

PRE-REGISTRATION CHECKLIST

Before beginning your ODPC registration, verify these essentials

Registration is mandatory if:

- Your business is medium/large:
  - Ten or more employees, or
  - Annual turnover of Ksh 5 million or above
- You are a public entity/non-profit (including NGOs and religious organizations)

Supporting Documentation

Applicants to provide statutory documents to verify employee numbers and annual turnover:

- A signed declaration from the entity on the number of employees.
- For annual turnover: Audited financial statements or KRA tax returns
- Establishment documents e.g. Certificate of Incorporation, Certificate from Registrar of Societies, Gazette Notice, Act of Parliament.

The following are not exempted regardless of turnover or number of employees:

- Canvassing political support among the electorate.
- Gambling.
- Crime prevention and prosecution of offenders (including operating security CCTV systems)
- Operating an Educational Institution
- Health administration and provision of patient care.
- Businesses that process genetic data.
- Hospitality industry firms but excludes tour guides
- Property management including the selling of land
- Provision of Financial services
- Telecommunication network or service providers
- Direct marketing
- Transport service firms

IMPORTANT NOTICE

- The Data Commissioner reserves the right to verify submitted information with relevant institutions.
- False declarations may result in revoked registration and fines under Section 65.

DOCUMENT PREPARATION

Gather the following digital copies (in PDF or JPEG format) for submission:



Business Verification Documents

- Certificate of incorporation or business registration
- KRA PIN certificate



Data Processing Information

- List of personal data categories collected (e.g., IDs, health records)
- Description of processing purposes (e.g., payroll administration, customer marketing)

REGISTRATION FEE

The registration fees, valid for two years, are as follows:

Organization Category	Registration	Renewal
Micro and Small Entities	KSh. 4,000	KSh. 2,000
Medium	KSh. 16,000	KSh. 9,000
Large	KSh. 40,000	KSh. 25,000
Public Institutions	KSh. 4,000	KSh. 2,000
Charities & Religious Institutions	KSh. 4,000	KSh. 2,000

REGISTRATION PROCESS

- 1

Visit [odpc.go.ke/registration](https://odpc.go.ke/registration) for registration
- 2

Complete Form DPR1 with all required organizational and processing details
- 3

Upload required documents
- 4

Submit payment of the applicable registration fee

- Track status via your ODPC portal account.
- Print your certificate online once approved.

POST REGISTRATION

- Successful applicants will receive their registration certificate within fourteen days
- Registrants to notify the ODPC of any significant changes within fourteen days
- Renew registration every two years

HOW TO MAINTAIN COMPLIANCE

DESIGNATE A DATA PROTECTION OFFICER (OPTIONAL)



DATA MAPPING AND RECORD KEEPING

Maintain detailed records of all personal data processing activities

Document the lawful basis for each processing activity

Examples:

- Consent
- Contractual necessity
- Legal obligation
- Legitimate interest
- Vital interests

CROSS-BORDER DATA TRANSFERS

Organizations may only transfer personal data outside Kenya when:

- Explicit consent has been obtained** (for health, biometric, or other sensitive data)
- Appropriate safeguards are implemented**, including ODPC-approved safeguards:
  - Binding Corporate Rules
  - Standard Contractual Clauses (2023 Edition)
- Necessity demonstration:**
  - No local alternatives exist
  - Critical for service delivery

DATA PROTECTION IMPACT ASSESSMENTS (DPIAs)

High-Risk Activities Requiring DPIAs:

- Automated decision making with legal or similar significant effect.
- Use of personal data on a large scale for a different purpose.
- Processing of biometric or genetic data.
- Change in any aspect of processing that may result in higher risk to the data subject.
- Processing of sensitive personal data or data relating to vulnerable groups.
- Combining, linking or cross-referencing separate datasets where the data sets are combined from different sources and where processing is carried out for different purposes.
- Large scale processing of personal data.
- Systematic monitoring of a publicly accessible area on a large scale.
- Innovative use or application of new technologies or organizational solutions.
- Processing prevents the data subject from exercising their rights.

