

Kenya Data Protection Compliance Checklist

AN EXECUTIVE SELF-ASSESSMENT INSTRUMENT

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Data Privacy • AI Governance • Digital Regulation

EXECUTIVE SUMMARY

The Data Protection Act, 2019 requires every data controller and data processor operating in Kenya to implement appropriate legal, organisational and technical measures to protect personal data, and to be able to demonstrate that accountability to the Office of the Data Protection Commissioner (“ODPC”), data subjects and other stakeholders on request.

This instrument has been prepared by Muchangi Patrick & Associates Advocates as a practical, board-level self-assessment tool. It enables in-house counsel, compliance officers and senior management to identify compliance gaps against twenty core statutory and regulatory benchmarks, and to prioritise corrective action before those gaps are tested by a supervisory inquiry, an audit, or a data subject complaint.

This checklist is a diagnostic tool, not a substitute for legal advice. Organisations identifying material gaps should seek a full compliance audit before relying on the results for governance or regulatory reporting purposes.

HOW TO USE THIS CHECKLIST

For each of the twenty requirements below, the assessor should record one of the following four ratings, supported where necessary by a brief explanatory note:

- YES** — Fully compliant with the requirement.
- PARTIAL** — Partially compliant; a defined gap remains.
- NO** — Not compliant; the requirement is unmet.
- N/A** — Not applicable to the organisation's operations.

DATA PROTECTION COMPLIANCE ASSESSMENT

N O.	COMPLIANCE REQUIREMENT	YES	PARTIAL	NO	N/A	NOTES
01	Privacy governance framework established	☐	☐	☐	☐	
02	Data Protection Officer appointed (where required)	☐	☐	☐	☐	
03	Organisation registered with the ODPC (where required)	☐	☐	☐	☐	
04	Records of processing activities maintained	☐	☐	☐	☐	
05	Personal data inventory completed	☐	☐	☐	☐	
06	Lawful basis identified for each processing activity	☐	☐	☐	☐	

N O.	COMPLIANCE REQUIREMENT	YES	PARTI AL	NO	N/A	NOTES
07	Privacy Notice published	☐	☐	☐	☐	
08	Valid consent obtained where required	☐	☐	☐	☐	
09	Procedures exist for handling data subject requests	☐	☐	☐	☐	
10	Children's personal data appropriately protected	☐	☐	☐	☐	
11	Sensitive personal data receives additional safeguards	☐	☐	☐	☐	
12	Appropriate technical and organisational security measures implemented	☐	☐	☐	☐	
13	Processor agreements executed with third parties	☐	☐	☐	☐	
14	Cross-border data transfers comply with legal requirements	☐	☐	☐	☐	
15	Data Protection Impact Assessments conducted where required	☐	☐	☐	☐	
16	Personal data breach response plan established	☐	☐	☐	☐	
17	Data retention and secure disposal procedures implemented	☐	☐	☐	☐	
18	Employees receive regular privacy training	☐	☐	☐	☐	
19	AI systems processing personal data are governed appropriately	☐	☐	☐	☐	
20	Periodic privacy compliance audits are conducted	☐	☐	☐	☐	

COMPLIANCE SCORE

Aggregate the ratings above to determine the organisation's overall compliance posture:

SCORE	ASSESSMENT
18 - 20	Excellent Compliance
15 - 17	Good Compliance
11 - 14	Moderate Compliance — Improvements Required
0 - 10	Significant Compliance Gaps

PRIORITY ACTION PLAN

Corrective actions identified during the assessment should be recorded and tracked to closure below:

PRIORITY	ACTION	RESPONSIBLE OFFICER	TARGET DATE
HIGH			
HIGH			
MEDIUM			
MEDIUM			
LOW			

OVERALL ASSESSMENT

Overall Compliance Rating:

☐ EXCELLENT	☐ GOOD	☐ MODERATE	☐ POOR
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AUDITOR'S NOTES

NEED A COMPREHENSIVE COMPLIANCE ASSESSMENT?

This checklist provides a high-level self-assessment only. For organisations requiring a detailed legal and operational review, Muchangi Patrick & Associates Advocates offers:

- ✦ Data Protection Compliance Audits
- ✦ Data Protection Impact Assessments (DPIAs)
- ✦ AI Governance Assessments
- ✦ Privacy Programme Development
- ✦ Data Breach Response Advisory
- ✦ Virtual Data Protection Officer (vDPO) Services
- ✦ Executive & Board Training

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