



PRESS RELEASE

ODPC TO AUDIT 40 DIGITAL LENDERS AND ISSUES ENFORCEMENT NOTICE AGAINST A HEALTH SERVICE PROVIDER

NAIROBI, Kenya, October 5 – The Office of the Data Protection Commissioner (ODPC) wishes to notify the public that it is conducting preliminary documentary assessment and audit on 40 Digital Credit Providers (DCPs) whose practices regarding the processing of personal data has been raised to the Data Commissioner as complaints by various members of the public.

As of 30th September 2022, ODPC had received 1,030 complaints, the office admitted 555 of these cases including 299 which were on Digital Lenders, representing 54 percent of all cases admitted.

The Data Protection (Complaints Handling and Enforcement Procedures) regulations, 2021 took effect on February 2022 paving way for data subjects to file complaints and report data breaches to the Data Commissioner.

The DCPs in question include:

1. APESA/Zerox Technology Company Ltd
2. ASAPKASH/Joyot Technology limited
3. BRANCH
4. CASH
5. CASH SEA
6. COLLECTPLUS-
7. COOPESA
8. CREDIT KES
9. CREDIT MOJA
10. Deltech Capital Limited/Mykes loan
11. DIRECT CASH
12. FAIRKASH
13. Flashpesa
14. Flexi Cash
15. Hela Credit
16. Hikash

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| 17. IKASH Connect | 29. MOKASH |
| 18. INSTARCASH | 30. PAPCASH |
| 19. IPESA | 31. POCKET CASH |
| 20. KASH LOAN | 32. PREMIER CREDIT LTD |
| 21. KASHBEAN | 33. ROCKET PESA |
| 22. KASHPLUS | 34. SENTI |
| 23. KASHWAY | 35. SKYPESA |
| 24. KESLOAN | 36. TALA |
| 25. LEMON KASH | 37. WAKANDA CREDIT/KASHWAY |
| 26. LIONCASH/GROLA TECH LTD | 38. Zash loan |
| 27. M-CREDIT | 39. Zenka Digital Limited |
| 28. METALOAN | 40. Zuri Cash |

During the audit process, the aforementioned DCPs will be required to provide this Office with requisite documents by October 18, 2022 failure to which they will be deemed to have failed to cooperate with the Office which is an offence under Section 61 of the Act.

The Office has also issued an enforcement notice against Aga Khan University Hospital (the "Hospital") following a breach of Kenya's Data Protection Laws.

A complaint was raised by a patient to the Data Commissioner that after visiting the Hospital, a staff later inappropriately contacted the complainant contrary to Sections 25, 41 and 46 of the Data Protection Act, 2019. (The Act).

In exercise of the Powers of the ODPC, the Data Commissioner directed the Hospital to outline specific measures it will take to mitigate or eliminate the breach/ contravention and to rectify and/or put in place structures within which the measures shall be implemented within 30 days.

Pursuant to Section 58(3) of the Data Protection Act, 2019, any person who, without reasonable excuse, fails to comply with an enforcement notice commits an offence and is liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding two years, or to both.

Data Commissioner, Immaculate Kassait MBS has reiterated ODPC's commitment to protect personal data and enforce compliance in the event of a breach of the laws.

“This is just one among many other complaints being investigated by the office. We want to assure the public that the complaints received will be investigated and concluded accordingly. All aggrieved members of the public are encouraged to continue sending their complaints via <https://www.odpc.go.ke/file-a-complaint/>.

For media enquiries:

Email: communications@odpc.go.ke

About the Office of the Data Protection (ODPC)

Office of the Data Protection Commission (ODPC) is a State corporation whose key mandate is to regulate the processing of personal data, protect the privacy of individuals and to provide data subjects with rights and remedies to protect their personal data.

The ODPC was established in November 2020 pursuant to the Data Protection Act, 2019 giving to effect Article 31 (c) and (d) of the Kenyan Constitution. The Data Protection (General) Regulations, 2021, Data Protection (Registration of Data Controllers and Processors) Regulations, 2021 and The Data Protection (Complaints Handling and Enforcement Procedures) regulations, 2021 were recently passed in order to enable implementation of the Act.

The Act gives the Office, through the Data Commissioner, a number of functions and powers including: (1) to receive and investigate any complaint by any person on infringements of the rights under this Act; (2) to serve an enforcement notice requiring an entity to take such steps to rectify its contravention of the Act within 30 days, where the Data Commissioner is satisfied that an entity has failed or is failing to comply with any provision; (3) and to conduct assessments for the purpose of ascertaining whether personal data is processed in accordance with the Act.