

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 58 OF 2021

Data Protection Act, 2021

(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

IN EXERCISE of the powers contained in Section 82 of the Data Protection Act, 2021 the following Regulations are made:

PART I

PRELIMINARY PROVISIONS

- | | |
|---|--|
| 1. These Regulations may be cited as the Data Protection (Registration and Licensing) Regulations, 2021. | Title |
| 2. In these Regulations, unless the context otherwise requires
“micro organisation” means an entity with a maximum of ten employees;
“medium organisation” means an entity with more than ten employees but not more than fifty employees;
“large organisation” means an entity with more than fifty employees; and
“licensee” means a person licensed to offer data auditing services under regulation 14. | Interpretation |
| 3. (1) The Data Protection Commissioner shall register a data controller and a data processor in the following category:
(a) micro organisation;
(b) medium organisation;
(c) a large organisation;and
(d) an individual. | Categories of data controllers and data processors |

	(2) The Data Protection Commissioner shall charge different fees for each category as set out in the Second Schedule.
Application for certificate of registration	4. A person who intends to operate as a data controller or data processor shall apply to the Data Protection Commissioner for a certificate of registration in Form I set out in the First Schedule.
Request for further particulars	5. The Data Protection Commissioner may, where the Data Protection Commissioner requires further particulars in relation to an application, request an applicant to submit further particulars, within a specified period, in Form II set out in the First Schedule.
Issue of certificate of registration	6. The Data Protection Commissioner shall, where the applicant meets the requirements of the Act, issue a certificate of registration in Form III set out in the First Schedule.
Duration of certificate of registration	7. The certificate of registration issued under these Regulations is valid for a period of one year.
Rejection of application	8. The Data Protection Commissioner shall, where the Data Protection Commissioner rejects an application, inform the applicant within fourteen days from the date of the decision of the rejection in Form IV set out in the First Schedule.
Renewal of certificate of registration	9. A holder of a certificate of registration shall apply for renewal of a certification of registration in Form V set out in the First Schedule.
Notice of change of particulars	10. A holder of a certificate of registration shall notify the Data Protection Commissioner of any change in particulars relating to registration in Form VI set out in the First Schedule.
Notice of surrender of certificate of registration	11. The data controller or data processor shall notify the Data Protection Commissioner, where a data controller or data processor ceases to carry on business in the data processing or controlling industry, in Form VII set out in the First Schedule.
Suspension or cancellation of certificate of registration	12. (1) The Data Protection Commissioner shall, before the Data Protection Commissioner suspends or cancels a certificate of registration, notify the holder of the certificate of registration of the intention to suspend or cancel the certificate of registration in Form VIII set out in the First Schedule. (2) Where the holder of the certificate of registration is notified of the intention of the Data Protection Commissioner under subregulation, (1) the holder of the certificate of registration shall—

- (i) show cause why the certificate of registration should not be suspended or cancelled; or
- (ii) take remedial measures to the satisfaction of the Data Protection Commissioner within the times specified in notice.

(3) The Data Protection Commissioner shall, where the holder fails to show cause why the certificate should not be cancelled or suspended or fails to take remedial measures to the satisfaction of the Data Protection Commissioner, cancel or suspend the certificate of registration.

(4) Where the Data Protection Commissioner suspends or cancels a certificate of registration under subregulation (3), the Data Protection Commissioner shall, inform the holder of a certificate of registration of the suspension or cancellation of the certificate in Form IX set out in the First Schedule.

13. A person whose certificate of registration issued under these Regulations has been cancelled, may apply for re registration as a data processor or data controller in Form V set out in the First Schedule.

Application
for re-
registration

PART II DATA AUDITOR

14. (1) A person who intends to provide data audit services shall apply to the Data Protection Commissioner for a licence in Form I set out in the First Schedule .

Application
for licence

(2) A Data Protection Commissioner shall, where the applicant—

- (a) meets the requirements of the Act, issue the applicant with a licence in Form X set out in the First Schedule; or
- (b) does not meet the requirements of the Act, reject the application and inform the applicant of the rejection in Form IV set out in the First Schedule stating the reasons for the rejection.

