

Jurisdiction	<i>United Republic of Tanzania</i>
Date	<i>13<sup>th</sup> July 2022</i>
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\* We are planning to put the information on our website so that the viewers can reach out to you, directly, and if you don't mind, we will include the above contact information in the report. You may have more than one contact person.

## Questionnaire

### I. Law concerning protection of personal information

- i. Does your country have a general law concerning the protection of personal information in the **private sector** at the present or in the near future?

*No. However, there are ongoing efforts aimed at enacting Data Protection law in the United Republic of Tanzania. At present, there have only been vague discussions regarding the enactment of a data protection bill and the government has not yet announced an official date as to when this bill will be available for public review.*

*The Constitution of Tanzania also lays out privacy laws that apply generally to all persons in the United Republic. In particular, Article 16 sets out the right to privacy, however Article 30 sets out limitations to these rights when it comes to issues of defense, public safety, public peace, public morality etc. Meaning that under justifiable circumstances, this right to privacy can be overreached, but only according to the correct procedures set out by the law.*

- ii. Does your country have a general law concerning protection of personal information in the **public sector** at the present or in the near future?

*No. However, there are ongoing efforts aimed at enacting Data Protection law in the United Republic of Tanzania. As there have only been vague discussion, the government has not yet announced an official date of which the laws will be available.*

- iii. Does your country have laws concerning protection of personal information **which apply in individual (specific) sectors** at the present or in the near future? (If yes, please describe outline.)

Yes.

*Tanzania has laws regarding protection of information in regulated sectors, mainly the telecommunication sector and the banking and finance sector. This is because, mobile operators and banks collect information from their customers for the purpose of registration for traditional banking services and mobile services.*

*The mains laws are:*

- 1. Electronic and Postal Communications Act, 2010 (with its Regulations) in the (Tele)Communication Sector.*

*The said Regulations being:*

- The Electronic and Postal Communications (Investigation) Regulations, 2017*
  - The Electronic and Postal Communications (Consumer Protection) Regulations, 2018*
  - The Electronic and Postal Communications (Licensing) Regulations, 2018*
  - The Electronic and Postal Communications (Computer Emergency Response Team) Regulations, 2018 (CERT Regulations)*
  - The Electronic and Postal Communication (Radio Communication and Frequency Spectrum) Regulations, 2018*
  - The Electronic and Postal Communication (Online Content) Regulations, 2020*
  - The Electronic and Postal Communication (SIM Card Registration) Regulations, 2020*
- 2. Banking and Financial Institutions Act and the National Payment Systems Act, 2015 from the Banking Sector, including their Regulations.*
    - The Bank of Tanzania (Credit Reference Bureau) Regulations, 2012*
    - The Bank of Tanzania (Financial Consumer Protection) Regulations, 2019*

*Also, there are laws that have merely provisions relating to confidentiality, but such clause is not exhaustive in respect to protection of information:*

- a. Fair Competition Act, 2003*
- b. Civil Aviation Act, Cap. 80.*
- c. Energy and Water Utilities Regulatory Authority Act, Cap. 414*
- d. Cybercrimes Act, 2015*

- e. *Electronic Transactions Act, 2015*
- f. *Access to Information Act, 2016.*
- g. *The Registration and Identification of Persons Act, 1986*

Where all of the answers to the question of I.(i), (ii) and (iii) is “no”, please skip to IV.

**II. The basic information of the regulation concerning protection of personal information.**

- i. Please fill in the blanks below about all the law concerning personal information mentioned at I (please add a reply column as necessary,)

*The below question is premised on the assumption that the jurisdiction in question has laws regulating information which is not the case with Tanzania that has no overarching law addressing regulation of information*

The title of the law : *The Cybercrimes Act 2015.*

① The definition of “Personal Information”	<i>Not given.</i>
② The scope in which the law applies	<i>Enforced generally to all persons in the United Republic of Tanzania, whether from the Private Sector or the Public Sector.</i>  <i>Protection under this act applies to any information obtained from another person’s computer without their consent.</i>
③ The territorial scope	<i>Mainland Tanzania and Tanzania Zanzibar</i>
④ URL (Please provide the URL officially posted by the government, English page is preferred, if available)	<a href="https://rsf.org/sites/default/files/the_cyber_crime_act_2015.pdf">https://rsf.org/sites/default/files/the_cyber_crime_act_2015.pdf</a>
⑤ The <b>effective</b> date *	<i>25<sup>th</sup> April 2015.</i>

\* If the law has been amended, please fill in the effective date of the amended law.

