



Tech Tuesdays *With Musa.*

Published: 21st May 2024

THE DATA PROTECTION ACT AND VARIOUS INDUSTRIES.

The Data Protection Act focuses on balancing individual and business rights through transparency and accountability. Failure to comply with the Act may result in fines of up to 1 million Pula or imprisonment of up to 12 years, or both. The Act provides different principles that ought to be applied differently by industries and organizations depending on their circumstances. This week, we zoom in on how different industries can comply with the Act to prevent facing dire consequences.

The Data Protection Act and Financial Services

The advent of the Data Protection Act requires financial services to tighten their policies and procedures around the usage and processing of personal data. The ramifications for financial service organizations such as banks and investment advisory firms are far reaching – up to P1 000 000 in fines.

The Act provides for the appointment of a Data Protection Representative. While the language of the Act is permissive, it would be good practice for financial institutions to appoint one to act as the contact person for all data protection queries. The Representative must be an expert on data protection and independent to avoid any conflict of interest. External counsel with expertise in data protection such as the capable and dedicated team at Gobhoza Legal Practice would be excellent to ensure that your organization is compliant with the provisions of the Act at all times.

The Data Protection Act and Schools/Universities

Universities collect vast amounts of personal data on both students and staff. The school or university as a data controller is responsible for demonstrating compliance with all the requirements of the Act. It must be in a position to demonstrate what data it has, where it comes from, how it is used and who has access to it. This necessitates a thorough data audit to create an information asset register. To ensure compliance, we recommend disposing of any personal data which the institution no longer requires such as data about former students and employees.

The Data Protection Act and Human Resources

Any organization with any number of employees has a duty to comply with the provisions of the Act. HR managers collect a lot of personal data relating to employees such as their



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names, addresses, personal banking details and so forth. This places a responsibility on human resource officers to ensure that this data is securely held and used in a responsible manner.

HR managers should review employee data that is collected and stored, then assess the value it brings to the organization, while ensuring that the data collected is limited only to what is relevant and necessary. To ensure compliance, consider conducting a data audit to review and identify what personal data you have, process and store on your employees.

Article by Princess Musa Dube

If you have an interest in an in-depth discussion on this subject matter or any Data Protection related issues, feel free to contact us at info@gobhozalegalpractice.co.bw Tel: **3116371**

***Disclaimer:** This article is for information purposes only and should not be taken as legal advice.*