15. The licence issued under these Regulations is valid for a period of two years.

Duration of
licence

Renewal of licence	16. A licensee who intends to renew that licensee's shall, apply to the Data Protection Commissioner, for renewal of a licence at least three months before the expiry of the licence, in Form V set out in the First Schedule.
Transfer of licence	17. An application to transfer or assign a licence shall be made to the Data Protection Commissioner, in Form XI set out in the First Schedule.
Amendment of licence	18. A licensee may within the validity of the licence, apply to the Data Protection Commissioner for an amendment or variation of the terms and conditions of the licence in Form XII set out in the First Schedule.
Notice to surrender licence	19. A licensee shall, notify the Data Protection Commissioner, where a licensee ceases to provide the services relating to the licence, within one month of ceasing to carry on business, in Form VII set out in the First Schedule.
Suspension or cancellation of licence	20. (1) The Data Protection Commissioner shall, before the Data Protection Commissioner suspends or cancels a licence, notify the holder of the licence of the Data Protection Commissioner's intention to suspend or cancel the licence in Form VIII set out in the First Schedule. (2) The Data Protection Commissioner shall suspend or cancel the licence and inform the licensee in Form IX set out in the First Schedule where a licensee who is notified of the intention to suspend or cancel a licence under sub-regulation (1)— <ul style="list-style-type: none">(i) fails to show cause why the licence should not be cancelled or suspended; or(ii) does not take any remedial measures to the satisfaction of Data Protection Commissioner within the specified time.

PART III

GENERAL PROVISIONS

Record of processing activities	21. A data controller or data processor shall keep and maintain a record of processing activities and meta data in Form XIII set out in the First Schedule.
Data protection impact assessment	22. The data protection impact assessment shall be made in Form XIV set out in the First Schedule.

23. The Data Protection Commissioner shall keep and maintain a register, which shall be open to inspection by the public during normal working hours on payment of a fee set out in the Second schedule.

24 . The fees set out in the Second Schedule are fees payable for the matters specified in that Schedule. Fees

FIRST SCHEDULE

(Regulations 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21 and 22)

Form I
(Regulations 4 and 14)

REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

APPLICATION FOR REGISTRATION/LICENCE			
		Shaded Fields for official use only	Certificate/License code Date and Time
Information Required		Information Provided	
1.	Type of Document	<input type="checkbox"/> Licence (Data Auditor) <input type="checkbox"/> Certificate (Data Controller and Data Processor)	
2.	Type of Data Service	<input type="checkbox"/> Data Processor <input type="checkbox"/> Data Controller <input type="checkbox"/> Data Auditor	
3.	Data Service Category (Data Auditor Only)	<input type="checkbox"/> Data Auditor - Public Critical Information Infrastructure <input type="checkbox"/> Data Auditor - Private Public Critical Information Infrastructure <input type="checkbox"/> Data Auditor - General	
4.	Name(s) of applicant(s)		
5.	(a) Nationality of applicant(s)		
	(b) Identity card of applicant(s) – Attach certified copies	NRC No.	Passport No.
6.	Type of applicant	<input type="checkbox"/> Individual <input type="checkbox"/> Company <input type="checkbox"/> Partnership	
7.	(a) Notification Address		
	Tell:		
	Email:		
	(b) Information of contact person authorised to represent the applicant		
	Tell:		
	Email:		

8.	Where the applicant is a company, the following details are required:				
	(a) company name:				
	(b) company address:				
	(c) company registration No.:				
9.	Have you ever applied to provide data auditing, data controller or data processor services in Zambia? If yes please give details:				
(a)	Service applied for	Location	Brief description of service	Date of application	Status of application (Granted, rejected or pending)
(b)	If application was rejected, give reasons for rejection:				
10.	Service commencement details				
		Proposed commencement date:			
	(b) Brief description				
11.	Have you been convicted of an offence involving fraud or dishonesty or of any offence under the Data Protection Act 2021, Electronic Communication and Transaction Act, 2021 or any of their predecessors, Or any other law within Zambia? If yes, specify details: Nature of offence: Date of Conviction: Sentence:				
12.	Where the applicant is a controller, the following database registration details are required: (To be filled by a Data Controller ONLY)				
	(a) Name of database(s):				
	(b) A description of the information to be stored:				
	(c) What is the information used for?				
	(d) Will/Is the information be passed or shared with other organisation(s)/persons? If 'Yes' who and why?				
	(e) Is/Will the information be transferred outside Zambia? If 'Yes', where? And why?				
	(f) Detail how the information will/is kept safe and secure.				
13.	Appendices			Applicability	
	Appendix No. 1	Database Registration Details		Applicable to Data Controller and Data Processor ONLY	
	Appendix No. 2	Such other relevant information as the Authority may require			
14.	QUALITY OF SERVICE UNDERTAKING I/we declare that the quality of service I/we provide shall meet the minimum requirements set out under the Act or any other law or, guidelines published by the Data Protection Commissioner or any international standard.				

