

EAST AFRICA - SERIES 1: LAWFUL BASIS AND LAWFUL PURPOSE

UGANDA (Commencement date: 15 October, 2021)

Lawful Basis	Applicable law The Data Protection and Privacy Act, 2019 The Data Protection and Privacy Regulations, 2021
Consent	Section 7 (1), Regulation 34
Contract or Performance of Contract	Section 7(2)(c)
Authorised by Law/Legal Obligation	Section 7(2)(a) - Authorised by Law Section 7(2)(e) – Legal Obligation
Medical Reason	Section 7(2)(d)
Public Duty by Public Body	Section 7(2)(b)(i)
Enforcement	Section 7(2)(b)(iii)
National Security	Section 7(2)(b)(ii)

RWANDA (Commencement date: 15 October 2021)

Lawful Basis	Applicable law Protection of Personal Data and Privacy Law Law n°058/2021 of 13/10/2021
Consent	Article 46(1)
Contract or Performance of Contract	Article 46(2)
Legal Obligation	Article 46(3)
Vital Interest	Article 46(4)
Official Authority/Public Interest/Public Entity	Article 46(5), 46(6)
Legitimate Interest	Article 46(7)
Research Purposes	Article 46(8)

KENYA (Commencement Date: 25 November 2019)

Lawful Basis	Applicable law The Data Protection Act, 2019 The Data Protection (General) Regulations, 2021
Consent.	Section 30(1)(a), Regulation 4
Contract or Performance of Contract.	Section 30(1)(b)(i), Regulation 5
Legal Obligation.	Section 30(1)(b)(ii), Regulation 5
Vital Interest.	Section 30(1)(b)(iii), Regulations 5
Public Interest/Official Authority/Public Authority.	Section 30(1)(b)(iv),(v),(vi), Regulation 5
Legitimate Interest.	Section 30(1)(b)(vii), Regulation 5
Historical, Statistical, Journalistic, Literature and Art or Scientific Research.	Section 30(1)(b)(viii), Regulation 5

TANZANIA (Commencement Date: 1 May 2023)

Lawful Purpose	Applicable law The Personal Data Protection Act, 2022 The Personal Data Protection (Personal Data Collection and Processing) Regulations, 2023
Consent	Section 30(1) and 30(2) – Provides for Consent for processing sensitive personal information and an unequivocal right of the data subject to withdraw of consent.
<p>LAWFUL PURPOSE and PURPOSE-BUILT FOUNDATION Section 22(2), Regulation 25</p> <p>Tanzania data protection laws do not provide for prescriptive legal basis unlike the data protection laws of Kenya, Uganda and Rwanda.</p> <p>Section 22(2) of the Act provides that “A Data Controller shall collect personal data if:</p> <ul style="list-style-type: none"> (a) the personal data is collected for a lawful purpose related to a function of the data controller; and (b) the collection of personal data is necessary or incidental or directly related to the lawful purpose.” 	

