



**UNWANTED
WITNESS**

"Amplifying Voices, Changing lives"

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The Managing Director
Lyca Mobile Uganda
Plot 77 Yusuf Lule Road; Opposite Garden City Main Entrance
Nakasero Kampala; Uganda
PO Box 37136

Dear Sir/Madam,

RE: Concerns Regarding Lyca Mobile Uganda's Privacy Policy and Access to Personal Information

Greetings from Unwanted Witness!

The above subject matter refers. I am writing to express our concern regarding an illegal provision within Lyca Mobile Uganda's privacy policy, particularly the clause pertaining to access to personal information. Our observation pertains to the requirement that data subjects seeking access to their personal information held by Lyca Mobile are obligated to remit a fee of £10.00 (approximately UGX 43,000 Uganda Shillings Forty Three Thousand). We believe that this provision raises significant legal and ethical concerns that warrant immediate attention and resolution.

Upon thorough review of Lyca Mobile Uganda's privacy policy, we have identified a potential conflict with both the Data Protection and Privacy Act, 2019 and **Regulation 35 of the Data Protection and Privacy Regulations, 2021**. Specifically, this clause appears to be at odds with **Section 24 (1) of the Data Protection and Privacy Act, 2019**, and contradicts the guidance set forth in the aforementioned regulations. It is our conviction that the Data and Privacy Act, 2019, and the Data Protection and Privacy Regulations, 2021, mandate that a data subject is entitled to access their personal information without any financial impediments. Both pieces of legislation clearly stipulate that proof of identity should suffice for the purpose of obtaining such access.

The right of individuals to access their personal information is a fundamental tenet of data privacy, and it is our belief that imposing fees for exercising this right may result in a number of adverse consequences for your valued customers:

Impeded Exercise of Rights: The imposition of fees may discourage individuals from availing themselves of the opportunity to ascertain what data is being collected and the manner in which it is being processed. This lack of transparency could hinder their ability to exercise control over their own information.

Erosion of Accountability: It is incumbent upon data controllers, such as Lyca Mobile, to exhibit a transparent approach to their data processing activities. The imposition of fees may discourage data subjects from requesting access, which could ultimately shield the company from fulfilling its accountability and transparency obligation in data management practices.

Disproportionate Impact: The imposition of fees could disproportionately affect individuals who possess limited financial resources or belong to marginalized groups. This has the potential to create an inequitable disparity in exercising data subject rights, undermining the principle of equal protection and fairness enshrined in data privacy regulations.

Data Accuracy and Corrections: Access to personal data enables individuals to verify data accuracy and request necessary corrections. The imposition of fees might dissuade individuals from conducting these vital checks, thereby allowing potentially inaccurate data to remain uncorrected.

Privacy as a Commodity: The perception of personal data access as a commodity attainable through financial means runs counter to the foundational principle that individuals possess an inherent right to their own personal information. Privacy should never be contingent upon financial resources.

Considering the aforementioned concerns, we earnestly request that Lyca Mobile Uganda undertake a comprehensive review of its privacy policy. In the interest of promoting compliance with Data Protection laws of Uganda and fostering a climate of trust and transparency with your customers, we implore you to consider amending the policy to permit data subjects the fundamental right to access their personal information without incurring any charges.

Failure to address this concern could potentially place Lyca Mobile Uganda at risk of non-compliance with existing data protection regulations of Uganda, thereby exposing your esteemed organization to potential legal ramifications.

We remain hopeful that Lyca Mobile Uganda will take these concerns seriously and act in accordance with its obligation under the data protection laws of

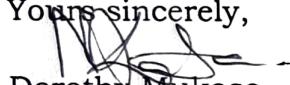
Uganda. Your commitment to upholding the principles of privacy, accountability, and transparency will undoubtedly enhance the reputation of Lyca Mobile Uganda as a responsible and customer-centric data controller.

Please accept this communication as a sincere attempt to engage constructively on this matter. We look forward to a timely response detailing the actions Lyca Mobile Uganda intends to take in response to our concerns.

Unwanted Witness is a Civil Society Organization founded in 2012 to promote online freedoms and protect digital rights in Uganda. The organization aims to create a safe and secure digital environment for citizens and promote the responsible use of technology.

Thank you for your attention and cooperation.

Yours sincerely,



Dorothy Mukasa
Executive Director
Unwanted Witness

CC: Personal Data Protection Office of Uganda
CC: Uganda Communications Commission, Uganda
CC: Head Legal Lyca Mobile Uganda

