



FORM 12

**THE REPUBLIC OF UGANDA
IN THE PERSONAL DATA PROTECTION OFFICE AT KAMPALA
IN A MATTER CONCERNING INFRINGEMENT AND VIOLATION OF THE ACT
COMPLAINT NO: 08/11/24/6683**

- 1. SSEKAMWA FRANK**
- 2. LENI SHARON PAMELA**
- 3. AMUMPAIRE RAYMOND**
- 4. AWINO MERCY..... COMPLAINANTS**

VERSUS

GOOGLE LLC..... RESPONDENT

Having reviewed your complaint lodged with the Personal Data Protection Office (hereinafter referred to as the "PDPO/Office") on 8th November 2024 alleging that Google LLC collected and processed the four complainants' personal data without first registering as a data collector, controller or processor in Uganda, and that Google LLC transfers their personal data outside Uganda without complying with the legal safeguards stipulated in Uganda's Data Protection and Privacy Act, Cap 97 and its Regulations, the decision of the PDPO is as follows:

1. BACKGROUND FACTS

On 8th November 2024, the Personal Data Protection Office received a complaint filed by Mr. Ssekamwa Frank, Ms. Leni Sharon Pamela, Mr. Amumpaire Raymond and Ms. Awino Mercy (hereinafter referred to as "the Complainants") against Google LLC (hereinafter referred to as "the Respondent"). The Complainants alleged that Google LLC violated Uganda's Data Protection and Privacy Act, Cap. 97 and the Data Protection and Privacy Regulations. In particular, the complaints asserted three main breaches:

- a) that Google LLC, as a data collector, controller, and processor failed to register with PDPO as required by the Data Protection and Privacy Act, Cap 97 and its Regulations;



- b) that Google unlawfully transferred the Complainants' personal data outside Uganda without meeting the legal conditions enshrined in the law, contrary to the Data Protection and Privacy Act, Cap 97 and its Regulations; and
- c) The Complainants claimed these actions infringed their data protection and privacy rights and caused them distress, for which they seek remedies and compensation.

By letter dated 12th March 2025, PDPO directed the Respondent to file a written response within fourteen (14) days. The Respondent did not respond by that deadline and, only on 3rd July 2025, requested a two-week extension. In view of the Respondent's delay, and to ensure a prompt resolution consistent with principles of fairness under Regulation 42(9), PDPO granted a one-week extension. The Respondent thereafter filed its response on 10th July 2025.

In its response, Google LLC:

- a) acknowledged processing personal data of Ugandan users but maintained that its various corporate entities are separate and that, absent a Gazette notice under Regulation 15(2), no registration obligation currently arises;
- b) asserted that its global Privacy Policy adequately safeguards personal data and meets accountability requirements under Uganda's law;
- c) contended that Section 19 of the Act and Regulation 30 apply only to controllers or processors domiciled in Uganda, and that Google LLC has no such domicile; and
- d) seeks dismissal of the complaint as devoid of merit, observing that any relief in the form of damages or data localisation orders lies beyond PDPO's statutory authority and must be pursued through the courts.

ISSUES FOR DETERMINATION BY PDPO

Five issues were raised for determination by PDPO, namely:

1. Whether Google LLC qualifies as a data controller, collector, or processor within the meaning of the Data Protection and Privacy Act, Cap 97.

2. Whether Google LLC is registered with PDPO and, if not, whether such non-registration constitutes a violation of the Data Protection and Privacy Act, Cap 97.
3. Whether the Respondent's transfer of the Complainants' personal data to jurisdictions outside Uganda without obtaining prior approval from PDPO amounts to a violation of the Act, Cap. 97, and its Regulations.
4. Whether the Respondent's violation and infringement of the Act and its Regulations have caused and are likely to cause damage and distress to the Complainants and other Ugandans who use Google services.
5. Whether the Complainants are entitled to the orders sought and other remedies arising from the Respondent's alleged violations of the Act, Cap. 97 and its Regulations.

RESOLUTION OF ISSUES BY PDPO

- 1. Whether Google LLC qualifies as a data controller, collector, or processor within the meaning of the Data Protection and Privacy Act, Cap 97.**

Submissions by the Complainants

The Complainants submitted that Google LLC, through its services offered in Uganda, acts as a data controller, collector and processor. They alleged that Google collects various categories of personal data, including names, nationality, email address, age, date of birth, unique online identifiers, browsing history, and location data from Ugandan users. Further, the Complainants argued that Google determines the purposes and means for which this personal data is processed, thereby meeting the statutory definitions under the Act.

