



OFFICE OF THE  
DATA PROTECTION  
COMMISSIONER



## FINAL REPORT

### TWINNING PROJECT BETWEEN THE OFFICE OF THE DATA PROTECTION COMMISSIONER (ODPC), KENYA AND THE BELGIAN DATA PROTECTION AUTHORITY (APD/GBA)



*From right: Dr. Carmen Mazijn, Second Secretary, Embassy of Belgium in Nairobi; H.E. Peter Maddens, Ambassador of Belgium to Kenya; Immaculate Kassait, MBS, Data Commissioner, Kenya; Dr. Hielke Hijmans, Director, Belgian Data Protection Authority; Christin Schulz-Kaunga, Programme Director, GIZ Digital Transformation Centre Kenya; and Jorge Pereiro Piñón, Head of Cooperation, Delegation of the European Union to Kenya, during the Twinning Project Closing Dinner.*

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## 1. Executive Summary

This report presents the outcomes of the Twinning Project between the Office of the Data Protection Commissioner (ODPC) of Kenya and the Belgian Data Protection Authority BE DPA (APD/GBA). The project aimed to strengthen the institutional capacity of the ODPC to ensure the effective enforcement of data protection legislation and become a privacy regulator with global reach and influence.

Through structured exchanges, study visits, ad hoc advisories, and joint workshops, the project supported ODPC in advancing its mandate under the Data Protection Act, 2019. The twinning partnership facilitated peer learning, comparative analysis of regulatory approaches, and practical exposure to European Union data governance frameworks.



*The Belgian DPA delegates and the ODPC staff at the ODPC premises during the first workshop in Kenya.*

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## 2. Background and Context

### Overview

The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH is a federal Enterprise that implements German development Policy around the Globe. By providing international cooperation services for sustainable development, GIZ is dedicated to building a future worth living around the world. With over 50 years of experience in a wide variety of areas, including economic development and employment, energy and the environment as well as peace and security, GIZ also stands for and works towards the realization of human rights in the digital space.

In Kenya, the GIZ Digital Transformation Center commissioned by the Federal Ministry for Economic Cooperation and Development (BMZ) and co-financed by the EU, supports the country in its transition towards a sustainable and human-centered digital economy. It operates across four pillars, namely, digital innovation ecosystem support, strengthening data protection,

improving data markets and the regional integration of Kenya's digital economy. As part of the data protection pillar, the DTC supports the Office of the Data Protection Commissioner (ODPC) in the implementation of its mandate.

## **Background**

Kenya and the European Union share similar values and priorities in this area of privacy. The Constitution of Kenya, promulgated in 2010, guarantees the right to privacy as a fundamental right. Kenya's Data Protection Act, enacted in 2019, has strong convergence with the EU's General Data Protection Regulation and establishes a comprehensive framework governing the processing of personal data in both the private and public sectors as well as enforceable rights and safeguards to data subjects.

In November 2020, Kenya's first Data Commissioner was appointed to spearhead the establishment and operationalization of the national supervisory authority. Similar to European supervisory authorities, the Commissioner and her office are empowered to independently exercise investigative, corrective, authorization and advisory powers.

Since its inception, ODPC visited and engaged with several European Data Protection Authorities. The ODPC is also part of the Global Privacy Assembly and is considering gaining observer status of Convention 108. In May 2024, Kenya and the EU launched the very first Adequacy Dialogue on the African continent. If successful, these talks can result in an Adequacy Decision, which would mean that personal data can flow freely from the EU to Kenya without any limitations or restrictions. This would bring significant benefits for digital trade and investment; data accessibility and business process outsourcing and would amplify the benefits of the recently concluded EU-Kenya Economic Partnership Agreement.

## **About the Belgian Data Protection Authority**

The Belgian Data Protection Authority (DPA), known in French as "Autorité de protection des données" (APD) and in Dutch as "Gegevensbeschermingsautoriteit" (GBA), is the supervisory body responsible for overseeing the protection of personal data in Belgium. It ensures compliance with the General Data Protection Regulation (GDPR) and other relevant data protection laws. The DPA provides guidance to individuals and organizations on data protection best practices, handles complaints, conducts audits, and raises awareness about data privacy rights.