	<p>DECLARATION</p> <p>I/we declare that all the particulars and information provided in this application are complete, correct and true and</p> <p>I/we agree that in the event that any of the said particulars and information provided is found to be untrue or fraudulent, the licence will be revoked.</p>
15.	<p>I/we agree that in the event of the revocation of the licence, any fee paid to the authority for licence shall be forfeited.</p> <p>I/we declare that in the event that the nature of my/our business changes, or I/we no longer carry out operations in terms of the registration, I/we will notify the Authority in which case my/our registration may be revoked or revised.</p> <p>Declared at this days of 20..... by the following persons who are duly authorised to sign for and on behalf of the applicant under the authority of the Power of Attorney or Board resolution which is hereby attached.</p>
My Details – Attachments	
_____	_____
<i>Applicant</i>	<i>Date</i>
_____	_____
<i>Officer</i>	<i>Date</i>
FOR OFFICIAL USE ONLY	
Received by _____	Date Received _____
<i>Officer</i>	
Amount Received: _____	
Serial No. of application: _____	

Form II
(Regulation 5)



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

REQUEST FOR FURTHER PARTICULARS

To: **[Insert Applicant/ Certificate Holder Name]**.....

In relation to your application for a(n) **[Insert Certificate Category]**.....with reference number **[Insert Reference Number]**.....address of **[Insert Applicant/ Certificate Holder's Current Address]**.

[Insert details of further particulars being requested]

The failure to submit the requested information within [Insert Period] from the date hereof shall lead to your application being treated as invalid and shall be rejected.

Dated this**[Insert day]**.....day of**[Insert Month]** **[Insert Year]**

.....
Data Protection Commissioner

Form III
(Regulation 6)



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

Certificate No.:

In accordance with Section 21 of the Data Protection Act No. 3 of 2021, this

INSERT CERTIFICATE TYPE

is granted by the Data Protection Commissioner to —

INSERT HOLDER NAME

INSERT HOLDER ADDRESS

for

establishment and operation of a **INSERT STATION/SYSTEM TYPE** for the purpose of
carrying on

INSERT SERVICE

as specified in the **Terms and Conditions** as shown in the Annexures attached
hereto.

Date of Issue:

Date of Expiry:

Initial Fee:

Annual Renewal Fee:

.....
Data Protection Commissioner

Form IV
(Regulations 8 and 16)



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

NOTICE OF REJECTION

To **[Insert Applicant Name]**..... of **[Insert Applicant Address]**..... IN THE MATTER OF **[Insert Reference Number]**..... you are hereby notified that your application has been rejected on the following grounds:

The grounds for rejection of the application are shown in the Annexures attached hereto.

Dated this **[Insert day]** day of **[Insert Month]** **[Insert Year]**

.....
Data Protection Commissioner

Form V
(Regulations 9, 13 and 16)



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Licensing) Regulations, 2021

APPLICATION FOR REGISTRATION, RENEWAL FOR REGISTRATION/LICENCE					
		Shaded Fields for official use only		Certificate/License code	
Information Required		Information Provided		Date and Time	
1.	Reason for Renewal	<input type="checkbox"/> Renewal <input type="checkbox"/> Reregistration (Data Controller and Data Processor ONLY)			
2.	Type of Data Service	<input type="checkbox"/> Data Processor <input type="checkbox"/> Data Controller <input type="checkbox"/> Data Auditor			
3.	Name(s) of applicant(s)				
4.	(a) Nationality of applicant(s)				
	(b) Identity card of applicant(s) – Attach certified copies	NRC No.	Passport No.		
5.	Type of applicant	<input type="checkbox"/> Individual <input type="checkbox"/> Company <input type="checkbox"/> Partnership			
6.	(a) Notification Address				
	Tell:				
	Email:				
	(b) Information of contact person authorised to represent the applicant				
	Tell:				
	Email:				
7.	Where the applicant is a company, the following details are required:				
	(a) company name:				
	(b) company address:				
	(c) company registration No.:				
8.	Have you ever applied to provide data auditing, data controller or data processor services in Zambia? If yes please give details:				
(a)	Service applied for	Location	Brief description of service	Date of application	Status of application (Granted, rejected or pending)

