



**OFFICE OF THE
DATA PROTECTION
COMMISSIONER**

SERVICE CHARTER

FOREWORD

The Office of the Data Protection Commissioner is a regulatory office, established pursuant to the Data Protection Act, 2019 (the "Act") with a mandate of regulating the processing of personal data; ensuring that the processing of personal data of a data subject is guided by the principles set out in section 25 of the Act; protecting the privacy of individuals; establishing the legal and institutional mechanism to protect personal data and providing data subjects with rights and remedies to protect their personal data from processing that is not in accordance with the Act.

The charter identifies the core services that the office offers and sets out standards that should be expected from the customers.

This charter has been developed with an objective of defining who we are, our customers, services we offer and standards of delivering these services. Further, the Charter sets out our service standards and outlines the rights and obligations of our customers. In case our services are below the set standards, a feedback and redress mechanism has been put in place to ensure continuous improvement in our services to meet your satisfaction and exceed your expectations. The office commits to provide these services in a professional, transparent and accountable manner. I therefore recommend this charter as a platform of enhancing constructive dialogue and accountability in our service delivery.



A stylized, handwritten signature in blue ink, reading 'Immaculate Kassait'. Below the signature is a horizontal line of small dots.

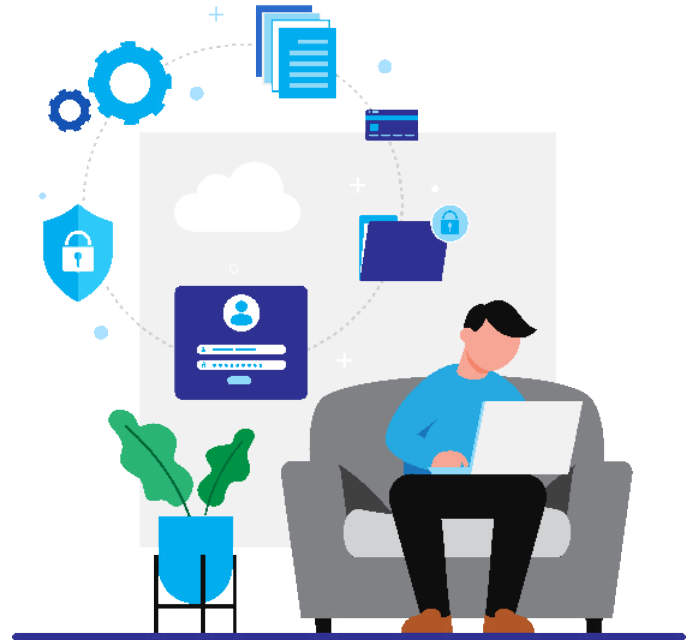
IMMACULATE KASSAIT, MBS

DATA COMMISSIONER

FUNCTIONS

The Functions of ODPC is derived from Section 8, of the Data Protection Act, 2019 of 25th November 2019 include:

- To oversee the implementation of and be responsible for the enforcement of the Data Protection Act.
- To establish and maintain a register of data controllers and processors.
- To exercise oversight on data processing operations, either of own motion or at the request of a data subject and verify whether the processing of data is done in accordance with the Data Protection Act.
- To promote self-regulation among data controllers and data processors.
- To conduct an assessment, on its own initiative of a public or private body, or at the request of a private or public body for the purpose of ascertaining whether information is processed according to the provisions of the Act or any other relevant law.
- To receive and investigate any complaint by any person on infringements of the rights under the Act.
- To take such measures as may be necessary to bring the provisions of the Data



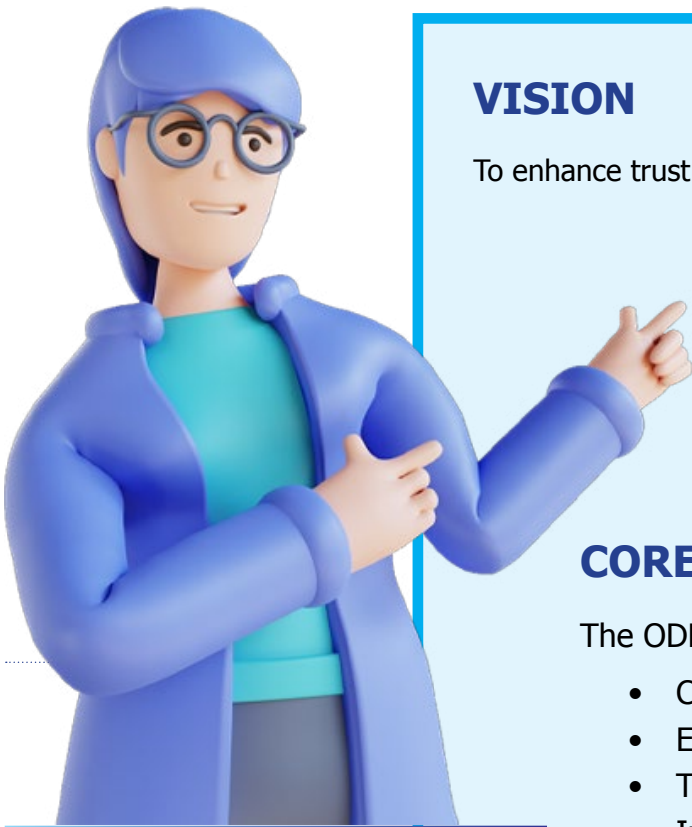
Protection Act to the knowledge of the general public.