PROCESSOR CONTRACTS

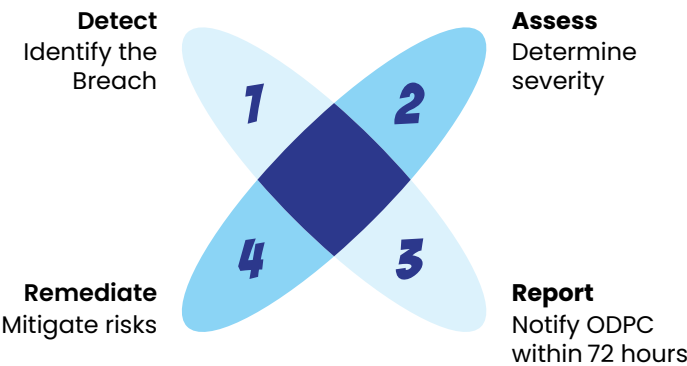


All contracts with data processors to include provisions for:

- Secure data return or destruction upon contract termination
- Audit rights for the data controller
- Non-disclosure agreements
- Data Processors must not sub-contract without informing the Data Controller

BREACH MANAGEMENT PROTOCOL

Implement an incident response plan:



# DATA SUBJECT COMPLAINTS HANDLING

- 1 Implement internal complaints handling mechanism.
- 2 Respond to other notices as per the timelines specified in them.
- 3 Implement Enforcement Notices within the specified timelines.
- 4 Proactively put mechanisms to effectively actualize and address data subjects rights requests within the specified periods.

## DATA PROTECTION BY DESIGN OR DEFAULT



- Implement the data protection principles in an effective manner.
- Integrate necessary safeguards for that purpose into the processing.
- Implement appropriate technical and organizational measures for ensuring that by default, only personal data which is necessary for each specified purpose is processed.

## DATA RETENTION SCHEDULE



- Establish a personal data retention schedule with appropriate time limits.
- Erase, delete Pseudonymize or anonymize personal data.
- The retention schedule should outline; purpose of retention, retention period, provision for the periodic audit, actions to be taken after the audit.

## SUPPORT RESOURCES

Scan the provided QR code to access the ODPC registration portal

Contact the ODPC registration desk via email at [registration@odpc.go.ke](mailto:registration@odpc.go.ke)

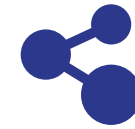


## DATA BREACH



- Occurs when personal data has been accessed or acquired by an unauthorized person, and there is a real risk of harm to the data subject whose personal data has been subjected to the unauthorised access.
- Where an entity becomes aware of a data breach, they need to report to the ODPC within 72 hours.
- Where they do not report the breach within time, they are to provide a justification for the delay.
- Communicate to the data subject in writing within a reasonably practical period, unless the identity of the data subject cannot be established.

## DATA SHARING



- Determine the purpose and means of sharing personal data.
- Enter into data sharing agreements
- Ensure that requests for sharing data are: in writing, specify the purpose, duration and safeguards in place prior to sharing.
- Sharing of data within the organizational structures of a data controller or data processor is not considered as a data sharing.

## DATA PROTECTION POLICY

Develop and publish a data protection policy outlining the following:

- The nature of personal data collected and held,
- Access and exercise rights by data subject,
- Complaints handling mechanisms (Internal),
- Lawful purpose of processing,
- Retention scheduled,
- Obligations on transfer of personal data,
- Collection of personal data from children and criteria to be applied.

## RISK AREAS OF NON-COMPLIANCE



- Financial Risks (Fines and Penalties)
- Legal and Regulatory Risks
- Operational Risks
- Loss of Trust by stakeholders
- Security Costs
- International Implications
- Complaints against the DC/DP

## DATA CONTROLLERS 360° COMPLIANCE JOURNEY

This document helps data controllers and data processors achieve and maintain compliance with the Data Protection Act (2019)

The Constitution of Kenya guarantees the right to privacy under Article 31(c) and (d).

To enforce this, the Data Protection Act, 2019 was enacted to safeguard individuals' personal data and define the responsibilities of data handlers.

As a result, the Office of the Data Protection Commissioner (ODPC) was established to oversee compliance, protect data subject rights and promote public awareness on privacy issues.

## CONTACT US

Britam Tower, Hospital Road, Upper Hill  
P.O Box 30920-00100, G.P.O Nairobi  
0796 954 269 / 0752 896 867  
[info@odpc.go.ke](mailto:info@odpc.go.ke)  
[www.odpc.go.ke](http://www.odpc.go.ke)