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THE UNITED REPUBLIC OF TANZANIA



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THE PERSONAL DATA PROTECTION ACT

(CHAPTER 44)

REGULATIONS

THE PERSONAL DATA PROTECTION (COMPLAINTS SETTLEMENT PROCEDURES)
REGULATIONS, 2023

[SUBSIDIARY LEGISLATION]

This version of the Personal Data Protection (Complaints Settlement Procedures) Regulations, 2023 has been translated into English Language, and is published pursuant to section 84(4) of the Interpretation of Laws Act, Chapter 1.

Dodoma,
3rd July, 2023

ELIEZER MBUKI FELESHI,
Attorney General

THE PERSONAL DATA PROTECTION ACT,
(CAP. 44)

REGULATIONS

(Made under section 64)

THE PERSONAL DATA PROTECTION (COMPLAINTS SETTLEMENT PROCEDURES)
REGULATIONS, 2023

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THE PERSONAL DATA PROTECTION ACT,
(CAP. 44)

REGULATIONS

(Made under section 64)

THE PERSONAL DATA PROTECTION (COMPLAINTS SETTLEMENT PROCEDURES)
REGULATIONS, 2023

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Personal Data Protection (Complaints Settlement Procedures) Regulations, 2023.
- Application 2. These Regulations shall apply to Mainland Tanzania as well as Tanzania Zanzibar save that, in Tanzania Zanzibar, these Regulations shall not apply to Non-Union matters.
- Interpretation 3. In these Regulations, unless the context otherwise requires-
- "Board" means the Board of Directors of the Commission established under the provisions of the Act;
 - "Committee" means the Committee to hear the complaint appointed under regulation 17(2);
 - "code of ethics for the protection of personal data" means the code of ethics prepared by the data controller or data processor and approved by the Commission specifying, among other things, the ethics and conducts that should be observed during the collection or processing of personal data;
 - "complaint" means the material facts of the matter or act complained by the complainant, in respect of the processing or any other use that violates the principles of personal data protection of the data subject by the data controller or data processor;

- "data processor" has the meaning ascribed to it in the Act;
- "Director General" means the Director General of the Commission appointed in section 11 of the Act;
- "data controller" means a natural person, legal person or public body which alone or jointly with others determines the purpose and means of processing of personal data; and where the purpose and means of processing are determined by law, "data controller" is the natural person, legal person or public body designated as such by that law and it includes his representative;
- "complainant" means a person who has filed a complaint to the Commission pursuant to these Regulations;
- "respondent" means the data controller or data processor or any person against whom a complaint is filed;
- "third party" means a person who is not part of the complaint but the respondent has a complaint against him;
- "mediator" means an officer of the Commission who is assigned to mediate the parties to the complaint under regulation 14;
- "authorised representative" means a person duly authorised in accordance with the Act, to represent the complainant or the respondent in a complaint under these Regulations;
- "penalty notice" means a notice issued under regulation 22;
- "enforcement notice" means a notice issued under regulation 21;
- "Act" means the Personal Data Protection Act;
- "Commission" means the Personal Data Protection Commission established under the provisions of the Act;
- "award" means the decision of the Commission in the underlying complaint, and includes any previous decision; and
- "Minister" means the Minister responsible for communication.

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PART II

FILING OF COMPLAINT

Filing of
complaint

4.-(1) Any person who considers that there is a violation of personal data protection principles or is dissatisfied with the decision of the data controller or data processor regarding personal data may submit a complaint to the Commission using Form No. 1 set out in the Schedule to these Regulations.

(2) Without prejudice to the provisions of subregulation (1), the complaint may be submitted orally and reduced in writing by the Commission using the form referred to in subregulation (1) and signed by the complainant.

(3) Notwithstanding the generality of subregulation (1), any person, or group of persons, may file to the Commission a group complaint, provided that-

(a) a list of their names and signatures or thumbprints have been obtained and submitted to the Commission together with the complaint; and

(b) the minutes of the meeting resolving the filing of the representative complaint have been obtained and submitted to the Commission together with the complaint.

(4) Complaints shall be submitted in Kiswahili or English language.