Submissions by the Respondent

The Respondent acknowledged that it provides Google services to users in Uganda, including the Complainants. The Respondent's Privacy Policy explicitly outlines the types of personal data it collects and the purposes of processing, which include analytics, personalization, security, communication, and provision of services.

Determination by PDPO

Section 2 of the Data Protection and Privacy Act, Cap 97, provides the following definitions:

- A “data controller” is “a person who alone, jointly with other persons or in common with other persons or as a statutory duty determines the purposes for and the manner in which personal data is processed or is to be processed”.
- A “data collector” is “a person who collects personal data”.
- A “data processor” is “a person, other than an employee of the data controller, who processes the data on behalf of the data controller”.

In view of the above definitions and the facts presented, PDPO finds that Google LLC, by collecting personal data from users in Uganda and determining the purposes and means of such processing, qualifies both as a data controller and a data collector within the meaning of the Act. Google’s own admissions regarding the provision of services, the collection of user data, and its determination of processing purposes and means, further support this conclusion. There is no indication that Google processes data solely on behalf of another party; therefore, it does not act as a data processor in this context.

2. Whether Google LLC is registered with PDPO and, if not, whether such non-registration constitutes a violation of the Data Protection and Privacy Act, Cap 97.

Submissions by the Complainants

The Complainants submitted that Google LLC is not registered with the Personal Data Protection Office (PDPO) as required under Section 29 of the Act and Regulation 15 of the Regulations. In support of this, they attached a copy of PDPO’s register of data collectors, controllers, and processors, which does not include Google LLC.

Submissions by the Respondent

The Respondent did not dispute that it is not registered with PDPO. However, Google LLC submitted that its non-registration does not amount to a violation of the Act or the Regulations. Google argued that while Regulation 15(1) generally requires every data collector, data processor, or data controller to register with PDPO, this requirement is “subject to” Regulation 15(2), which allows PDPO to exempt certain categories of data controllers, collectors and processors from registration by notice in the Gazette.

Google further submitted that, as of the date of its response, PDPO had not issued any Gazette notice specifying any exemptions. As a result, Google argued that, in the absence of such a gazetted exemption notice, the mandatory registration requirement under Regulation 15(1) was rendered inoperative. Accordingly, Google maintained that its non-registration could not constitute a breach.

Determination by PDPO

Section 29 of the Data Protection and Privacy Act, Cap 97 and Regulation 15(1) of the Regulations impose a general obligation on every data controller, collector, and processor to register with PDPO. Regulation 15(2) provides that PDPO shall, by notice in the Gazette, exempt certain categories from the requirement to register. The central question is whether the existence of an exemption power under Regulation 15(2), which has not been exercised, suspends or delays the operation of the general registration requirement under Regulation 15(1).

PDPO finds that the legal structure is clear: the general rule is that registration is mandatory, unless and until a specific exemption is operationalized by way of gazette notice. The mere existence of an enabling provision for exemption does not, by itself, displace the general requirement. This principle is firmly supported by the decision in *Total Uganda Limited v. Uganda Revenue Authority* (High Court Civil Appeal No. 6 of 2001), where the Court held that where a statute sets out a general rule and also provides for exemptions, the general rule

remains fully operative unless and until the exemption is expressly invoked in accordance with statutory procedure. The Court emphasized that the burden lies on the party seeking to benefit from an exemption to demonstrate strict compliance with all statutory preconditions; where such preconditions (such as a gazetted exemption) are absent, the general statutory obligation continues to bind all affected parties. Importantly, the Court further cautioned against interpretations that would render statutory duties inoperative merely because the discretionary administrative power to grant exemptions has not yet been exercised.

Accordingly, PDPO finds that the absence of a gazetted exemption under Regulation 15(2) does not render the general registration requirement under Regulation 15(1) inoperative. Google LLC, as a data controller and collector subject to the provisions of the Act and Regulations, remains bound to comply with the registration requirement. Its non-registration constitutes a violation of Section 29 of the Act and Regulation 15 of the Regulations.

3. Whether the Respondent's transfer of the Complainants' personal data to jurisdictions outside Uganda without obtaining prior approval from PDPO amounts to a violation of the Act, Cap. 97, and its Regulations.