- To carry out inspections of public and private entities with a view to evaluating the processing of personal data.
- To promote international cooperation in matters relating to data protection and ensure country's compliance on data protection obligations under international conventions and agreements.
- To undertake research on developments in data processing of personal data and ensure that there is no significant risk or adverse effect of any developments on the privacy of individuals.
- To perform such other functions as may be prescribed by any other law or as necessary for the promotion of the objectives of the Data Protection Act.

THE PURPOSE OF THIS CHARTER

The objective of this charter is to:

- Enhance our customer awareness on the services offered by the office
- Inform our customers the standards of services they should expect from the office
- Outline Customers' rights and responsibilities
- Explain our rights and responsibilities as service provider
- Describe how our customers can lodge complaints and make suggestions about service delivery.



VISION

To enhance trust and build transparency of data protection in Kenya

MISSION

Protect personal data in Kenya through compliance, enforcement, public awareness and institutional capacity development

CORE VALUES

The ODPC has adopted the following core values:

- Collaboration and Teamwork
- Ethical organizational practices
- Transparency and accountability
- Inclusive and accessible
- Organizational effectiveness

YOUR RIGHTS AS A CUSTOMER

- We will strive to uphold your rights as our customer; treat you with respect and courtesy, fairly, professionally and in line with the Constitution of Kenya and laws governing the provision of our services.
- As our esteemed customer, you have the right to expect the highest standards of service delivery from us and to forward for resolution any dissatisfaction or complaints regarding our services.
- In this respect, you have a right to:
- Be treated with fairness, courtesy, dignity and consideration in all your interactions with us without any discrimination.
- Complete and accurate information on all aspects of the service you seek from us. This include information on how to access our services, the time period within which your request would be considered granted and details of any fees chargeable.
- Privacy and confidentiality with respect to personal, business, contractual and financial information, written or oral that you communicate to us as part of the requirement and in the course of receiving a service from us
- Complain when aggrieved by services from us
- Participate in the review of this Charter

YOUR RESPONSIBILITY AS OUR CUSTOMER:

To enable us to serve you better and deliver our commitment to you, we expect that you shall:

- Uphold and treat our staff with courtesy, professionalism and refrain from unethical behaviors' and tendency to compromise or intimidate our officers
- Provide the office with accurate and timely information for any action to be taken
- Submit fully completed documentation and provide all requirements needed for any our services
- Promptly respond to request for information from us
- Not offering any gifts, favors or inducements to our staff or solicit the same from us
- Complying with any existing Acts and Regulations governing the provision of the services you are seeking, as may apply; and
- Payment of stipulated fees.

OUR COMMITMENT TO YOU

- To treat the information, you gave us in the course of seeking our services with utmost confidentiality
- To provide services with the greatest professional competence
- To provide you with all relevant information that you may request
- To resolve all complaints received within the stated timelines
- To be ethical in all our dealings with you at all time

HOW TO CONTACT US

MODE	HOW TO REACH US	OUR CONTACT STANDARDS
Telephone	0207801800	We will answer calls promptly and try to resolve inquiries immediately. When your inquiry needs a specialist attention, we will endeavor not to transfer your call more than once. When we are unable to answer your enquiry immediately, we will advise when you can expect a comprehensive reply.
In Person	Located in 13th Floor, Britam Tower, Hospital Road, Upper Hill - Nairobi, Kenya	We aim to resolve face-to-face inquiries immediately. When this is not possible, we may request to call or respond to you in writing later.
In Writing	Data Commissioner Office of the Data Protection Commissioner P. O. Box 30920 - 00100 GPO Nairobi-Kenya	For general inquiries, we will acknowledge or resolve your inquiry within 3 working days. We will resolve to your correspondences within 10 working days . If we are unable to respond, we will inform you on the 11th day on the progress and when you can expect a comprehensive reply.
Email	info@odpc.go.ke customer.feedback@odpc.go.ke	For general inquiries, we will acknowledge receipt within 3 working days. If we are unable to resolve your inquiry, within 3 working days, we will send you an email to inform you of the officer handling your inquiry and when we expect to resolve it.
Website	www.odpc.go.ke	The Office website will provide comprehensive, accurate, relevant and timely information.