(5) After receiving a complaint under this regulation, the Commission shall evaluate the complaint with the view to checking on its propriety and compliance with the Act and these Regulations.

(6) After the completion of the evaluation under subregulation (5) and where the Commission is satisfied that the complaint has met the requirements of the Act and these Regulations, it shall proceed to deal with the complaint as provided for under these Regulations.

Rejection of
complaint

5.-(1) After the conclusion of the evaluation of the complaint under regulation 4(5), the Commission may reject the complaint where-

(a) it discloses no cause of action;

- (b) it is time barred;
- (c) the matter being complained of is pending before any court, tribunal, arbitration or quasi-judicial body;
- (d) the matter being complained of does not fall under the Act; or
- (e) the complainant has no *locus standi*.

(2) The Commission shall, in the event of rejection of the complaint under subregulation (1), notify the complainant in writing about the rejection of the complaint within seven days from the date of the decision, and explain the reasons for the decision to reject the complaint.

(3) The rejection of a complaint for any of the reasons mentioned in subregulation (1) shall not on its own bar the complainant from presenting a fresh complaint in respect of the same cause of action subject to the fulfillment the requirements of the Act and these Regulations.

(4) A complainant aggrieved by the decision of the Commission under subregulation (1) may apply for a review of the decision in accordance with section 48 of the Act.

Service of
summons to
present defence

6.-(1) The Commission shall, for a period not exceeding seven days after evaluating and being satisfied that the complaint submitted in accordance with regulation 4 has met the requirements of the Act and these Regulations, shall serve a summons to the respondent in Form No. 2 set out in the Schedule to these Regulations and directing him to present his defence.

(2) A summons issued under subregulation (1) shall be served on the respondent by-

- (a) personal delivery to the complainant or his representative who shall acknowledge receipt by signing and returning a copy of the summons to the Commission;
- (b) registered mail of the respondent and return a receipt; or
- (c) publication in two newspapers of general circulation to the public in the country, one in

Kiswahili and the other in English, where the Commission has determined that-

- (i) there are reasons to believe that the respondent is keeping out of the way for the purpose of avoiding the service; or
- (ii) the summons cannot, for any other reason, be served in an original way; and
- (iii) there is a proof in writing from the local government authority that efforts to serve the respondent were taken and that such efforts have failed due to reasons given in paragraphs (i) and (ii).

Defence to complaint

7.-(1) The respondent shall, within a period not exceeding twenty-one days after receiving the summons, present a defence to the Commission.

(2) The respondent shall, in his defence, answer every allegation of fact which he does not admit according to his knowledge and not deny generally the grounds alleged by the complainant.

(3) Where the respondent fails to present his defence as required under subregulation (1), it shall be deemed that the respondent has waived his right to appear and participate in the proceedings and the Commission shall proceed with the hearing *ex-parte*.

(4) Notwithstanding subregulation (3), the respondent may, by way of a letter, apply to the Commission for an order to set aside the *ex-parte* order.

Reply to defence

8. After receipt of the defence from the respondent as provided under regulation 7, the complainant may prepare and submit to the Commission a reply thereto within the time provided.

Third party procedure

9.-(1) Where in any complaint, the respondent claims against any person not a party to the complaint, the respondent may apply to the Commission to present a third-party notice.

(2) The application under subregulation (1) shall be

in writing and shall state-

- (a) the name and address of the third-party;
- (b) the nature of the claim made by the complainant in a complaint;
- (c) the stage at which the proceedings in the complaint have reached; and
- (d) the nature of the claim made by the applicant against the third party and its relation to the complaint of the complainant against the applicant.

(3) Upon receipt of the application under subregulation (1) and where the Commission is satisfied that the complaint of the respondent against the third party is related to the matter referred to in subregulation (2), and that after considering all the circumstances of the complaint, it is reasonable and proper to grant leave to the respondent to present a third-party notice, the Commission shall, upon such terms and conditions, grant leave to the respondent to present a third-party notice.

(4) Every third-party notice shall state-

- (a) the nature of the complainant's claim against the respondent;
- (b) the nature of the respondent's claim against the third party;
- (c) the relief claimed by the respondent against the third party;
- (d) the period within which the third party may present his defence; and
- (e) the consequences of the failure by the third party to present his defence within such period.