(b)	If application was rejected, give reasons for rejection:		
10.	Service commencement details		
		Proposed commencement date:	
	(b) Brief description		
11.	<p>Have you been convicted of an offence involving fraud or dishonesty or of any offence under the Data Protection Act 2021, Electronic Communication and Transaction Act, 2021 or any of their predecessors, Or any other law within Zambia? If yes, specify details:</p> <p>.....</p> <p>Nature of offence:</p> <p>.....</p> <p>Date of Conviction:</p> <p>.....</p> <p>Sentence:</p> <p>.....</p>		
12.	Appendices	Applicability	
	Appendix No. 1	Database Registration Information	Applicable to Data Controller and Data Processor ONLY
	Appendix No. 2	Such other relevant information as the Authority may require	
13.	<p>QUALITY OF SERVICE UNDERTAKING I/we declare that the quality of service I/we provide shall meet the minimum requirements set out under the Act or any other law or, guidelines published by the Data Protection Commissioner or any international standard.</p>		
14.	<p>DECLARATION I/we declare that all the particulars and information provided in this application are complete, correct and true and I/we agree that in the event that any of the said particulars and information provided is found to be untrue or fraudulent, the licence will be revoked.</p> <p>I/we agree that in the event of the revocation of the licence, any fee paid to the authority for licence shall be forfeited.</p> <p>I/we declare that in the event that the nature of my/our business changes, or I/we no longer carry out operations in terms of the registration, I/we will notify the Data Protection Commissioner in which case my/our registration may be revoked or revised. Declared at this days of 20..... by the following persons who are duly authorised to sign for and on behalf of the applicant under the authority of the Power of Attorney or Board resolution which is hereby attached.</p>		
My Details – Attachments			
Applicant _____		Date _____	
Officer _____		Date _____	
FOR OFFICIAL USE ONLY			
Received by _____ Officer		Date Received _____	
Amount Received: _____			
Serial No. of application: _____			

Form VI
(Regulation 10)



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

CHANGE OF PARTICULARS			
		Shaded Fields for official use only	Certificate/Licence code Date and Time
<i>Information Required</i>		<i>Information Provided</i>	
	Type of Data Service	<input type="checkbox"/> Data Processor <input type="checkbox"/> Data Controller <input type="checkbox"/> Data Auditor	
1.	Certificate/Licence No.		
2.	Name of holder		
3.	Expiry date		
4.	Name of assignee		
	Nationality		
	Identity card (NRC) No. or Passport No. - (attach certified copies)		
5.	Holder's Address: Tell: Email:		
6.	Reasons for changes	(a)	
		(b)	
		(c)	
		(d)	
		(e)	
		(f)	
7.	Appendix		
	Appendix No. 1	Reasons for change of details	
	Appendix No. 2	Such other relevant information as the Authority may require	
My Details – Attachments			
Applicant _____		Date _____	
Officer _____		Date _____	

FOR OFFICIAL USE ONLY
Received by _____ Officer
Amount Received: _____
Serial No. of application: _____

Form VII
(Regulations (11 and 19))



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

NOTICE OF INTENTION TO SURRENDER LICENCE/CERTIFICATE OF REGISTRATION			
		Shaded Fields for official use only	Certificate code Date and Time
Information Required		Information Provided	
	Type of Data Service	<input type="checkbox"/> Data Auditor <input type="checkbox"/> Data Controller <input type="checkbox"/> Data Processor	
1.	Certificate/Licence No.		
2.	Current Holder		
3.	Name(s) of assignee(s)		
	Nationality of assignee(s)		
	Details of assignee	NRC No.	Passport No.
	Type of assignee	<input type="checkbox"/> Individual	<input type="checkbox"/> Company <input type="checkbox"/> Partnership
4.	Assignee's Address		
	Tell:		
	Email:		
5.	Reasons for surrender	(a)	
		(b)	
		(c)	
		(d)	
		(e)	
6.	Appendices		
	Appendix No. 1	Reasons for surrender	
	Appendix No. 2	Such other relevant information as the Authority may require	
My Details - Attachments			
_____		_____	
Holder of certificate of Registration		Date	
_____		_____	
Officer		Date	