Submissions by the Complainants

The Complainants submitted that Google LLC, while not registered with PDPO, collects, processes, and transfers the personal data of Ugandan citizens to jurisdictions outside Uganda without obtaining the required prior approval from PDPO. They contend that this conduct contravenes Sections 19 and 29 of the Data Protection and Privacy Act, Cap. 97, as well as Regulations 15 and 30 of the Data Protection and Privacy Regulations. The Complainants emphasized that Google's continued unregulated transfer of data exposes their personal data to risks of misuse and undermines Uganda's data protection and privacy framework.

Submissions by the Respondent

Google LLC denied breaching any statutory provisions concerning the transfer of personal data outside Uganda. The Respondent argued that Section 19 of the Act, which regulates the processing and storage of personal data outside Uganda, applies only to data controllers and processors based in Uganda. Google maintained that, as it is not domiciled nor has a physical presence in Uganda, these provisions are not applicable. Google further argued that Regulation 30 of the Regulations was intended to give effect to Section 19 of the Act and should only apply to entities established or resident in Uganda. The Respondent denied any requirement to seek prior approval from PDPO for its international data transfers.

Determination by PDPO

Section 1 of the Data Protection and Privacy Act, Cap. 97, expressly provides that the Act applies to “a person, institution or public body outside Uganda who collects, processes, holds or uses personal data relating to Ugandan citizens”. This establishes the Act’s extra-territorial application.

In its submissions, Google LLC argued that Section 19 of the Act and Regulation 30 differ as to whom the cross-border data transfer provisions apply, contending that the law requires a physical presence or being “based in Uganda”. This position is untenable.

Statutory interpretation principles require that an Act and its Regulations be read as a whole and harmoniously, not in isolation or by selectively choosing what one finds convenient. The Constitutional Court of Uganda in *Attorney General v. Salvatori Abuki and Another* [Constitutional Appeal No. 2 of 1997] held that “a statute should be interpreted as a whole so as to give effect to all its provisions, and not so as to render any part inoperative or superfluous”. The Court in *Major General David Tinyefuza v. Attorney General* [Constitutional Appeal No. 1 of 1996] further stressed the importance of reading statutory provisions in context and in a way that advances the intention of Parliament.

Section 1 and Section 19, when read together, make clear that obligations attach not only to entities physically present in Uganda but to any entity handling personal data of Ugandan citizens, including those established abroad, provided they collect or process such data. Section 19 neither limits nor restricts the broad scope and application of the Act; rather, it should be read consistently with the Act's overarching objectives and application.

It is particularly relevant to note that Google LLC is not a remote or incidental actor with respect to Uganda. Evidence including the Domestic Revenue Mobilisation Strategy Annual Budget Monitoring Report for FY 2023/24 shows that Google LLC is a registered taxpayer with the Uganda Revenue Authority, is formally onboarded for tax purposes, and is listed among active digital businesses remitting Value Added Tax (VAT) and digital services tax in Uganda. Google LLC actively derives revenue from Ugandan users, operates digital platforms accessible to and relied upon by many Ugandans, and directly interacts with Ugandan statutory and regulatory frameworks, including tax laws. This established commercial presence and revenue nexus dispel any suggestion that Google LLC is beyond the effective regulatory reach of Ugandan law.

In this context, the same nexus that grounds Google LLC's tax obligations equally grounds its regulatory duties under the Data Protection and Privacy Act, Cap. 97 and its Regulations. Compliance with local tax laws by a digital business signifies an established and ongoing commercial relationship with the jurisdiction, which necessarily extends to compliance with all applicable regulatory requirements, including those governing data protection and cross-border data transfers.

Regarding prior approval, PDPO reiterates that the law does not require a data controller or processor to seek advance permission before each cross-border transfer or storage of personal data. Rather, PDPO expects that the entity maintains proper records and accountability of the legal basis, safeguards, and justification for such transfers. These records must be available for inspection during audits, compliance checks, or investigations. In this

matter, Google LLC did not provide any such records or evidence of compliance in response to the complaint.

Accordingly, PDPO finds that Google LLC has not demonstrated compliance with the Act and Regulations on cross-border transfers. By failing to provide evidence of a lawful basis or compliance framework for transferring the Complainants' personal data outside Uganda, Google LLC is in violation of Section 19 of the Act and Regulation 30.

4. Whether the Respondent's violation and infringement of the Act and its Regulations have caused and are likely to cause damage and distress to the Complainants and other Ugandans who use Google services.