The DPA operates through various committees and divisions, including the Executive Committee, Inspection Service, and Litigation Chamber. These bodies manage daily operations, conduct investigations, and enforce compliance. Additionally, the DPA engages in international cooperation, collaborating with other data protection authorities within the EU and globally, and participates in the European Data Protection Board (EDPB) to harmonize data protection standards.

The Belgian DPA is only supported by public funding from the Belgian federal Parliament. This financial structure enables the DPA to maintain its operations and expand its activities.

### ***Key achievements of the Belgian DPA include:***

1. The successful enforcement of GDPR, resulting in fines and corrective measures against non-compliant organizations.
2. The authority has also been instrumental in raising public awareness about data protection through educational campaigns and resources.

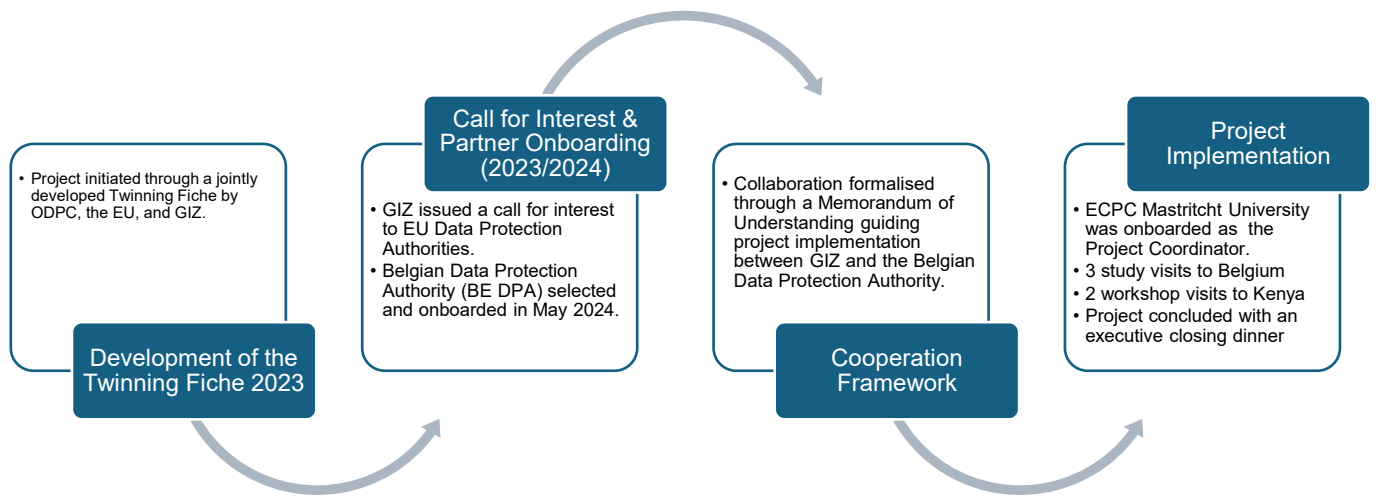
- The DPA has enhanced cross-border data protection cooperation, contributing to the development of consistent data protection practices across the EU.

### About the Twinning Project

The Twinning Tool is a European Union (EU) initiative designed to strengthen institutional cooperation between public administrations in EU Member States and partner countries. It facilitates the exchange of expertise, best practices, and capacity-building through structured collaboration. The project involves deploying experts from EU Member States institutions to work closely with their counterparts in the beneficiary country, providing technical assistance, policy guidance, and hands-on training. In the context of the ODPC-BE DPA Twinning Project, the focus was on enhancing data protection frameworks, regulatory enforcement, and institutional capacity by fostering knowledge exchange between the Office of the Data Protection Commissioner (ODPC) Kenya and the Belgian Data Protection Authority (BE DPA). The project included 3 study visits to Belgium, 2 joint workshops in Kenya, and strategic discussions aimed at aligning data protection standards with international best practices.