(5) The Commission shall cause to be served a copy of the third-party notice presented to it on the third party and the complainant in accordance with the procedure provided under regulation 6(2).

(6) Where a third-party notice has been served on the third party, the third party shall, if he wishes to dispute the claim against him by the respondent in the complaint, within fourteen days from the service of the third-party notice, present to the Commission his defence.

Directions

10. Where a third party has presented a defence, the Commission shall fix a date for issuing of directions and may, on such date, if it is satisfied that there is a proper question to be tried as to the liability of the third party in respect of the claim made against him by the respondent, order the question of such liability to be tried in such manner, at or after the trial of the complaint as the Commission may direct, or if the Commission is not satisfied, make such order as the nature of the complaint may require.

Award against third party

11.-(1) Where the third party-

- (a) makes default in presenting his defence within the time prescribed under regulation 9(6); or
- (b) having presenting a defence, makes a default in appearing on the date fixed for the issuance of directions,

if the respondent who presents a third-party notice is found liable to the complaint, the respondent may present an *ex-parte* application to the Commission for an award against the third party in respect of the relief sought.

(2) The Commission may, on the application by the respondent under subregulation (1) and on the *ex-parte* proof by the respondent of his claim against the third party, issue an award against the third party as the nature of the complaint may require.

Amendments to complaint, defence or reply

12.-(1) The complainant or respondent may, upon providing sufficient cause, be allowed to amend a complaint, defence or reply to the defence and the other party shall be afforded an opportunity to make a response thereto within a reasonable time prior to the hearing.

(2) The complainant or respondent who intends to make amendments in the complaint, defence or reply to the defence under subregulation (1), shall submit to the Commission an application to make such amendments in writing.

(3) The complainant or respondent shall, upon being allowed to amend the complaint, defence or reply to the defence, amend such a complaint, defence or reply to the defence within the time specified by the Commission.

PART III
INVESTIGATION AND MEDIATION PROCEDURES

Investigation of
complaint

13.-(1) The Commission shall, upon receiving the defence from the respondent or a reply from the complainant, if any, or otherwise comes to the attention of the Commission that-

(a) the complainant has an interest in the matter to which the complaint relates; and

(b) the complaint is not frivolous or vexatious, investigate the matter.

(2) The Commission shall, before commencing the investigation of the complaint under these Regulations, give the respondent a notice of investigation specifying the intention to conduct the investigation using Form No. 3 set out in the Schedule to these Regulations.

(3) Where it appears to the Commission, at any time during or after the investigation, that there is a meritorious complaint and that the data controller or data processor has not considered the same, or has not considered it adequately in accordance with the Act, or the code of ethics for the protection of personal data, the Commission may require the data controller or data processor to consider or reconsider the complaint within fourteen days.

Mediation

14.-(1) The Commission shall, as part of investigation, attempt to resolve the complaint in an amicable manner within thirty days from the date of filing the complaint.

(2) During mediating in subregulation (1), the Commission shall appoint one officer from the Commission to act as a mediator between the parties to the complaint.

(3) The mediator appointed to mediate the parties to the complaint under subregulation (2) shall strive to mediate the parties and in doing so, he may call for mediation meetings at a place and time as may be agreed upon by the parties.

(4) A settlement reached by the parties from the mediation meeting under subregulation (3), shall be reduced in writing in Form No. 4 set out in the Schedule to these Regulations and shall be signed by the parties and a copy thereof shall be submitted by the mediator to the Commission.

(5) The settlement reached under subregulation (4) shall, upon adoption by the Commission, be deemed to be the award of the Commission.

Issuance of award

15. The Commission shall, after adopting the settlement as its award, prepare and issue the award to the parties within twenty-one days from the date of receipt of the settlement.

Failure of mediation

16.-(1) Where, at any stage within thirty-days period specified under regulation 14(1), it becomes clear that the parties cannot reach an amicable settlement within the time provided, the mediator shall refer the complaint to the Commission for hearing.