FOR OFFICIAL USE ONLY

Received by _____
 Officer

Amount Received: _____

Serial No. of application: _____

Form VIII
(Regulation 12 (1) and 20(1))



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

NOTICE OF INTENTION TO SUSPEND OR CANCEL CERTIFICATE OF REGISTRATION

To [Insert Applicant/ Certificate Holder Name]

In the matter of [Insert Certificate Category.....] with reference number [Insert Reference Number] address of [Insert Applicant/ Certificate Holder's Current Address]. You are hereby notified that the Authority intends to *suspend/cancel* your certificate on the following grounds:

- (a).....
 (b).....
 (c).....
 (d).....

You are requested to appear before me on theday of.....20..... at the Ministry of Transport and Communications, Lusaka, to show cause why your certificate should not be rejected/take remedial measure to address the concerns raised in paragraphs.....to.....above before theday of.....20..... If you fail to *appear before me/take the necessary remedial measures* before the stipulated date, your certificate will be suspended and subsequently revoked.

Accordingly, you are requested to take action to remedy the breaches set out in paragraphs.....(above) within [Insert Number of Days] days of receiving this notice. Failure to remedy the said breaches shall result in the *suspension/cancellation* of your certificate.

Dated this[Insert day]..... day of[Insert Month].....[Insert Year].....

Data Protection Commissioner

*Delete as appropriate

Form IX
(Regulation 12 (4) and 20 (2))



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

NOTIFICATION OF SUSPENSION OR REVOCATION OF CERTIFICATE OF REGISTRATION

To [Insert Applicant/ Certificate Holder Name].....

In the matter of [Insert Certificate Category]..... [with reference number [Insert Reference Number]] address of [Insert Applicant/ Certificate Holder's Current Address]. You are hereby notified that your certificate of registration has been *suspended/revoked* on the following grounds:

- (a).....
- (b).....
- (c).....
- (d).....

Dated this [Insert day]..... day of [Insert Month]..... [Insert Year]

.....
Data Protection Commissioner

*Delete as appropriate

Form X
(Regulation 14 (2))



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

Licence No.:

In accordance with Section 31 of the Data Protection Act No. 3 of 2021, this

INSERT LICENCE TYPE

is granted by the Data Protection Commission to -

INSERT NAME OF LICENCEE

INSERT LICENCEE ADDRESS

for

establishment and operation of a **INSERT STATION/SYSTEM TYPE** for the purpose of carrying on

INSERT SERVICE

as specified in the **Terms and Conditions** as shown in the Annexures attached hereto.

Date of Issue:
Date of Expiry:

Initial Fee:
Annual Renewal Fee:

.....
Data Protection Commissioner

Form XI
(Regulation 18)

REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

APPLICATION FOR TRANSFER			
	Shaded Fields for official use only	Licence code	
		Date and Time	
Information Required		Information Provided	
1.	Licence No.		
2.	Current Holder		
3.	Name(s) of assignee(s)		
	Nationality of assignee		
	Details of assignee	NRC No.	Passport No.
	Type of assignee	<input type="checkbox"/> Individual	<input type="checkbox"/> Company <input type="checkbox"/> Partnership
4.	Assignee's Address		
	Tell:		
	Email:		
5.	Appendices		
	Appendix No. 1	Reasons for transferring	
	Appendix No. 2	Such other relevant information as the Authority may require	
My Details – Attachments			
Applicant _____		Date _____	
Officer _____		Date _____	
FOR OFFICIAL USE ONLY			
Received by _____ Officer			
Amount Received: _____			
Serial No. of application: _____			

Form XII
(Regulation 18)