GIZ DTC Kenya was supporting the Twinning Project by facilitating coordination, logistical support, and technical expertise to enhance collaboration between the Office of the Data Protection Commissioner (ODPC) Kenya and the Belgian Data Protection Authority (BE DPA). Their role also included providing administrative support, managing project resources, and fostering sustainable cooperation between the participating institutions.

#### *Twining Project Overview.*



### 3. Project Objectives

#### Overall Objective:

The overall objective of the Twinning Project was to strengthen the institutional capacity of the ODPC to ensure the effective enforcement of data protection legislation and become a privacy regulator with global reach and influence.

#### Specific objectives:

The specific objectives were the following:

- Strengthening the ODPC's capacities in ensuring the effective and consistent enforcement of Kenya's privacy and data protection legislation, notably the Data Protection Act, 2019 and Data Protection Regulations, 2021.
- Supporting the ODPC in advancing its systems and online solutions to allow excellent service delivery and agile decision-making.
- Strengthening the ODPC's capacities in ensuring that personal data transferred from Kenya to third countries continue to be adequately protected.
- Supporting ODPC in promoting Kenya as a country with a high standard of data protection law and practice and building ODPC's reputation as a leading regulator in the region.

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### 4. Project Scope and Methodology

The project was implemented through a combination of:

- Technical workshops and virtual exchanges.
- Study visits and institutional engagements in Kenya, Belgium and at EU institutions.
- Peer-to-peer discussions with EU data governance bodies.

S/N	Particulars	Date	Participants
1	Study Visit 1 in Belgium	23.03.2025 -28.03.2025	7 Delegates from Kenya. 5 from the ODPC 2 GIZ DTC Kenya staff
2	Workshop 1 in Kenya	07.04.2025 – 10.04.2025	9 BE DPA delegates 1 project Coordinator from Maastricht University
3	Study Visit 2 in Belgium	23.06.2025- 27.06.2025	9 Delegates from Kenya 6 from the ODPC 3 GIZ DTC Staff

4	Study Visit 3 in Belgium	22.09.2025 -26 .09.2025	11 Delegates 7 from ODPC 4 from GIZ DTC
5	Workshop 2 and Closing Dinner	22.10.2025 -24.10.2025	8 BE DPA delegates 2 experts from Maastricht University

Engagements were structured to allow practical learning, comparative analysis, and contextual adaptation.

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## 5. Key Activities and Engagements

### 5.1 Institutional Exchanges

The project facilitated engagements with key Belgian and EU institutions as indicated.

#### **Study visit 1**

#### **24- 28 March 2025, Brussels**

The first twinning study visit took place from 24th March 2025 to 28th March 2025 with 5 delegates from the Office of the Data Protection Commissioner Kenya and two delegates from the GIZ DTC staff who have been supporting the project.

**Focus Area:** Improving case-handling, investigation and litigation capacities.

#### ***Stakeholders and institutions visited:***

- Maastricht University campus faculty of law and the European Center on Privacy and cybersecurity
- Belgium Parliament
- International Data Flows and Protection Unit, DG Justice and Consumers,
- European Commission, Brussels, Belgium
- Belgian Data Protection Authority
- French Data Protection Authority (CNIL) - met in Belgium at the Belgian Data Protection Authority Offices.
- European Data Protection Board (EDPB)
- European Data Protection Supervisory (EDPS)
- Kenya Ambassador to Belgium and the EU, Brussels, Belgium



*Delegates after a very insightful session at the European Center on Privacy and Cybersecurity Maastricht University Brussels hub with Cosimo Monda, Joyce Groneschild and Maria Magierska*

## **Training visit in Nairobi**

**7-9 April 2025**

The first training visit in Nairobi took place on 7-9 April. A team of 9 BE DPA experts were present in Nairobi, together with project coordinator Cosimo Monda.

Approximately 50 ODPC participants were present. 3 days program full of insightful presentations and exchanges were concluded with a visit to the ODPC premises on the last day.