(2) The Commission shall, within a period not exceeding seven days after the complaint has been referred to the Commission under subregulation (1), notify the parties using a summons in Form No. 5 set out in the Schedule to these Regulations, that the complaint has been referred to the Commission for hearing.

PART IV HEARING PROCEDURE

Complaint hearing procedures

17.-(1) Procedures for hearing complaints shall be *quasi-judicial* in nature.

(2) After investigation and upon failure of efforts of mediation, the Commission shall appoint a Complaints Hearing Committee that shall be composed of three persons among people with expertise and experience in the field of law, personal data protection and ICT within the Commission.

(3) Without prejudice the provisions of subregulation (2), the Committee may invite any person

with expertise related to the complaint being heard.

(4) A party may appear either in person, represented by an advocate or its principal officer or an authorised representative.

(5) Where the party appears by representation in accordance with subregulation (4), the party shall be required to produce proof of authorisation to represent which shall include any of the following:

- (a) power of attorney;
- (b) an introduction letter bearing the signatures and passport size photographs of both the party represented and the representative;
- (c) letter of appointment as the administrator or administratrix of the deceased's estate;
- (d) proof that the person has been named by the party in the complaint form as a representative;
- (e) tenancy agreement where the interested party is a tenant; and
- (f) birth certificate or affidavit as proof of relationship where the complainant is the guardian or parent of a minor.

(6) Complaints by minors or persons with mental health disabilities shall be handled in accordance with the provisions of the relevant laws.

(7) During the hearing of the complaints, the Committee may-

- (a) require any person to produce any documents or information deemed relevant;
- (b) issue an interlocutory order upon a written application by either party; and
- (c) require the attendance of any person to give evidence or produce any document that may be in his custody.

(8) The oral evidence adduced by the parties during hearing shall be under oath or affirmation.

(9) For the purposes of this regulation, "hearing" means all process required for determination, including-

- (a) any attempt to reconcile the parties;
- (b) oral and written submissions made by parties;
- (c) examination of witnesses;

- (d) discovery of documents;
- (e) tendering of exhibits;
- (f) visitation of the scene of the incident; and
- (g) production of documents by order of the Commission.

(10) For the purpose of providing justice under these Regulations, where these Regulations are silent on any matter of procedure, the Committee may regulate its own procedure.

Failure to appear

18.-(1) Where neither party appears when the complaint is called for hearing, the Commission may make an order that the complaint be dismissed.

(2) Where the complainant fails to appear when the complaint is called for hearing, the Commission may make an order that the complaint be dismissed.

(3) Where the respondent fails to appear when the complaint is called for hearing, the Commission may, upon application by the complainant, make an order for *ex-parte* proof of the claims made by the complainant.

(4) A party against whom a dismissal order has been made under subregulation (1) or (2) or an *ex-parte* order has been made under subregulation (3) may apply in writing to the Commission, within thirty days from the date of issuance of the order, for setting aside such dismissal or *ex-parte* order, and the Commission shall proceed on making decision to such applications.

(5) In making a decision to the application under subregulation (4), the Commission shall consider whether there are sufficient reasons in support of the application and it shall notify the parties about its decision.

Adjournment

19.-(1) A party may, before or during hearing of a complaint, apply to the Committee for adjournment.

(2) The application for adjournment may be made orally or in writing.

(3) The committee may accept the application for adjournment if it is satisfied that the applicant has sufficient reasons for applying for adjournment.

Application to

20.-(1) Any person who has an interest in the

intervene in
complaint

complaint before the Commission may, at any stage before conclusion of the hearing, file an application to the Commission to intervene in the proceedings.

(2) The application for intervention shall state-

- (a) the date to which the application is filed;
- (b) the number of the complaint;
- (c) the title of the complaint to which the application relates;
- (d) the name, postal and physical address of the intervener;
- (e) a concise statement of the matter in issue affecting the intervener;
- (f) the party whose position the intervener intends to support in the complaint; and
- (g) the grounds and documents in support of the application.

(3) The Commission shall notify the parties to the proceedings of the application and any party may file an objection within seven days upon receipt of notice of the application.

