SmartSuite

Framework / Privacy / Global Privacy Regulations

Data Protection Act, No. 24 of 2019 (Kenya)

The Kenya Data Protection Act, 2019 establishes legal requirements for processing, securing, and transferring personal data to protect privacy.

What it is

The Kenya Data Protection Act, 2019 is a national data protection regulation that establishes legal requirements for the processing, storage, and transfer of personal data to protect individuals' privacy rights. This framework sets out obligations for both public and private sector organizations to ensure responsible management of personal information and safeguard data subjects from misuse.

Enacted by the Parliament of Kenya and enforced by the Office of the Data Protection Commissioner (ODPC), the Act applies to any organization that processes personal data within Kenya, or outside Kenya if such data relates to individuals located in Kenya. Its key areas include data subject rights, lawful processing, data security controls, breach notification, cross-border data transfers, and regulatory compliance oversight.

At a glance

PUBLISHER Office of the Data Protection Commissioner (ODPC)	TYPE Regulation	VERSION Data Protection Act, 2019
EFFECTIVE November 25, 2019	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION Kenya	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY High

Source: https://www.odpc.go.ke

Why it matters

- **Strengthen data privacy practices** Enhance protection of individuals' personal information throughout its lifecycle, reducing risks of unauthorized access or misuse.
- **Improve regulatory compliance** Support adherence to national legal requirements, reducing the risk of regulatory penalties and reputational damage.
- **Enhance operational accountability** Promote the appointment of data protection officers and the implementation of internal controls to support responsible data handling.
- **Support international data transfers** Enable organizations to meet international expectations and facilitate cross-border activities with appropriate data protection measures.

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How SmartSuite supports Kenya DPA 2019

Personal Data Inventory and Mapping

Track personal data assets, systems, and data flows across the organization.

Consent and Processing Governance

Maintain records of processing activities and legal bases for data processing.

Data Subject Rights Workflows

Automate access, correction, and deletion requests with deadlines and audit trails.

Privacy Risk and Impact Assessments

Track privacy impact assessments, approvals, mitigation actions, and compliance evidence.

Vendor and Processor Oversight

Monitor vendors and processors that handle personal data on behalf of the organization.

Privacy Compliance Reporting and Audit Readiness

Provide dashboards and reports showing privacy program coverage and regulatory readiness.

Common framework mappings

APEC PF | CCPA/CPRA | GDPR | ISO 27701 | NIST Privacy Framework v1.0 | OECD Privacy Guidelines | POPIA | UK DPA 2018

Official resources

Kenya Data Protection Act, 2019

The legal text of the Kenya Data Protection Act defining data privacy obligations for organizations.

odpc.go.ke/data-protection-laws-kenya

ODPC Guidelines on Compliance

Provides regulatory guidance on implementing data protection controls under the Kenya Data Protection Act.

odpc.go.ke/guidelines

Data Protection Impact Assessment Guidelines

Describes requirements and procedures for conducting data protection impact assessments.

edpb.europa.eu/our-work-tools/general-guidance/gdpr-guidelines-recommendations-best-practices_en

Data Subject Rights FAQ

Describes the rights of data subjects and the obligations of data controllers.

odpc.go.ke/faqs

Frequently asked questions

What is the Kenya Data Protection Act used for?

The Kenya Data Protection Act (DPA) is used to set out legal requirements for processing, storing, and transferring personal data to protect the privacy rights of individuals. It establishes clear rules for public and private organizations on how to handle personal information to prevent misuse and safeguard data subjects.

Is the Kenya Data Protection Act mandatory or voluntary?

Compliance with the Kenya Data Protection Act is mandatory for all organizations that process personal data within Kenya, or data relating to individuals located in Kenya, regardless of where the organization is based. Non-compliance may result in regulatory penalties, enforcement actions, and legal liabilities.

Who does the Kenya Data Protection Act apply to?

The Act applies to data controllers and data processors, both within Kenya and internationally, if they handle the personal data of individuals in Kenya. This includes businesses, government agencies, non-profits, and any third parties involved in processing such information.

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What are the main compliance requirements of the Kenya Data Protection Act?

Key requirements of the Act include data subject rights management, obtaining valid consent, implementing data security controls, conducting data protection impact assessments (DPIAs), and notifying the regulator and affected individuals in case of personal data breaches. Organizations must also keep records of processing activities and establish a framework for accountability.

What documentation and processes are necessary for compliance?

Organizations are expected to implement and maintain privacy policies, perform regular DPIAs, appoint a Data Protection Officer (DPO) where required, and ensure all processing activities are logged and auditable. Internal policies must cover consent management, incident response, training, and periodic risk assessments.

How does the Kenya Data Protection Act address cross-border data transfers?

The Act restricts cross-border transfers of personal data, permitting them only if adequate data protection safeguards are in place or if the receiving country provides an adequate level of protection. Organizations must assess transfer risks and document safeguards such as standard contractual clauses or binding corporate rules.

How does the Kenya Data Protection Act compare to the GDPR?

While based on similar principles to the EU's GDPR, including lawful processing and enhanced data subject rights, the Kenya Data Protection Act adapts requirements to the Kenyan context and is enforced by the Office of the Data Protection Commissioner. Organizations handling cross-border data may benefit from aligning compliance practices between both regulations.

How would SmartSuite support Kenya Data Protection Act compliance?

SmartSuite enables organizations to manage Kenya Data Protection Act compliance by centralizing risk tracking, mapping legal requirements to internal controls, and managing evidence collections for DPIAs and breach notifications. The platform supports audit readiness, compliance tracking, incident reporting, and generates dashboards and reports to monitor regulatory posture and ongoing activities.

License included / downloadable: Yes Kenya's Data Protection Act is publicly available through official government publications.

Full framework page and mappings: smartsuite.com/frameworks/kenya-data-protection-act-2019