

FACTSHEET: MOZAMBIQUE

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FAST FACTS

Population: 28,829,476

Capital: Maputo

President: Filipe Nyusi

2019 Freedom House Score: 51/100

Data protection law? No

LAW

The Constitution of the Republic of Mozambique entitles all citizens to the protection of their private life and grants them the right to honour, good name, reputation, protection of their public image, and privacy. The Constitution also acknowledges the need to legislate on access, generation, protection, and use of computerised personal data, but such legislation has not yet been enacted.

Similarly, the Constitution also provides that all individuals shall have the right to access data collected on them and have it rectified, but this right has not yet been defined. Nonetheless, a data subject is entitled to demand the correction and the update of any inaccurate, incomplete, or wrong personal information related to them.

Aside from the Constitution, provisions within the [Civil Code](#), the [Penal Code](#), the [Labour Law](#), and the [Electronic Transactions Law](#) grant Mozambican persons a limited degree of data protection.

PERSONAL DATA

The Constitution places limits on the use of individually identifiable information about a person's **political, philosophical or ideological beliefs, religious beliefs, political affiliation, trade union membership, and particulars related to the person's privacy.**

COLLECTION AND PROCESSING

Individually identifiable information concerning political, philosophical or ideological beliefs, religious beliefs, membership in a political party or trade union and particulars related to the person's privacy may not be stored or processed in a database.

Accessing a database for the purpose of obtaining the personal data of third parties, as well as transferring personal data from one computerised file to another that belongs to a different service or institution, is forbidden unless specifically permitted by law or by judicial decision.

REGISTRATION AND ENFORCEMENT

Enforcement of data protection-related matters is lacking. There is no designated government body charged with oversight in this area, as there are no specific data protection laws.

Under the Penal Code, there are penalties for certain computer-related crimes. For example, intrusion through informatics carries a two to eight-year prison sentence and a fine. The penalty for fraud through electronic means is at least one year of prison and a fine.

CROSS-BORDER TRANSFER

While the Constitution does restrict disclosures of personal data to third parties, cross-border transfers of personal data are not specifically addressed in the law. The Labour Law includes a provision safeguarding employee personal data, mandating employee consent for an employer to transfer such data to third parties. This same provision also subjects computer files and access to personal data of a job applicant to specific legislation, but such legislation does not yet exist.

SECURITY AND BREACH PROTOCOL

The Electronic Transactions Law dictates that the person or entity responsible for processing electronic data must protect personal data against risks, losses, unauthorised access, destruction, use, modification or disclosure.

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