Submissions by the Complainants

The Complainants submitted that Google LLC's failure to register with PDPO, as well as its ongoing transfer of personal data outside Uganda without meeting the required legal safeguards, exposed them and other Ugandan users to risk of unauthorized access and misuse of their data. They further stated that the absence of a registered Data Protection Officer meant their concerns could not be promptly addressed. Attempts to communicate with Google LLC by email went unanswered, leaving them with no recourse or reassurance regarding the protection of their personal data. The Complainants argued that this lack of transparency, accountability, and redress has caused them anxiety, uncertainty, and distress, and is likely to continue to do so for other Ugandans using Google services.

Submissions by the Respondent

Google LLC denied that its actions have caused or are likely to cause any actual damage or distress to the Complainants or other Ugandan users. The Respondent argued that it maintains comprehensive global privacy controls and that the Complainants have not provided specific evidence of harm.

Determination by PDPO

Section 29 of the Data Protection and Privacy Act, Cap. 97, together with the relevant Regulations, requires all data controllers and processors to register with PDPO. This statutory requirement is not merely procedural; it is designed to ensure that data controllers and processors remain accountable and accessible to data subjects, providing a clear and direct channel through which individuals may raise and resolve their concerns regarding the processing of their personal data.

In this matter, Google LLC's failure to register with PDPO meant that the Complainants had no means of knowing or contacting the designated Data Protection Officer for Uganda. As a result, when the Complainants sought to have their concerns addressed, they were left without any official point of contact. The Complainants' attempt to reach out by sending an email dated 9th October 2024 to the Google Chief Compliance Officer, raising their data protection and privacy concerns, went unanswered.

The inability to identify or contact a responsible person at Google LLC, combined with the absence of any response to the Complainants' communication, caused and is likely to continue causing genuine distress to the Complainants. This distress is not speculative, but flows directly from their actual experience of being left without recourse, guidance, or assurance regarding the fate of their personal data. The statutory registration requirement exists precisely to prevent such situations by guaranteeing accountability and providing a clear channel for redress. Google LLC's failure to comply with this obligation has therefore directly resulted in distress to the Complainants, and is likely to continue causing similar distress to other Ugandan users who find themselves in the same position.

5. Whether the Complainants are entitled to the orders sought and other remedies arising from the Respondent's alleged violations of the Act, Cap. 97 and its Regulations.

Having considered the submissions, and evidence adduced by the parties, PDPO makes the following determination regarding the orders and remedies sought:

5.1. Declarations:

PDPO grants the declarations sought and hereby finds and declares that:

- a) Google LLC qualifies as a data controller and collector within the meaning of the Data Protection and Privacy Act, Cap. 97;
- b) Google LLC's failure to register with PDPO is a violation of Section 29 of the Act and Regulation 15 of the Regulations;
- c) Google LLC's transfer of personal data of Ugandan citizens to jurisdictions outside Uganda, without demonstrating adequate safeguards or accountability, is in breach of Section 19 of the Act and Regulation 30.

5.2. Orders:

Having found that Google LLC is in violation of several provisions of the Data Protection and Privacy Act, Cap. 97, and its Regulations, PDPO hereby issues the following orders to ensure compliance:

- a) Google LLC shall register with PDPO, within thirty (30) days of this decision, in the appropriate capacity as a data collector, data controller, and/or data processor as required under the Act and Regulations. As part of its registration, Google LLC shall provide PDPO with the contact details of its designated Data Protection Officer, in accordance with the law.
- b) Google LLC shall submit, within thirty (30) days of this decision, documentary evidence of its compliance framework for cross-border transfer of personal data of Ugandan citizens, including the legal basis and accountability measures in place, as required by Section 19 of the Act and Regulation 30 of the Regulations.
- c) No order is made for data localisation at this stage; however, Google LLC is reminded that all cross-border transfers of personal data must comply fully with Ugandan law.
- d) PDPO does not have authority to award compensation or interest. Any claims for compensation for damage or distress must be pursued by the Complainants before a court of competent jurisdiction, in accordance with Section 33(1) of the Act.



- e) PDPO reserves the right to make further orders or directions as may be necessary based on compliance monitoring and any additional evidence that may arise.

Failure to comply with the above orders is an offence under Regulation 48 and may attract a fine not exceeding three currency points for each day in default of the notice or to imprisonment not exceeding six months or both.

Right of Appeal

Any party aggrieved by this decision may appeal to the Minister of ICT and National Guidance within thirty (30) days from the date of the notice of this decision, as stipulated in Regulation 46 of the Data Protection and Privacy Regulations.

Dated this 18th day of July 2025

Baker Birikujja

AG. NATIONAL PERSONAL DATA PROTECTION DIRECTOR