(4) The Committee shall ascertain whether the prospective intervener is directly affected by the outcome of the hearing of the complaint and whether his interest in the outcome is established.

(5) Where the Committee is satisfied that the intervener has sufficient interest, it shall grant the application on such terms and conditions as it may deem fit.

(6) Where the application is granted, the intervener shall, within seven days from the date of granting, file a statement of intervention containing:

- (a) the particulars of the intervener together with the material facts of the complaint including the particulars specified in paragraphs (b), (c) and (d) of subregulation (2);
- (b) succinct presentation of the facts and arguments supporting the intervention;
- (c) relief sought;
- (d) a list of documents annexed and a copy of every document upon which the intervener

relies.

(7) The parties to the proceedings may, within seven days from the date of receipt of the notice under subregulation (3), file to the Commission, jointly or severally, a reply to the statement of intervention in the complaint.

(8) After hearing the complaint, the Committee shall prepare and submit recommendations to the Commission.

Award

21. Upon receipt of the recommendations of the Committee, the Commission shall consider the recommendations and issue a written award in the relevant complaint.

Enforcement
notice

22.-(1) Where the Commission is satisfied that a person has failed to comply with any of the provisions of the Act or these Regulations, the Commission may issue an enforcement notice to that person in Form No. 6 set out in the Schedule to these Regulations, to be attached to the award issued under regulation 20, requiring him to take steps to rectify the deficiencies within seven days after receiving the notice.

(2) The Commission may issue the following directions in the enforcement notice:

- (a) rectify or change personal data;
- (b) prevent or suspend collection or processing;
- (c) erase or remove the personal data from the system;
- (d) destroy personal data; or
- (e) any other direction as the Commission may deem appropriate.

(3) The notice issued under subregulation (1), shall require the respondent to submit a report on the implementation of the enforcement notice within the time specified in the notice.

Penalty notice

23.-(1) Where after expiry of the enforcement period provided under subregulation 22(1) and the Commission is satisfied that the person issued with the

enforcement notice has failed to comply with the directions given, the Commission may issue a penalty notice using Form No. 7 set out in the Schedule to these Regulations.

(2) For the purpose of implementing these Regulations, the penalty notice shall form part of the award issued by the Commission in the relevant complaint.

Enforcement of award

24.-(1) Subject to the Act and the provisions of these Regulations, the award of the Commission shall be enforceable as the order of the High Court.

(2) The award holder shall, subject to the limitation period specified in the penalty notice, apply for the registration of the award at the High Court.

(3) Applications for registration of awards under subregulation (2) shall be by way of a covering letter enclosing the award to be registered.

(4) The High Court shall, after receiving the application under subregulation (3), proceed to register the award as if the same has been issued under the Arbitration Act.

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PART V GENERAL PROVISIONS

Application for review

25.-(1) Subject to the provisions of the Act and these Regulations, any party to the complaint who is not satisfied with the award of the Commission may, within twenty-one days, apply for review of the award to the Commission using Form No. 8 set out in the Schedule to these Regulations.

(2) The Commission shall, within fourteen days from receiving the application for review, review its award and may reverse, alter or revoke any direction given in the award.

(3) Review of award of the Commission shall be made by an officer or officers other than the one who handled the complaint.

- Appeal 26. Any party who is aggrieved by the decision of the Commission under regulation 21 may, within a period of twenty-one days from the date of delivery of the award, appeal to the High Court.
- Taxation for costs 27.-(1) Where any party has been awarded the costs and wishes to recover the costs which he has been awarded under these Regulations, he shall lodge a bill of costs for taxation and the Commission shall tax such bill accordingly.
(2) The bill of costs shall be filed to the Commission and shall be in the form prescribed under the Advocate Remuneration and Taxation for Costs Rules of 2015.
(3) Any person who is aggrieved with the decision of the Commission under subregulation (1) may appeal to the High Court.
- GN. No. 263 of 2015
- Issuance of compliance order 28. At any stage during hearing of the complaint and where the Commission is satisfied that a person has breached or is likely to breach the provisions of the Act, the Commission may issue a compliance order as it may deem appropriate.
- General penalty 29. Any person who contravenes any of the provisions of these Regulations for which no specific penalty is prescribed shall, on conviction, be liable to penalty as provided under the Act.
- Other procedures 30. Where procedures are not provided for in these Regulations, the Commission may do whatever is necessary and permitted by the Act or other relevant law to enable it to effectively and completely adjudicate on any matter before it.

