

LEGAL ALERT

REGISTRATION OF DATA CONTROLLERS AND DATA PROCESSORS SET TO COMMENCE



Introduction

Following the recent public notice issued by the Office of the Data Protection Commissioner, we wish to inform all businesses and individuals handling personal data that, effective Friday, 28 February 2025, registration as a data controller or data processor under the Data Protection Act No. 3 of 2021 (the "DPA") is now set to commence.

To help you understand your compliance obligations, we outline key provisions of the DPA relevant to this requirement.

Who is Required to Register?

The mandatory registration applies to entities and individuals that qualify as either data controllers or data processors under the DPA.

Data controller

A data controller is a person who, either alone or jointly with other persons, controls and is responsible for keeping and using personal data on a computer, or in structured manual files, and requests, collects, collates, processes or stores personal data from or in respect of a data subject.

Data processor

A data processor is a person, or a private or public body that processes personal data for and on behalf of and under the instruction of a data controller.

The registration requirement does not apply to individuals processing personal data solely for personal or household purposes.

Legal Requirement to Register

The DPA explicitly prohibits any person or entity from processing personal data unless they are registered as a data controller or data processor.

To facilitate compliance, the Office of the Data Protection Commissioner provides a self-assessment questionnaire before registration, available at: <https://inventory.dataprotection.gov.zm>

Penalty for Failure to Register

Failure to register as required under the DPA constitutes an offence. Upon conviction, an offender is liable to:

- A fine of up to ZMW 200,000 (approximately USD 7,142.86), or
- Imprisonment for up to five (5) years, or
- Both a fine and imprisonment.

Conclusion

Given the legal and financial implications of non-compliance, we strongly encourage all businesses and qualifying individuals to register as soon as possible to avoid penalties.

We hope you found this alert useful. Please contact our Corporate Advisory Partner and Associate, Jacqueline Jhala at JJhala@corpus.co.zm and Dalitso Ng'ona at DNg'ona@corpus.co.zm respectively, if you have any questions relating to this alert.

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