

The Ethiopian Personal Data Protection Proclamation No. 1231/2024 has finally seen the light of the day with the parliament's approval given on Thursday April 4, 2024, during the house's 20th ordinary session. The Proclamation, among others, establishes principles of personal data processing, rights of data subjects, obligations of data controllers and data processors, and administrative and criminal liabilities that could arise from transgression of the proclamation.

Below are some of the key points from the proclamation:

1. Obligations of Data Controllers and Data Processors

The proclamation obliges data controllers and processors to

- Register with the authority as data controllers and processors.
- Designate or appoint a data protection officer.
- Implement the appropriate technical and organizational measures for their processing activities.
- Notify the occurrence of a data breach to the authority and to the affected data subjects within 72 hours of becoming aware of it.
- Maintain a record of all processing operations under his responsibility.
- Carry out Data Protection Impact Assessment prior to the processing where the processing may result in a risk to the rights and freedoms of data subjects by virtue of their nature, scope, context, and purposes.
- Obtain authorization from the authority prior to certain forms of processing.

- Adopt privacy by design and privacy by default approaches as appropriate.
- Destroy the personal data as soon as is reasonably practicable where the purpose for storing personal data has lapsed.
- Ensure the storage of personal data collected or obtained locally on a server or data center located in Ethiopia.

2. The Ethiopian Communications Authority (ECA) as the body entrusted to monitor and supervise personal data protection.

Established under Proclamation No. 1148/2019, the Ethiopian Communications Authority is primarily tasked with the licensing and supervision of telecom operators, postal service operators, and broadcasters. This new proclamation for Personal Data Protection Proclamation designates the authority to discharge the obligations that in other countries are known to be the responsibilities of a separate 'Data Protection Commission'.

The authority will have the mandate to establish and maintain a register of data controllers and data processors, monitor the use of personal data and sensitive personal data, make determination as to whether a third-party jurisdiction ensures an appropriate level of protection comparable with what's provided in Ethiopia, and to investigate data breach complaints and impose administrative fines, among others.

3. The latest developments in the Principles of Data Processing recognized and endorsed.

The proclamation establishes the following six principles each elaborated to underpin modern conceptions on the area of privacy and personal data protection. These principles are (1) Lawfulness, Fairness, and Transparency (2) Purpose Limitation (3) Necessity /Data Minimization/ (4) Accuracy

and up to date ness (5) Storage Limitation (6) Security, Confidentiality, and Integrity AND (7) Data Sovereignty.

4. Rights of Data Subjects Extensively Covered

The proclamation brings new entitlements for data subjects in the form of (1) Right to be Informed, (2) Right to Access Personal Data (3) Right to Rectification of personal data that is inaccurate, incomplete, misleading or not up to date (4) Right to Erasure of Personal Data (5) Right to object or restrict any processing activity (6) Right not to be impacted based on automated decision making, AND (7) Right to Data Portability. Interestingly, the rights of data subjects are made to survive the death of the data subject as the heirs can exercise those rights up to ten years after death of the data subject.

In general, the promulgation of personal data protection opens an exciting chapter which establishes Ethiopia as a jurisdiction to be trusted with personal data and respect the right to privacy.

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