SCHEDULE

FORMS

FORM NO. 1

(Made under regulation 4(1))

COMPLAINT FORM

(1) Details of the Complainant:

Name: _____
Name of Representative (If any): _____
Address: _____
Customer Service Number (If Available): _____
Physical Address: _____
City: _____
Phone: _____

Mobile Phone: _____
Email: _____

(2) Details of the Respondent:

Name _____ of _____ Data Controller / _____ Data
Processor _____
Address: _____
Physical Address _____
City: _____

Office Telephone: _____
Mobile Phone: _____
Email Address: _____

(3) Nature of Complaint *(A separate paper may be used)*:

(4) Relief Sought

(5) Has the Complainant tried to resolve the complaint directly with the Respondent?

Yes

No

If yes, state the steps taken and the results of those steps:

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(6) Has the Complainant sought legal redress from any other institution?

Yes

No

If yes, state the name of the relevant institution, the relief sought and the relevant results (*A separate paper may be used*):

(7) Have the copies of all relevant documents being attached?

Yes

No

If yes, itemise the list: (*A separate paper may be used*)

(8) Any other relevant information:

(9) I hereby declare that all the facts and information given in this complaint are correct to the best of my knowledge.

Date _____

Day Month Year
Complainant

Signature of the Complainant/Principal Officer of the

For Commission Use Only:

Date Received: _____ File Number: _____

Received by _____ Signature _____

(Made under regulation 6(1))

SUMMONS FORM

Complaint No.

TO:

.....
.....

- 1.-Complainant
- 2.-Respondent

SUMMONS TO FILE A DEFENCE

TAKE NOTICE THAT Mr/Mrs/Ms/Dr (“Complainant”) of P.O Box has lodged a complaint to the COMMISSION against you, a copy of the complaint form and the documents he submitted are attached for reference.

PURSUANT to regulation 7(1) of the Personal Data Protection (Complaints Settlement Procedures) Regulations, 2023 you are required to submit defence against the allegations lodged by the Complainant together with all the relevant documents you will rely upon in support of your defence within twenty-one (21) days from the date of issuance of this summons. The complainant should be served a copy of your defence.

TAKE FURTHER NOTICE THAT failure to submit your defence within the time mentioned above will imply that you have waived your right to be heard and the COMMISSION shall proceed to determine the matter in your absence in accordance with the above-mentioned Regulations.

GIVEN with the stamp of the COMMISSION this day of 20.....

.....
DIRECTOR GENERAL / SECRETARY TO THE BOARD

COPY TO:

.....
.....

(Made under regulation 13(2))

NOTICE OF INVESTIGATION

I. COMPLAINT

Name of Respondent: _____ Complaint Number _____

The Commission has received a complaint of alleged violation of the provisions of the Personal Data Protection Act against you.

II. NOTICE

Through this notice, the Commission informs you that it has decided to investigate the alleged violation of the provisions of the PersonalData Protection Act against you.

You are requested to cooperate with the Officer(s) of the Commission or any person authorised by the Commission to investigate the said complaint with the aim of determine and substantiating the complaint.

GIVEN with the stamp of the COMMISSION this day of 20.....

DIRECTOR GENERAL / SECRETARY TO THE BOARD

COPY TO:

.....
.....

(Made under regulation 14(4))

SETTLEMENT FORM

(This form should be filled by all parties and each party should retain one copy and the remaining copy should be submitted to the COMMISSION)

1.0 DETAILS OF COMPLAINT

- 1.1 Name of Complainant(s):
 - 1.2 Name of Respondent(s):
 - 1.3 Name of the Third party (If any):
 - 1.4 Name of the Intervener (If any):
 - 1.5 Number of the Complaint:
 - 1.6 Date of Filing the Complaints to COMMISSION.....
 - 1.7 Nature of the Complaint.....
-
-

2.0 DETAILS OF MEDIATION MEETING

- 2.1 Date(s) of Mediation Meeting:
- 2.2 Place of the Mediating Meeting:
- 2.3 Names of the Participants at the Mediation Meeting (See the Names and Signatures Appendix)
- 2.4 What are the terms and conditions of the settlement?
The parties hereto have agreed as follows:
.....
.....
.....
.....

