of data controller (Sec 27)
- Security measures (Sec 28)
- Data processor to comply with security measures (Sec 30)
- Notification of security compromises (Sec 31)
- Access to personal information (Sec 32)
- Correction of personal data (Sec 33)
- Transfer of data outside Ghana
- Right to compensation
Rights of Individuals

• Access to personal information

• Right to amend your personal information

• Right to prevent processing of your personal information.

• Rights to freedom from automated decision making

• Right to prevent processing of personal data for direct marketing purpose

• Right to seek compensation through the courts

• Right to complain to the Data Protection Commission
Registration

The Data Protection Act, 2012 (Act 843) requires data controllers and data processors who control or process and use personal data to register with the DPC. Section 47 of Act 843 provides the process for registration.

Required details:

- **Who you are.**
- **The type of personal data you keep.**
- **The nature or manner in which personal data is processed.**
- **The purpose/purposes for keeping it.**
- **To whom the information is disclosed.**
- **How you protect the personal information.**
- **Who to contact when there are data protection issues; etc.**

Parts of these details will be made available to the public for viewing and inspection (Public Register) as required under Section 54 of the Data Protection Act, 2012 (Act 843).
Registration (continued...)

1. Who is required to register?

2. Separate/Multiple Registrations – Section 47 (3)

3. Public Register – Section 54

4. How do I renew my registration?

5. Failure to Register/Renew Registration – Section 53 & Section 56

6. Duty to Notify Changes – Section 55

7. Refusing your Application for Registration - Section 48

8. Completing the Registration Application Process

**NOTE: PLEASE REGISTER ONLINE IF YOU HAVE NOT ALREADY DONE SO!!!**
Find out more

Website:  www.dataprotection.org.gh
Telephone: +233-(0)30 2631 455
Fax: +233-(0)30 2631 477
Email: info@dataprotection.org.gh
Write: Room No. 51, First Floor
Ministry of Communications Blk
Ministerial Enclave,
P.O. Box CT 7195, Accra