After an introductory presentation on EU data protection law and a general presentation of the BE DPA, the following BE DPA services were presented and explained while opening the discussions and receiving feedback from the ODPC:

- Frontline Service
- Litigation Chamber
- Inspection Service
- General Secretariat

The program was very well received by the participants, while suggestions for

improvements were made which were discussed later by the project partners and implemented during the upcoming activities.



*Dr. Hielke Hijmans giving his opening remarks during the workshop opening session*



*Deputy Data Commissioner Oscar Otieno giving an overview of the twinning project and setting the scene for the workshop*



*Delegates attentively listening to the ongoing presentations.*



*Delegates networking and exchanging during the breaks.*

## **Study visits 2**

### **23-27 June 2025, Brussels and Maastricht**

The second study visit to Brussels was done by a group of 6 ODPC representatives and 3 GiZ staff members involved in the project. The program followed in broad lines the 1st study visit, with a few additions; the group visited this time the ECPC offices in Maastricht at the Law Faculty where they had a workshop on the development of the legal framework in the EU, such as DMA, DSA... as well as the latest discussion on the GDPR omnibus reform. This workshop was led by ECPC Maastricht University faculty staff members. Another addition to the program included a visit to DG Connect which was highly appreciated by the group and which should definitely be repeated next time.

All in all, the program contained the following visits:

- Welcome to Maastricht University campus Brussels, introductory talks, setting the scene for the week
- Belgian Parliament - functioning of the Federal Parliament
- Belgian Data Protection Authority
- Workshop at ECPC Maastricht University
- CNIL experience with Regulatory Sandbox – online
- EDPS
- EDPB
- DG CONNECT
- DG JUST
- Kenyan Embassy



*A photo of the delegates and the BE DPA staff at the BE DPA premises after a successful full day engagement.*

### **Study visit 3**

#### **22-26 September 2025, Brussels and Paris**

A slightly larger group of participants joined the last study visit; 7 ODPC participants and 4 GiZ representatives joined the program in Brussels and Paris. At the request of the ODPC, this time the project coordinator managed to include a one-day study visit to CNIL in Paris. The group indicated a strong interest in this particular authority with a focus on the topics of Investigations and Sanctions, regulatory sandbox and Privacy literacy for SMEs and startups. The full week in Brussels was concluded with a one-day visit to Paris.

The program contained the following:

- Welcome at Maastricht University campus, introductory talks, setting the scene for the week
- Visit Belgium Parliament
- EDPS
- EDPB
- DG CONNECT
- Belgian Data Protection Authority
- DG JUST
- Kenyan Embassy
- CNIL

The program was very well received and also gave the project coordinator, the expert and the other team members the opportunity to discuss in detail the program of the last training in Nairobi to ensure that the needs of the ODPC were met.



*The delegation at CNIL premises*



*ODPC, GIZ and DG Just Representatives*



*ODPC, GIZ, EDPB and EDPS Representatives*



*Delegates at the Belgium Parliament*

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## **Training visit in Nairobi**

**22-24 October 2025**

For the last training visit in Nairobi, both Mr Cosimo Monda and Mrs Joyce Groneschild accompanied the group in Nairobi, and from the BE DPA, 8 experts were present.

Approximately 50 ODPC participants were present. Compared to the first edition, the program of the training visit was adapted to the learning needs of ODPC: The three-day visit aimed to strengthen the ODPC's institutional capacity through peer-to-peer learning, focusing on Belgium's experience in case handling, enforcement, sectoral codes of conduct, certification, and international data transfers. Through interactive sessions, the BE DPA delegates presented their regulatory, investigative, and compliance models, while ODPC staff could engage in comparative reflection to identify opportunities for adaptation within Kenya's national context.

The program was a great success: It was very interactive in nature and during the

practical group exercises, the ODPC participants could, together with the BE DPA delegates work on real life issues and as such learn from each other. There was time for ODPC reflections and joint panels.