3.0 VERIFICATION OF SETTLEMENT

3.1 I,, being the Complainant/Representative of the Complainant, hereby verify that all the information contained in this Form are true and the same reflects what the parties hereto have agreed.

Name:.....

Signature.....

Date.....

3.2 I,, being the Respondent/Representative of the Respondent, hereby verify that all the information contained in this Form are true and the same reflects what the parties hereto have agreed.

Name:.....
Signature.....
Date.....

3.3 I,, being the Third party/Representative of the Third party, hereby verify that all the information contained in this Form are true and the same reflects what the parties hereto have agreed.

Name:.....
Signature.....
Date.....

3.4 I,, being the Intervener / Representative of the Intervener, hereby verify that all the information contained in this Form are true and the same reflects what the parties hereto have agreed.

Name:.....
Signature.....
Date.....

3.5 I,, being the Mediator in this dispute, hereby verify that all the information contained in this Form are true and the same reflects what the parties hereto have agreed.

Name:..... Signature ..
Date:

(Made under regulation 16(2))

SUMMONS TO APPEAR

BEFORE THE PERSONAL DATA PROTECTION COMMISSION

Complaint No.....

To:

.....
.....
.....

1.-Complainant
2.-Respondent

NOTICE OF DATE OF HEARING OF COMPLAINT

TAKE NOTE THAT the above-mentioned complaint has been fixed for hearing before the PERSONAL DATA PROTECTION COMMISSION, in the venue of district of Region of date..... at hours

YOU ARE HEREBY required to appear in person or by an authorised representative without fail in the time, day and place mentioned above and also submit to the other party and the COMMISSION, a copy of all the documents you will rely in the defence of your case and that on the day of the hearing you must come with the original copies of those documents. The copies should reach the other party together with the COMMISSION before the date You are also required to bring your witnesses, if any, that you will use in defending your case.

GIVEN with the stamp of the COMMISSION this day of 20.....

.....
DIRECTOR GENERAL / SECRETARY TO THE BOARD

(Made under regulation 22(1))

ENFORCEMENT NOTICE

I. ENFORCEMENT

Name of Respondent (Data Controller/ Data Processor): Complaint
Number.....

The Commission has received a complaint of alleged violation of the provisions of the Personal
Data Protection Act against you.

II. DIRECTIONS

The Commission directs you to do the following:

.....
.....
.....

GIVEN with the stamp of the COMMISSION this day of 20.....

.....
GENERAL DIRECTOR

(Made under regulation 23(1))

PENALTY NOTICE

I. PENALTY

Recipient Name

Enforcement Notice Number

II. The Commission in accordance with section 46 of the Act and regulation 22 issue the following penalty /compensation:

.....
.....
.....
.....

III. RIGHT OF APPEAL

The party that is aggrieved with the decisions has a right to appeal to the High Court within 21 days from the date of the decisions.

GIVEN with the stamp of the COMMISSION this day of
20.....

.....
GENERAL DIRECTOR

(Made under regulation 25)

REVIEW OF THE DECISION OF THE COMMISSION

A. DETAILS OF PERSON GIVEN NOTICE OF ENFORCEMENT	
Name.	
Registration Number/ Identification Number	
Contact details (Phone number/ email address)	
B. COMPLAINT NUMBER _____ ENFORCEMENT/PENALTY NOTICE NUMBER _____	
C. GROUNDS FOR REVIEW OF ENFORCEMENT/PENALTY NOTICE	
.....	
.....	
...	

Note:

**If the space provided in this Form is insufficient, submit the information as an Attachment to this Form.*

** If you have supporting documents to prove your claim, please attach a copy to this Form.*

**The information submitted will be dealt with utmost confidentiality.*