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021

(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

APPLICATION FOR AMENDMENT			
		Shaded Fields for official use only	Certificate code
			Date and Time
<i>Information Required</i>		<i>Information Provided</i>	
	Type of Data Service	<input type="checkbox"/> Data Controller <input type="checkbox"/> Data Processor	
1.	Certificate No.		
2.	Current Holder		
3.	Name(s) of assignee(s)		
	Nationality of assignee(s)		
	Details of assignee	NRC No.	Passport No.
	Type of assignee	<input type="checkbox"/> Individual <input type="checkbox"/> Company <input type="checkbox"/> Partnership	
4.	Assignee's Address		
	Tell:		
	Email:		
5.	Proposed amendments	<i>(a)</i>	
		<i>(b)</i>	
		<i>(c)</i>	
		<i>(d)</i>	
		<i>(e)</i>	
6.	Appendices		
	Appendix No. 1	Reasons for amendment	
	Appendix No. 2	Such other relevant information as the Authority may require	
My Details – Attachments			
_____		_____	
<i>Applicant</i>		<i>Date</i>	
_____		_____	
<i>Officer</i>		<i>Date</i>	
FOR OFFICIAL USE ONLY			
Received by _____			
<i>Officer</i>			
Amount Received: _____			
Serial No. of application: _____			

Form XIII
(Regulation 21)



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

RECORD OF PROCESSING ACTIVITIES

PART 1- DATA CONTROLLER (To be filled by a Data Controller ONLY)					
Section 1: Controller Details					
Name and contact details		Data Protection Officer (if applicable)		Representative (if applicable)	
Name:		Name:		Name:	
Address:		Address:		Address:	
Email:		Email:		Email:	
Telephone:		Telephone:		Telephone:	
No.	Section 2: Record of Processing Activities				
2.1.	Business function				
2.2.	Purpose of processing				
2.3.	Name and contact details of joint controller (if applicable)				
2.4.	Categories of data subjects				
2.5.	Categories of personal data				
2.6.	Categories of recipients				
2.7.	Link to contract with processor				
2.8.	Names of other countries or international organisations that personal data are transferred to (if applicable)				
2.9.	Safeguards for exceptional transfers of personal data to other countries or international organisations (if applicable)				

2.10.	Retention schedule (if possible)
2.11.	General description of technical and organisational security measures (if possible)
Section 3: Privacy Notices	
3.1.	Lawful basis for processing personal data
3.2.	Condition for processing sensitive personal data
3.3.	Legitimate interests for the processing (if applicable)
3.4.	Link to record of legitimate interests assessment (if applicable)
3.5.	Rights available to data subjects
3.6.	Existence of automated decision-making, including profiling (if applicable)
3.7.	The source of the personal data (if applicable)
Section 4: Consent	
4.1.	Link to record of consent
Section 5: Access Requests	
5.1.	Location of personal data
Section 6: Data Protection Impact Assessments	
6.1.	Data Protection Impact Assessment required?
6.2.	Data Protection Impact Assessment progress
6.3.	Link to Data Protection Impact Assessment
Section 7: Personal Data Breaches	
7.1.	Has a personal data breach occurred?
7.2.	Link to record of personal data breach
Section 8: Sensitive Personal Data or Criminal Conviction and Offence data	
8.1.	Condition for processing
8.2.	Lawful basis for processing

8.3.	Link to retention and erasure policy document	
8.4.	Is personal data retained and erased in accordance with the policy document?	
8.5.	Reasons for not adhering to policy document (if applicable)	
PART 2- DATA PROCESSOR (To be filled by a Data Processor ONLY)		
Section 1: Processor Details		
Name and contact details	Data Protection Officer (if applicable)	Representative (if applicable)
Name:	Name:	Name:
Address:	Address:	Address:
Email:	Email:	Email:
Telephone:	Telephone:	Telephone:
No.		Section 2: Record of Processing Activities
2.1.	Link to contract with controller (If applicable)	
2.2.	Name and contact details of controller	
2.3.	Name and contact details of controller's representative (If applicable)	
2.4.	Categories of processing	
2.5.	Names of other countries or international organisations that personal data are transferred to (If applicable)	
2.6.	Safeguards for exceptional transfers of personal data to other countries or international organisations (if applicable)	
2.7.	General description of technical and organisational security measures (if possible)	

Form XIV
(Regulation 22)



