



MEMORANDUM

Data Protection Commissioner Appointed

11th July 2023

MULENGA MUNDASHI
LEGAL PRACTITIONERS

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1. Introduction

In the modern era of digital advancements, safeguarding personal data has become a critical concern, impacting both individuals and businesses. Recognizing the significance of this matter, Zambia has taken a significant step forward by enacting the Data Protection Act, 2021 (the "Act"), which became effective on 1 April 2021. This groundbreaking legislation is designed to fortify data privacy, foster responsible data management practices, and establish a resilient framework for data protection within the country.

The Act reflects Zambia's commitment to ensuring that individuals have control over their personal information and that organizations handle such data in a lawful and secure manner. By introducing comprehensive regulations and standards, the Act addresses the growing challenges associated with data breaches, unauthorized access, and misuse of personal data.

In our previous article, which was published on 31 March 2021, we offered insights into the Act, highlighting its salient provisions, scope, and the new regulatory obligations imposed on individuals and entities handling personal data. For further information on our previous article kindly follow the link by clicking [here](#).

We now provide below events and actions that have taken place to give effect to the proper functioning of the Act.

2. Appointment of the Data Protection Commissioner

Although the Act has been in effect since 1 April 2021, the Office of the Data Protection Commissioner, which serves as the regulatory body responsible for administering and enforcing the Act, has not yet been operationalized. However, on 1 June 2023, Mr. Likando Lyuka was appointed as Zambia's first Data Protection Commissioner. This significant development marks the establishment of a dedicated authority to oversee data protection matters in the country. Mr. Lyuka's responsibilities will include enforcing the provisions of the Act and offering guidance to individuals and companies regarding data protection practices in Zambia.

The establishment of the Office of the Data Protection Commissioner is expected to enhance the implementation and enforcement of the Act, providing a central authority to address data protection concerns, investigate potential breaches, and take appropriate actions to safeguard individuals' privacy rights.



Commencement of Operations

2. Appointment of the Data Protection Commissioner

While the appointment of the Data Protection Commissioner has been accomplished, the finalization of positions for Deputy Data Protection Commissioners and supporting staff is still pending.

We understand that the Civil Service Commission is actively engaged in the process of completing these appointments, following the recommendations provided by the Data Protection Commissioner. It is anticipated that these appointments will be finalized by 1 October 2023.

Nonetheless, this delay does not prevent companies from fulfilling administrative requirements as required under the Act to achieve compliance. These administrative requirements include but are not limited to the development of data protection policies as required under the Act.

Further to this, in as much as these appointments have been made, it does not cure the existing practical challenge of having to undertake the necessary registrations and filings. This affects complete compliance with the provisions of the Act as discussed in our previous article as the Ministry of Technology and Science at this point is currently not processing any registration applications.

3. Commencement of Operations

The Ministry of Technology and Science has advised that the office of the Data Protection Commissioner is scheduled to commence its operations on 1 January 2024.

Our Limitations

The information provided in this article is intended for general informational purposes only and does not constitute legal advice. Transmission or receipt of the information contained in this article does not create a lawyer-client relationship. Readers should not act upon this information without seeking professional counsel.

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