

# EQUATORIAL GUINEA

November 2016

## DATA PROTECTION

### PARLIAMENT PASSES PERSONAL DATA PROTECTION LAW

A Data Protection Law setting out general principles and detailed rules on the collection, storage, processing and transmission of personal data was passed by the Parliament on 22 July 2016 and entered into force in August.

Only files containing personal data kept by individuals for their personal and domestic affairs are excluded from the scope of application of the Data Protection Law. Individuals collecting and storing personal data for other purposes as well as any private or public entities, including the State national security, defense and police departments, are all subject to the law. Personal data bases of State departments have to be authorized by a decree whilst private parties need to obtain a concession.

Fines and other penalties for breaches shall be imposed by the Ministry of Telecommunications and New Technologies, which will be assisted by a Personal Data Regulatory Authority, and it may request the assistance of other public authorities, including the military, for the performance of its inspection and sanctioning powers.

### ELECTRONIC AND TELECOMMUNICATIONS DATA STORAGE REQUIREMENTS

The Parliament has approved Law 2/2016, dated 22 July 2016, requiring those who provide and operate electronic communication services or public telecommunications networks to store certain data generated or processed by their activities, so as to enable the identification of the parties, date, time and duration of an electronic communication or a call between fixed or mobile numbers.

Law 2/2016 makes clear that any stored data may only be transferred to another party, including a State authority, as per an order issued by a judicial authority and for the investigation of criminal activities.

Systems adopted for the storage of data must guarantee its confidentiality, reliability and authenticity and data protection breaches may be punished with fines and lead to liability.

Law 2/2016 entered into force in August and electronic communications service providers and public telecommunication network operators were given a 90-day grace period to fully comply with its requirements.

## INVESTMENTS

### GOVERNMENTAL AUTHORIZATIONS FOR THE ESTABLISHMENT OF COMPANIES NO LONGER REQUIRED

By means of an order issued on 17 August 2016, the Presidency of the Government has suppressed the admission, processing and issuance of authorizations for the establishment of companies.

This order was issued to enforce Law 2/2015, of 28 May 2015, and it streamlines the process of incorporation of companies and registration of branches in the country.

As per Law 2/2015, the Government has been working to establish a one-stop-shop to simplify registration procedures, which is to become operational soon.

## STATE

### OMBUDSMAN ADOPTS GUIDE FOR CITIZENS ADVISORY SERVICES

By means of Resolution No. 14/2016, of 31 August 2016, the Ombudsman has adopted a Guide for its Citizens Advisory Services. This Guide sets out principles and rules to be observed by the Ombudsman office staff liaising with citizens who file complaints against public bodies, civil servants and government officials. It aims to make sure that the Ombudsman Office and those seeking its assistance have the best possible interaction in person, by telephone or on line.

### GOVERNMENT INVESTIGATES REMUNERATIONS OF PUBLIC OFFICIALS

The Presidency of the Government has created a Commission to detect breaches of the Law on Civil Servants, including unlawful situations of double employment, accumulation of salaries and conflict of interests. The Commission will also investigate cases of accumulation of salaries and retirement benefits in breach of Decree 101/1999, of 16 December 1999, which sets out the privileges and duties of State officials after the term of their offices, as well as situations of undue payment of salaries to directors of State companies who do not have an employment contract. The Minister-Secretary General of the Presidency of the Government chairs the Commission and the Minister of Civil Service and Administrative Reform is its vice-president. They were given thirty days to submit a report with their findings to the Prime Minister.

### PRESIDENCY APPROVES CIVIL SERVICE NATIONAL INSTITUTE REGULATIONS

Presidential Decree No. 94/2016, of 12 September 2016, has approved the regulations on the organization and powers of the Civil Service National Institute, which was created in 2014. The Institute is a legal entity with management autonomy, but subject to the supervision of the Ministry for Civil Service and Administrative Reform. Its main responsibility is to conduct studies and surveys on civil service issues and to provide training to civil servants working for the Central Administration.

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