
REPUBLIC OF RWANDA



NATIONAL CYBER SECURITY AUTHORITY

GUIDE ON DATA CONTROLLER & DATA PROCESSOR REGISTRATION

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1. KEY DEFINITIONS

Personal data	It is any information relating to an identified or identifiable natural person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity of that natural person.
Sensitive personal data	It is any information revealing a person's race, health status, criminal records, medical records, social origin, religious or philosophical beliefs, political opinion, genetic or biometric information, sexual life or family details.
Privacy	It is a fundamental right of a person to decide who can access his or her personal data, when, where, why and how his or her personal data can be accessed.
Data Controller	It is a natural person, public or private corporate body or legal entity which, alone or jointly with others, processes personal data and determines the means of their processing.
Data Processor	It is a natural person, public or private corporate body or legal entity which, alone or jointly with others, processes personal data and determines the means of their processing.
Processing of personal data	It is an operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as <i>access to, obtaining, collection, recording, structuring, storage, adaptation or alteration, retrieval, reconstruction, concealment, consultation, use, disclosure by transmission, sharing, transfer, or otherwise making available, sale, restriction, erasure or destruction.</i>

2. CHECKLISTS

The following checklists set out indicators as to whether you are a controller or a processor. The more boxes you tick, the more likely you are to fall within the relevant category.

2.2 Are you a controller?

- You decide to collect or process the personal data.
- You decide what the purpose or outcome of the processing was to be.
- You decide what personal data should be collected.
- You decide which individuals to collect personal data about.
- You obtain a commercial gain or other benefit from the processing, except for any payment for services from another controller.
- You are processing the personal data as a result of a contract between us and the data subject.
- The data subjects are our employees.
- You make decisions about the individuals concerned as part of or as a result of the processing.
- You exercise professional judgement in the processing of the personal data.
- You have a direct relationship with the data subjects.
- You have complete autonomy as to how the personal data is processed.
- You have appointed the processors to process the personal data on our behalf.

2.2 Are you a processor?

- You are following instructions from someone else regarding the processing of personal data.
- You were given the personal data by a customer or similar third party, or told what data to collect.
- You do not decide to collect personal data from individuals.

- You do not decide what personal data should be collected from individuals.
- You do not decide the lawful basis for the use of that data.
- You do not decide what purpose or purposes the data will be used for.
- You do not decide whether to disclose the data, or to whom.
- You do not decide how long to retain the data.
- You may make some decisions on how data is processed, but implement these decisions under a contract with someone else.
- You are not interested in the end result of the processing.

2.3 What does it mean if you are a controller?

Controllers shoulder the highest level of compliance responsibility – you must comply with, and demonstrate compliance with, all the data protection principles as well as the other supervisory authority requirements. You are also responsible for the compliance of your processor(s).

The supervisory authority and individuals may take action against a controller regarding a breach of its obligations. Controllers established or residing in Rwanda or outside of Rwanda that process the personal data of individuals in Rwanda (not just citizens) must register with supervisory authority (National Cyber Security Agency hereinafter referred to as NCSA).

2.4 What does it mean if you are a processor?

Processors do not have the same obligations as controllers. However, if you are a processor, you have to register with NCSA and follow a number of direct obligations of your own under the law No 058/2021 of 13/10/2021 relating to the protection of personal data and privacy (hereinafter referred to as DPP law).

Both the NCSA and individuals may take action against a processor regarding a breach of those obligations.

3. REGISTRATION OF CONTROLLERS AND PROCESSORS

The article 29 of the DPP law makes it a mandatory requirement for any person who intends to be a data controller of a data processor to register with the NCSA.

3.1 Controller

All public and private organizations, professionals such as doctors, lawyers, engineers, architects, notaries and any other organizations processing or keeping personal data of living individuals reside in Rwanda, are required to register themselves as a controller with the NCSA's Data Protection Office.

3.2 Processor

A processor is an organization/individual who processes personal data on behalf of a controller. There must be a contract between the processor and the controller that clearly defines this relationship. The processor has no decision making power on the personal data that he is processing.

An example of processor is a company who prepares the payroll of the employees of other companies(controllers) and performs all the functions of payroll as defined in the contract between the processor and the controllers. If some of your departments are processing the personal data of customers or employees for example packing, printing, transport, payroll amongst others, these departments are not to be considered as processors as they form part of the controller (i.e. your organization).

3.3 A step by step guide on how to fill the registration form

(i) Section 1 - Basic Details

You should provide basic contact information about the organization and its data protection officer. All fields are mandatory except website.

(ii) Section 2 - Personal data

- For 'description of personal data', you should provide only the kinds/types of personal data you process. For example, if an organization collects names and telephone numbers of clients, you should write only the kinds/types of information in the form which are related to the name and telephonenumber. Do not write the actual names and telephone numbers of all your clients.
- For 'category of data subjects', you should list the categories of individuals which relate to the list of data that you have stated in the 1st column. For example, employees, customers, shareholders, directors, suppliers, students, participants are categories of individuals.
- For 'purpose of processing', you should state the reasons for the processing. For example, payroll, invoicing, know your client, due diligence, attendance, examination, amongst others.
- For 'recipient(s) to whom personal data is (are) disclosed', you should list all the entities. For example, the RSSB, bank, Rwanda Revenue Authority, RDB, RBC, etc.