REPUBLIC OF ZAMBIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS

The Data Protection Act, 2021
(Act No. 3 of 2021)

The Data Protection (Registration and Licensing) Regulations, 2021

Notes for Applicants

1. In line with Section 48 of the Data Protection Act 2021, a data controller shall appoint a Data Protection Officer (DPO).
2. In line with Section 46 of the Data Protection Act 2021, a data controller shall carry out a Data Protection Impact Assessment (DPIA)

DATA PROTECTION IMPACT ASSESSMENT

Section 1: Controller Details	
Name of controller	
Subject/title of DPO	
Name of controller contact /DPO (delete as appropriate)	
Section 2: Data Protection Impact Assessment	
Step 1: Identify the need for a DPIA	
Explain broadly what you aims to achieve with the personal data (PD) and what type of processing it involves. You may find it helpful to refer or link to other documents. Summarise why you identified the need for a DPIA.	
Step 2: Describe the processing	
Describe the nature of the processing:	
How will you collect, use, store and delete data? What is the source of the data?	
Will you be sharing data with anyone?	
You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?	

Describe the scope of the processing:
What is the nature of the data, and does it include special category or criminal offence data?
How much data will you be collecting and using?
How often? How long will you keep it?
How many individuals are affected?
What geographical area does it cover?
Describe the context of the processing:
what is the nature of your relationship with the individuals?
How much control will they have?
Would they expect you to use their data in this way?
Do they include children or other vulnerable groups?
Are there prior concerns over this type of processing or security flaws?
Is it novel in any way?
What is the current state of technology in this area?
Are there any current issues of public concern that you should factor in?
Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?
Describe the purposes of the processing:
What do you want to achieve?
What is the intended effect on data subjects?
What are the benefits of the processing – for you, and more broadly?
Step 3: Consultation process
Consider how to consult with relevant stakeholders:
Describe when and how you will seek individuals' views – or justify why it's not appropriate to do so.

Who else do you need to involve within your organisation?				
Do you need to ask your processors to assist?				
Do you plan to consult information security experts, or any other experts?				
Step 4: Assess necessity and proportionality				
Describe compliance and proportionality measures, in particular:				
What is your lawful basis for processing?				
Does the processing actually achieve your purpose?				
Is there another way to achieve the same outcome?				
How will you prevent function creep?				
How will you ensure data quality and data minimisation?				
What information will you give individuals?				
How will you help to support their rights?				
What measures do you take to ensure processors comply?				
How do you safeguard any international transfers?				
Step 5: Identify and Assess Risks				
Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk	Options to reduce or eliminate risk	Effect on risk (Eliminated, Reduced or Accepted)	Residual risk (Low, Medium or High)	Measure approved (Yes/No)
Step 6: Identify measures to reduce risk				
Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk	Options to reduce or eliminate risk	Effect on risk (Eliminated, Reduced or Accepted)	Residual risk(Low, Medium or High)	Measure approved(Yes/No)
Step 7: Sign off and record outcomes				

<i>Item</i>	<i>Name/Position/date</i>	<i>Notes</i>
Measures approved by:		Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:		If accepting any residual high risk, consult the Data Protection Commissioner before going ahead
DPO advice provided:		DPO should advise on compliance, step 6 measures and whether processing can proceed
Summary of DPO advice:		
DPO advice accepted or overruled by:		If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will be kept under review by:		The DPO should also review ongoing compliance with DPIA

SECOND SCHEDULE
(Regulations 3, 23 and 24)

PRESCRIBED FEES

<i>Category</i>	<i>Application</i>	<i>Certificate of Registration</i>
Micro Organisation	167	1,667
Medium Organisation	333	3,334
Large Organisation	1000	10,000
Data processor	1000	10,000

<i>Category</i>	<i>Application</i>	<i>Licence</i>
Data auditor-public critical information	3333 entity 1667 individual	10,000 entity 16,667 individual
Data auditor-private critical information	Entity/Individual 3333	33333 entity 16,667 individual
Data auditor-general	3333 entity 1667 individual	33333 entity 16667 individual
Register Inspection Fee		333

LUSAKA
11th May, 2021
[MTC.64/9/35]

M. L. KAFWAYA,
*Minister of Transport
and Communications*