The title of the law : *The Electronic and Postal Communications (Online Content) Regulations, 2020.*

① The definition of “Personal Information”	<i>Not given.</i>
② The scope in which the law applies	<i>Enforced to all Online content service providers, Internet service providers, Application service licensees and Online content users, from both the Private Sector and Public Sector.</i>  <i>Protection under this act applies to any information received or obtained, when the Tanzania Communications Regulat</i>

	<i>ory Authority is exercising its powers or performing its duties.</i>
③ The territorial scope	<i>Mainland Tanzania.</i>
④ URL (Please provide the URL officially posted by the government, English page is preferred, if available)	<a href="https://www.tcra.go.tz/uploads/documents/sw-1619088125-The%20Electronic%20and%20Postal%20Communications%20(Online%20Content)%20Regulations,%202020.pdf">https://www.tcra.go.tz/uploads/documents/sw-1619088125-The%20Electronic%20and%20Postal%20Communications%20(Online%20Content)%20Regulations,%202020.pdf</a>
⑤ The <b>effective</b> date*	<i>17<sup>th</sup> July 2020.</i>

\* If the law has been amended, please fill in the effective date of the amended law.

The title of the law : *Electronic and Postal Communications (SIM Card Registration) Regulations, 2020.*

① The definition of “Personal Information”	<i>Not given.</i>
② The scope in which the law applies	<i>Enforced to all users of SIM cards in the United Republic of Tanzania, from both the Private Sector and the Public Sector.</i>  <i>Protection under this act applies to any information received or obtained, when the Tanzania Communications Regulatory Authority is exercising its powers or performing its duties.</i>
③ The territorial scope	<i>Mainland Tanzania.</i>
④ URL (Please provide the URL officially posted by the government, English page is preferred, if available)	<a href="https://www.tcra.go.tz/uploads/documents/sw-1619088062-The%20Electronic%20and%20Postal%20Communications%20(SIM%20Card%20Registration)%20Regulations,%202020.pdf">https://www.tcra.go.tz/uploads/documents/sw-1619088062-The%20Electronic%20and%20Postal%20Communications%20(SIM%20Card%20Registration)%20Regulations,%202020.pdf</a>
⑤ The <b>effective</b> date*	<i>7<sup>th</sup> February 2020.</i>

The title of the law : *National Payment Systems Act 2015.*

① The definition of “Personal Information”	<i>Not given.</i>
② The scope in which the law applies	<i>Enforced to all Payment systems licensees whether in the Private or Public Sector.</i>  <i>Protection under this act applies to any information received or obtained as the Bank of Tanzania is exercising its powers or performing its duties. Such information can include but is not limited to customers' financial data, records or trans</i>

	<i>actions.</i>
③ The territorial scope	<i>Mainland Tanzania and Tanzania Zanzibar.</i>
④ URL (Please provide the URL officially posted by the government, English page is preferred, if available)	<a href="https://www.bot.go.tz/Publications/Acts,%20Regulations,%20Circulars,%20Guidelines/Acts/en/2020030902433783.pdf">https://www.bot.go.tz/Publications/Acts,%20Regulations,%20Circulars,%20Guidelines/Acts/en/2020030902433783.pdf</a>
⑤ The <b>effective</b> date*	<i>25<sup>th</sup> April 2015.</i>

The title of the law : *The Bank Of Tanzania (Credit Reference Bureau) Regulations, 2012*

① The definition of “Personal Information”	<i>Not given.</i>
② The scope in which the law applies	<i>Enforced to all credit reference Bureaus whether in the Private or Public Sector.</i>  <i>Protection under this act prohibits credit reference bureaus from maintaining any information relating to the borrower’s race, colour, ancestry, religious affairs, and other such information.</i>
③ The territorial scope	<i>Mainland Tanzania.</i>
④ URL (Please provide the URL officially posted by the government, English page is preferred, if available)	<a href="https://www.bot.go.tz/Publications/Acts,%20Regulations,%20Circulars,%20Guidelines/Regulations/en/2020031802575561.pdf">https://www.bot.go.tz/Publications/Acts,%20Regulations,%20Circulars,%20Guidelines/Regulations/en/2020031802575561.pdf</a>
⑤ The <b>effective</b> date*	<i>28<sup>th</sup> December 2012.</i>

The title of the law : *The Registration And Identification Of Persons Act, 1986*

① The definition of “Personal Information”	<i>Not given.</i>
② The scope in which the law applies	<i>Enforced to Public Sector.</i>  <i>Protection under this act prohibits the registrar, registration officers and immigration officers from disclosing photographs and fingerprints.</i>
③ The territorial scope	<i>Mainland Tanzania and Tanzania Zanzibar</i>
④ URL (Please provide the URL officially posted by the government, English page is preferred, if available)	<a href="http://www.africanchildforum.org/clr/Legislation%20Per%20Country/Tanzania/tanzania_registration_1986_en.pdf">http://www.africanchildforum.org/clr/Legislation%20Per%20Country/Tanzania/tanzania_registration_1986_en.pdf</a>

⑤ The <b>effective</b> date*	<i>6<sup>th</sup> January 1986</i>
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- ii. If there are any special instructions about the laws, please describe them.