*Photos of the last workshop and closing dinner in Kenya*

ODPC is clearly a data protection leader in the region and has, as such, also a lot to offer to the region. At the same time, ODPC staff expressed their interest in and need for more training or likewise twinning projects to further strengthen their capacity and emphasized the wish for continued cooperation between BE DPA and ODPC.

The very last visit for this project was concluded in a fantastic way with an executive dinner organized by GIZ with remarks and speeches by study visit representatives, EU Representative, German Embassy, Belgian Embassy, GIZ, BE DPA and of course the Kenyan Data Commissioner.

These engagements provided insights into EU data governance structures, enforcement coordination, and policy development processes.

## 5.2 Capacity Building and Knowledge Sharing

ODPC staff participated in technical sessions covering:

- i. Regulatory enforcement and investigations.
- ii. Cross-border data transfers and adequacy frameworks.
- iii. Sectoral codes of conduct.
- iv. Institutional governance and operational workflows.

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## 6. Key Outcomes and Results

**The study visits to Brussels** were highly successful. ODPC participants came well prepared and very eager to learn and exchange experiences. The BE DPA composed for each study visit a program that was tailored to the needs of that specific group. The

authorities in Brussels showed great flexibility and openness to welcome the ODPC representatives, to showcase their work, to exchange knowledge and to discuss with the group. The possibility of visiting CNIL in Paris was a big added value for the last study visit. The workshop that was offered by ECPC Maastricht University for study visits

2 and 3 were also a well-appreciated addition to the program. During all study visits, the groups spent more time with the BE DPA which gave a fantastic opportunity to actually discuss cases in detail and to exchange work processes, insights and ideas mutually.

**The two training sessions in Nairobi** were organized for a large group of ODPC

participants who were coming from both the Nairobi office as well as the regional

offices. The two workshops gave an opportunity for both the ODPC and the BE DPA to go through their processes, learn from each other and from the feedback and interactions, both the teams kept on learning and created more trust in engaging and sharing insights.

Oral feedback of participants on this project and their experience during study visits and training sessions were excellent. Not only was the opportunity of going on a study visit highly appreciated, the participants also expressed that by visiting so many different authorities in Brussels and Paris they truly had the chance to learn and exchange knowledge and ideas. As was also said during the executive dinner speeches, the project really met, and even exceeded, the expectations.

#### **General outcomes:**

- Improved institutional understanding of EU data protection frameworks.
- Strengthened technical capacity within ODPC on enforcement and compliance.
- Enhanced collaboration between ODPC and EU data governance institutions.
- Practical insights to inform ODPC's ongoing regulatory and policy development efforts.

#### **Key outcomes from each Institution engaged:**

- ❖ **Belgian DPA:** The ODPC is in the process of developing of Binding Cooperate Rules after a successful exchange with the BE DPA staff who gave insights on what they have been doing and shared referencing materials.
- ❖ **DG Just on Cross Boarder Data Flows and EU Adequacy Decisions:** The discussions gave a deeper understanding of the importance of an adequacy decision and the ODPC is keen on fast-tracking the ongoing conversation to ensure that it is concluded.
- ❖ **Commission nationale de l'informatique et des libertés (CNIL):** After successful virtual and physical interactions with the CNIL on the development of an AI and

emerging technology regulatory sandbox, the ODPC has embarked on a journey to introduce regulatory sandboxes as part of their activities.

- ❖ **Engagements with DG Connect** on the various EU laws that have recently been passed such as the Digital Service Act and Digital Markets Act and the roles that DPAs play in these new rules: The meetings provided insights on the ongoing process of developing the Kenyan Data Governance Policy which is being developed by the Ministry of Information, Communications, and the Digital Economy supported by GIZ.

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## 7. Learnings and Observation

All activities and processes worked well. With the involvement of several partners and stakeholders (ECPC, GIZ, ODPC, BE DPA) it was important to keep the processes clear and communication open; all partners managed very well and the results of the project were of outstanding quality and to the satisfaction of the people and Institutions the project was designed for.