(iii) Section 3 – Special Categories of Personal Data

- Please tick the box applicable or not applicable.
- If applicable, tick the type(s) of special categories of personal data that you are processing and state the purposes for which you are processing these types of personal data.
- If not applicable, please proceed to section 4.

(iv) Section 4 – Transfer of data outside of Rwanda

- Please tick the box applicable or not applicable.
- If applicable in your context, list all the countries where you will transfer the data and the purpose(s) for the transfer.
- If not applicable, please proceed to section 5.

(v) Section 5 – Measures for protection of personal data

- You should list the risk(s) to personal data, for example, unauthorized access, unlawful disclosure, theft amongst others.
- You should also describe the safeguards and security measures in place to protect the personal data. For example, physical access control, fine grained access control, visitors' log book, privacy notice, information security policy (firewall, antivirus amongst others), email policy amongst others.

(vi) Section 6 - Contract with Controller (for data processor application)

- You should tick all the three boxes as a processor. A processor has to meet all the three criteria for the form to be accepted.

3.4 Documents to be submitted

Controllers and processors should submit the following documents:

A. Administrative documents

- (i) Application letter addressed to the Chief Executive Officer of NCSA
- (ii) Application form
- (iii) Operating certificate/license (RDB certificate/ RURA license /BNR license/ RGB, MINICOM, etc.,)
- (iv) MoU or agreement with a local representative (for controller/ processor who is neither established nor resides in Rwanda but processing the individuals' data located in Rwanda)
- (v) Copy of valid National Identification / Passport of data protection officer
- (vi) Hosting invoice/receipt/agreement
- (vii) Company/institution profile (if available)
- (viii) Any supporting documents (MoUs, Agreements, Recommendation letters, etc.,)

B. Personal Data Protection and Privacy related documents:

Documents	Relevant Article in the DPP Law
Data Subject Consent Form	Articles 6 and 7
Data Subject Consent Withdrawal Form	Article 8
Parental Consent Form & Parental Consent Withdrawal Form	Articles 9 and 8
Inventory of Processing Activities	Article 17
Privacy Notice	Article 42
Website Privacy Policy	Article 42
Cookie Policy	Article 42
Personal Data Protection Policy	Articles 42, 46 and 47
Data Protection Impact Assessment Register	Article 38
Data Retention Policy & Schedule	Article 52
Supplier/Third Party Data Processing Agreement	Articles 4, 5, 48 and 49
Data Breach Response and Notification Procedure	Articles 43, 44 and 45
Data Breach Register	Article 44
Data Breach Notification Form to the Data Subjects	Article 45
Data Breach Notification Form to the Supervisory Authority	Articles 43 and 44

Under Chapter VIII (Art. 61) of the DPP, any controller or processor who knowingly provides any information which is false or misleading in a material particular during registration will commit an offence and will, on conviction, be liable to an imprisonment of not less than one (1) year but not more than three (3) years and a fine of not less than three million Rwandan francs (RWF 3,000,000) but not more than five million Rwandan francs (RWF 5,000,000) or one of these penalties.

In event of a corporate body or a legal entity, upon conviction, it is liable to a fine of Rwandan francs amounting to five percent (5%) of its annual turnover of the previous financial year.

3.5 Registration Certificate

- The supervisory authority issues a registration certificate to an applicant for registration as a data controller or a data processor who meets the requirements for registration within thirty (30) working days from the date of reception of the registration application.
- The registration certificate will be valid depending on the submitted operating license validity.

3.6 Cancellation of registration certificate

The supervisory authority may cancel the registration certificate before its date of expiry if the registration certificate holder:

- (i) has submitted false or misleading information;
- (ii) fails to comply with requirements of this law or terms and conditions specified in the certificate.

Before cancellation of the registration certificate, NCSA provides the certificate holder with fifteen (15) working days' prior notice in writing or electronically, requesting for explanations on non-compliance with above provisions.

3.7 Change in Particulars

Where there is a change in any of the particulars in your application, you must, within 15 working days of the date of the change, notify the NCSA in writing or electronically of the nature and date of the change. A controller or processor who fails to notify the NCSA will commit a misconduct and will, on conviction, be liable to an administrative fine of not less than two million Rwandan francs (RWF 2,000,000) but not more than five million Rwandan francs (RWF 5,000,000) or one percent (1%) of the global turnover of the preceding financial year.

3.8 Failure to Register or Operating without a registration certificate

As any other administrative misconducts in the article 53 of the DPP law, a controller or a processor who operates without a registration certificate or uses a certificate whose term of validity has expired will commit a misconduct and will, on conviction, be liable to an administrative fine of not less than two million Rwandan francs (RWF 2,000,000) but not more than five million Rwandan francs (RWF 5,000,000) or one percent (1%) of the global turnover of the preceding financial year.

4. APPLICATION SUBMISSION

It is highly recommended to submit the soft copies only. It is also advisable to sign your application forms and application letter with a digital signature provided by [Government Certificate Authority](#).

Please convert all documents into PDF, zip, and send them to dpp@ncsa.gov.rw by writing your organization name in the email's subject.