

**ADDRESS BY THE AG. EXECUTIVE DIRECTOR OF THE
COMMISSION AT THE LAUNCH OF THE DATA PROTECTION ACT,
2012 (ACT 843) – 18TH NOVEMBER 2012.**

Mr. Chairman,

Hon. Minister of Communications,

Distinguished Representatives of the Diplomatic Missions in Ghana,

Distinguished Members of the Judiciary and Parliament,

Representatives of Law Enforcement Agencies,

Chief Directors, Heads of Institutions and or their Representatives,

Invited Guests,

Friends of the Media,

Ladies and Gentlemen,

Thank you for honouring our invitation!

The Data Protection Act, 2012 (Act 843) was passed by Parliament in 2012 to protect the privacy of the individual and personal data by regulating the processing of personal information. The law therefore provides for the process by which one can obtain, hold, use or disclose personal information and other related issues bordering on the protection of personal data

Why Data Protection?

You will agree with me that, privacy fortifies our human dignity and guarantees other key values such as freedom of association and freedom of speech in our society. It is therefore in this light that Article 18(2) of the 1992 Constitution guarantees the right to the privacy of our communications.

However today, with advances in technology, we share personal information on an unprecedented scale. We give out your personal information on a daily basis. But do we know where such information goes? Are we privy to who has access to such information? Do we know what our information is used for? Our ability to seclude ourselves or share our information selectively is under threat; hence our theme for this launch – **Know your Right; protect your Information!**

Ladies and Gentlemen, over the past couple of years and even recently, the barrage privacy invasions of citizens in our country especially through the use of information technology, have led to discrimination, personal harassments, damage to professional reputations, financial losses and in some extreme cases death.

Even though we sometimes feel that not much can be done in such situations, the growing importance, diversity and complexity of this fundamental right to privacy cannot be underestimated.

Data Protection Commission (DPC)

Mr. Chairman,

Permit me at this juncture to talk about the Data Protection Commission and its role in the implementation of data protection in Ghana. The Act established the Data Protection Commission (DPC) as an independent body to regulate implementation of the provisions under the law.

The Commission’s objectives are:

- To ensure the protection of the privacy of the individual and personal data by regulating the processing of personal information; and
- To provide for the procedures and or guidelines to obtain, hold, use or disclose personal information in accordance with the Act.

The Commission’s functions as set out under section 3 of the Act are the:

- Implementation and monitoring of compliance with the provisions of this Act.
- Determining and setting of the administrative arrangements it considers appropriate for the discharge of its duties.
- Investigation of complaints under the Act and the determination of such complaints on the basis of an investigation in a manner the Commission considers fair.
- Keep and maintain the Data Protection Register.

Inauguration of the Board

The Act provides for an eleven (11) member governing body (Board) including the Executive Director of the Commission. The Board is made up of a chairperson and representatives from the National Communications Authority, the Commission on Human Rights and Administrative Justice, Ministry of Communications, Industry Forum, the National Information Technology Agency, the Bank of Ghana, the Statistical Service, the Executive Director and two other persons nominated by the President one of whom must be a woman.

The Act came into force on the 16th October 2012. Consequently after due process, the Ministry of Communications inaugurated its governing body in November 2012 by the then Minister of Communications, Hon. Haruna Iddrisu.

The Board is currently chaired by Justice Samuel Kofi Date-Bah (Retired Justice of the Supreme Court of Ghana and the Chairman of the University of Ghana Council). The other members are:- Mr. Paarock Vanpercy (Director General of the National Communications Authority), Mr. William Tevie (Director-General of the National Information Technology Agency), Dr. Philomena Nyarko (The Government Statistician); Mr. John Fummey (Representative of the Bank of Ghana), Mr. Joseph Whittal (Representative of Commissioner for Human Rights and Administrative Justice - CHRAJ), Prof. Ago K. M. Quaye (Prof. of ICT at the American University of Nigeria, Abuja); Mrs. Eleanor Sarpong (An industry representative) and myself.

WHAT HAS THE COMMISSION ACHIEVED SO FAR?

The Commission started its operations with the Board and an Administrator (Mr. Desmond Boateng) from the Ministry of Communications. Subsequently Board recommended the appointment of the Acting Executive Director which appointment was done in March 2013.

Mr. Chairman, I took over the operations of the Commission with little or no existing structures except for those provided for under the Act that established it. We had a lean staff (made up of myself, a principal accountant and later 3 national service persons) and without office space or financial resources.

The Commission for the significant part of the two years focused mainly on its administrative or operational set up to ensure that systems are in place for the efficient running of our day to day activities. These included putting in place the Commission's organizational structure, acquiring suitable accommodation, training human resource available, sourcing for funds to run our operations and the building of electronic systems that will facilitate our operations.

It is also worth noting that apart from the above, the Commission also focused on its awareness creation mandate albeit on a small scale due to financial constraints. The awareness creation targeted specific stakeholder groups like the credit bureaus, financial institutions and some software developing companies.

With the support from the Ministry of Communications, the National Communications Authority, the Bank of Ghana, National Information

Technology Agency, the High Commission of the United Kingdom and the Information Commissioner's Office (ICO) not only can we boast of a decent office, but structures and systems that we can all be proud of as Ghanaians. Today, we have a decent office space, staff, a website and registration system which will birth the implementation of the Data Protection Act, 2012.

Mr. Chairman,

With a sense of pride I wish to also bring your attention to the fact that on 14th October 2014, the Commission was also admitted into the membership of International Conference of Data Protection and Privacy Commissioners. Ghana joins other African countries like Senegal, Burkina Faso and Mauritius. The accreditation and membership to this body gives international recognition to the Data Protection Act, 2012 and our Commission to facilitate cross-border enforcements which are necessary in the performance of our functions.

Ladies and Gentlemen,

Today marks the beginning of a very important journey in the life of the Commission and the Data Protection Act. Recognizing that the successful implementation of the Act will not be achieved without the adequate education of all stakeholders, we will be embarking on a national campaign from January 2015. Through the '**Know Your Right, Protect your Information**' campaign the Commission will demystify data protection to the ordinary Ghanaian in all ten regions in the country.

SOME CHALLENGES THE COMMISSION FACES

The Commission continues faces numerous challenges including: financial constraints; lack of suitable accommodation and adequate or requisite human resource. Mr. Chairman these constraints if not properly addressed can challenge the independence of the Commission thus affect the effective implementation of the provisions of this Act.

WHAT THE FUTURE HOLDS FOR THE COMMISSION?

In spite of these challenges, Mr. Chairman, the Commission remains focused on the discharge of its mandate as spelt out under the Act. I will therefore call on all key stakeholders to work with the commission in achieving its goal as an independent, efficient and effective data protection regulator in the country.

Thank You.