Key lessons from the project include:

### 1. **Setting up the project and cooperating with the partners.**

- ❖ Early identification of a willing and capable counterpart authority is critical to the success of twinning projects, as strong institutional ownership and flexibility can mitigate initial delays and accelerate implementation.
- ❖ European DPAs operate within a highly collaborative ecosystem, characterized by structured peer engagement and continuous knowledge-sharing. These cooperation mechanisms offer valuable lessons that can be adapted to strengthen inter-authority collaboration and capacity-building among African data protection authorities.
- ❖ Institutional and diplomatic support structures play a vital enabling role in international cooperation projects, particularly in facilitating mobility, coordination, and high-level engagement across jurisdictions.

### **Key Learnings from the ODPC**

- ❖ Structured international cooperation strengthens regulatory capacity, consistency, and institutional confidence in data protection enforcement.
- ❖ Effective cross-border data governance requires both legal alignment and strong operational processes, beyond statutory frameworks alone.
- ❖ Peer-to-peer exchanges provide practical insights into enforcement, complaints handling, and regulatory workflows, accelerating institutional learning.
- ❖ Continuous coordination and knowledge-sharing among authorities enhances harmonisation and regulatory effectiveness, offering transferable lessons for African DPAs.

- ❖ Strategic partnerships with development and diplomatic actors are critical enablers of successful implementation and sustainable capacity building.

## Key Observations

- ❖ While the process of identifying a European Data Protection Authority (DPA) for the twinning arrangement took longer than anticipated, the onboarding of the Belgian Data Protection Authority (BE DPA) marked a turning point in project implementation. The BE DPA demonstrated strong commitment, flexibility, and readiness to align with the agreed timelines to ensure delivery of all project outputs.
- ❖ The engagement of a single, committed European partner proved instrumental in unlocking broader institutional collaboration. This facilitated meaningful engagement with other European authorities, including CNIL, which actively participated throughout the project.
- ❖ The GIZ International Services Office in Belgium provided extensive logistical and operational support to both ODPC and BE DPA delegations. This support was seamless and significantly contributed to the smooth and effective implementation of project activities.
- ❖ Strong diplomatic support was observed through close collaboration with the Belgian Embassy in Kenya and the Kenyan Embassy in Belgium and the EU. Senior embassy officials actively supported the project, particularly in facilitating visa processes and formally receiving delegations in both jurisdictions.



*Belgian DPA delegates being received at the Belgian Embassy in Kenya and the ODPC staff during a courtesy call to Amb. Prof Ndemo at the Kenyan Embassy in Brussels.*

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## 8. Sustainability and Way Forward

There was a clear desire for additional trainings in Kenya or likewise twinning projects: this was voiced by participants, especially during the last session in Nairobi where 'building a roadmap for future cooperation' was on the agenda. A recommendation is to investigate further options

for specific trainings in Kenya and the possibility for additional projects where ODPC representatives can exchange experiences with other DPA's or institutions. The leading role of the ODPC in the region was acknowledged and it may be interesting to investigate whether this offers opportunities for new data protection projects in the region.

To sustain the gains achieved under the Twinning Project, the following actions are recommended:

- ❖ Ongoing conversations with DG Just on the adequacy decisions.
- ❖ Ad hoc advisories on the new tools being developed like the BCR, Regulatory Sandboxes and the Data Policy.
- ❖ If possible, continued institutional collaboration between ODPC and the Belgian DPA.
- ❖ Integration of lessons learned into ODPC's operational and policy frameworks.
- ❖ Ongoing engagement with regional and international data protection networks that were introduced during the project.

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## 9. Conclusion

The Twinning Project successfully strengthened cooperation between the Office of the Data Protection Commissioner of Kenya and the Belgian Data Protection Authority. It contributed meaningfully to institutional capacity building, knowledge exchange, and the advancement of data governance practices in Kenya.

The project demonstrates the value of international partnerships in supporting effective data protection regulation in an increasingly interconnected digital environment.

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## 10. Acknowledgements

The project team acknowledges the valuable support and cooperation of the Belgian Embassy in Kenya, the Kenyan Embassy in Belgium, the European Union, EU data governance institutions, and the coordination provided by ECPC Maastricht University.