CATEGORY	SERVICE	INPUT	OUTPUT	TIMELINES	COST (KSH)
REGISTRATION	Registration of Data Controllers and Data Processors	"Complete registration form Full payment"	Registration certificate issued (if application meets statutory requirements)	14 working days	4,000 – 40,000
	Publishing of updated register	Registration of Data Controllers and Data Processors	Updated register	30 working days	Free
	Notification of rejection of application	"Complete Registration Form Full Payment"	Notification of decision to refuse application	35 working days	Free
	Notification of changes of particulars	Notification of changes within 14 days of occurrence of change	Acknowledgment of receipt of notification	Within 5 business days of the receipt of occurrence of any changes	Free
	Appointment of DPO	Notification of appointment of DPO	Acknowledgment of receipt of notification	Within 5 business days of the receipt of notification	Free
COMPLAINTS	Acknowledgment of receipt of a complaint on infringement of data rights	Complaint	Acknowledgment of a complaint	7 working days	Free
	Notification on discontinuation of a complaint	Reasons for discontinuation	Response from the complainant	14 working days from date of discontinuation	Free
	Withdrawal of a complaint	Request for withdrawal	Complaint withdrawal	Any time before determination is made	Free
	Relodging a withdrawn complaint	Complaint	Re-lodged complaint	6 months	Free
	Determination of a complaint	Communication of the decision	Decision	7 working days from the date of determination	Free
DATA PROTECTION IMPACT ASSESSMENT	Acknowledgment of Data Protection Impact Assessment	Data Protection Impact Assessment	Acknowledgment to Data Protection Impact Report	5 working days	Free
	Consultation on Data Protection Impact Assessment	Request for an Advisory	Response to Data Protection Impact Report	Within 60 days of receipt of Data Protection Impact Assessment	Free
ADVISORY	Issuance of advisories	Request for an advisory	Issued advisories	Within 10 working days	Free
CROSS-BORDER DATA FLOWS	Provision of approval for cross-border transfers	Request for approval for cross-border transfers	Response to request for cross-border transfers	Within 15 working days	Free
ENFORCEMENT	Issuance of enforcement notice and penalty notice	Enforcement notice and Penalty notice issued	Fine not exceeding 5 million shillings	Within 30 days of serving the enforcement notice	Max. ksh. 5,000,000
INSPECTION/ASSESSMENTS	Review of documents	Submission of Audit/Inspection documents	Summary/Assessment/Inspection report	25 business days after receipt of complete documentation	Free
TRAINING ON DATA PROTECTION	Acknowledgment of correspondence and requests	Correspondence and requests	Correspondence and requests acknowledged	Within 3 working days	Advised from time to time

AWARENESS CREATION	Sensitization on data protection targeting data subjects/general public	Content/venue /public	Sensitization report	Quarterly	Free
INTERNATIONAL OBLIGATION	Implement the resolution of international association on data protection	Minutes of previous meetings/Resolutions	Resolution report	As per the resolution timelines	Free
SUPPORT SERVICES					
CATEGORY	SERVICE	INPUT	OUTPUT	TIMELINES	COST (KSH)
GENERAL INQUIRIES	Acknowledgment of correspondence and requests for information	Correspondence and requests	Correspondence and requests	Within 3 working days	Free
	Response to verbal inquiries/walk-ins	Verbal inquiries	Response	5 minutes	Free
	Response to telephone call	Telephone	Response	15 seconds	Standard rates apply
	Response to written correspondence via social media	Social media	Response	1 working day	Free
	Response to correspondence via email	Email	Response	1 working day	Free
PUBLIC COMPLAINTS	Response to correspondence via letter	Letter	Response	5 working days	Free
	Response to Public complaints	Form/website/email/Social media	Response	14 working days	Free
	Receiving visitors	Visitors	Good reception	Within 3 minutes upon arrival at the reception	Free
PAYMENTS	Payments to suppliers	Supporting documents (LPO, LSO, Contract, Delivery Note, Invoice)	Payment	60 days from the date of receipt of invoice	Free
SUPPLIERS	Registration of suppliers - Open	Duly filled application form, company profile, Certificate of incorporation/registration, PIN certificate, Tax Compliance Certificate/Exemption, Bank Statement etc	Registration	60 working days	Free
	Registration of suppliers - AGPO	AGPO Certificate		14 working days	Free
TENDERS	Processing of tenders	Submit bids for goods and services	Notification of successful and unsuccessful bidders	90 days	Free
POLICY-MAKING	Public participation in policy-making process	Familiarization with issues and active participation	Policy	1 day	Free
STAFFING	Recruitment of staff	Make formal application based on the advert	Recruitment	90 days	Free
REQUEST FOR INFORMATION	Processing of request for information	Make a request for information	Information	21 working days	Free

Commitment to Courtesy and Excellence in Service Delivery

Any service that fails to meet the above standards, or any staff member who does not uphold these commitments to courtesy and excellence in service delivery, should be reported to:

THE DATA COMMISSIONER

0207801800 | info@odpc.go.ke
13th Floor, Britam Tower, Hospital Road, Upper Hill
P.O Box 30920 - 00100 GPO Nairobi-Kenya

www.odpc.go.ke

If you remain dissatisfied with the intervention provided above, you may escalate your concerns to:

The Commission Secretary/Chief Executive Officer

COMMISSION ON ADMINISTRATIVE JUSTICE

Tel: 020 2270 000 | 020 2303 000 | complaints@ombudsman.go.ke
West End Towers, 2nd Floor, Waiyaki Way
P.O Box 20414, City Square, 00200

www.ombudsman.go.ke