### III. OECD Privacy Principles

- i. If there are any provision of law which embody each OECD Privacy Principle in your country, please describe the outlines.

<https://www.oecd.org/sti/ieconomy/oecdguidelinesontheprivacyandtransborderflowsofpersonaldata.htm>

(a) Collection Limitation Principle

This principle means that there should be limits on the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.

(b) Data Quality Principle

This principle means that personal data should be relevant to the purposes for which they are to be used, and, to the minimum extent necessary for such purposes, should be accurate, complete and kept up-to-date.

(c) Purpose Specification Principle

This principle means that the purposes for which personal data are collected should be specified not later than at the time of the data collection and the subsequent use limited to the fulfilment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose.

(d) Use Limitation Principle

This principle means that personal data should not be disclosed, made available or otherwise used for purposes other than those specified in

accordance with (c) Purpose Specification Principle, except:

- i) with the consent of the data subject; or
- ii) authorized by law.

(e) Security Safeguards Principle

This principle means that personal data should be protected by reasonable security safeguards against such risks as loss or unauthorized access, destruction, use, modification or disclosure of data

(f) Openness Principle

This principle means that there should be a general policy of openness about developments, practices and policies with respect to personal data. Means should be readily available for establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and address of the data controller.

(g) Individual Participation Principle

This principle means that an individual should have the right:

- i) to obtain from a data controller, or otherwise, confirmation of whether or not the data controller holds data relating to him;
- ii) to have communicated to him, data relating to him within a reasonable time;
  - at a charge, if any, that is not excessive;
  - in a reasonable manner; and
  - in a form that is readily intelligible to him;
- iii) to be given reasons if a request made under subparagraphs (i) and (ii) is denied, and to be able to challenge such denial; and
- iv) to challenge data relating to him and, if the challenge is successful to have the data erased, rectified, completed or amended.

(h) Accountability Principle

This principle means that a data controller should be accountable for complying with measures which give effect to the principles stated above.

- *At present, there have only been vague discussions regarding the enactment of a “Data Protection Bill” in the United Republic of Tanzania and the government has not yet announced an official date as to when this bill will be available for public review, as such we are unable to clarify whether these principles will be embodied into the intended law.*
- *However, the existing regulations set place by the Bank of Tanzania and the Tanzania Communications Regulatory Authority as mentioned above do embody a number of these principles, in particular the collection limitation principle, data quality principle, accountability principle and the use limitation principle. It is therefore safe to assume that if the Data Protection Law comes into force, these principles will be incorporated into the provisions.*

ii. If there are any sectors in which any laws exclude the application of each OECD Privacy Principle, please describe the outline.

- (a) Collection Limitation Principle
- (b) Data Quality Principle
- (c) Purpose Specification Principle
- (d) Use Limitation Principle
- (e) Security Safeguards Principle
- (f) Openness Principle
- (g) Individual Participation Principle
- (h) Accountability Principle

- *At present, no such exclusion exists as all the existing regulations mentioned have incorporated certain OECD principles in their provisions.*



#### IV. Data Localization and Government Access

In your country, are there any systems having an impact on the rights of data subjects such as **comprehensive government access (e.g., limitation on the authorities' access to personal data for investigation purposes, and the safeguard is the attorney-client privilege)** to personal data or **Data Localization (e.g., rules requiring domestic installation and storage of servers and data)**? If yes, please describe them.

*Yes.*

*Access of information by the law enforcement agencies is allowed through a set procedure as described in I.i., above. On localization, there are provisions of the law that require some categories of information or Data centers to be localized. An example is data in the telecommunication sector and banking sector that need to be localized.*

#### V. The Data Protection Authority

If there is the data protection authority, please write down the name and address of the authority

Name:

Address:

Telephone:

Website:

Other information if any:

*There is no data protection authority in Tanzania. Data protection Authority is always a creature of the Data Protection legislation which has not been enacted in Tanzania. Currently, each regulated sector deals with issues of information in a way it deems fit and the available structures are not sufficient.*