

FACTSHEET: GABON

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FAST FACTS

Population: 2,207,705

Capital: Libreville

President: Ali Bongo Ondimba

2019 Freedom House Score: 23/100

Data protection law? Enforced

LAW

Data protection in Gabon is governed by [Law No. 001/2011](#), which details enforcement responsibilities for the [Commission nationale de protection des données à caractère personnel](#) (CNPDCP).

Under Law No. 001/2011, individuals have the right to:

- obtain all of their personal data in an understandable form, as well as any available information as to the origin;
- oppose, for legitimate reasons, the processing of personal data concerning them;
- oppose the processing of their personal data for prospecting purposes;
- rectify, complete, update, lock, or delete personal data concerning them, where it is inaccurate, incomplete, equivocal, out of date, or if collection, use, communication or conservation is prohibited; and
- not be subject to decisions made on the sole basis of an automated processing that would produce significant or detrimental legal repercussions for them.

PERSONAL DATA

Personal data is any information related to an identified or identifiable natural person, directly or indirectly referencing an identification number, or one or more elements specific to his, her or their physical, physiological, genetic, psychological, cultural, social, or economic identity.

Sensitive data is defined as all personal data relating to **religious or philosophical opinions or activities, political affiliation, trade union membership, sex life, race, health, prosecutions, and criminal or administrative sanctions.**

The processing of sensitive data is prohibited barring certain exceptions.

COLLECTION AND PROCESSING

Personal data must be:

- processed confidentially, only by people who act under the authority of the data controller and only on his, her or their instructions;
- protected to prevent it from being distorted, damaged, or accessed by unauthorised third parties;

- collected for specified, explicit, and legitimate purposes and not further processed in a way incompatible with these purposes;
- adequate, relevant, and not excessive in relation to those purposes for which it is collected and further processed; and
- kept for no longer than the period necessary to achieve the purposes for which it was collected and processed.

Interconnection of personal data shall:

- not discriminate against or infringe on the fundamental rights, freedoms, and guarantees of holders of the data;
- ensure the use of appropriate safety measures; and
- take into account the principle of relevance.

REGISTRATION AND ENFORCEMENT

The CNPDCP is an independent administrative authority responsible for ensuring that personal data is treated in accordance with the provisions of Law No. 001/2011. Among other things, its responsibilities include:

- establishing and publishing standards for personal data processing and laying down model regulations for security;
- issuing public opinions on the state of data protection laws and advising those planning to implement data processing operations;
- promptly informing the public prosecutor of offences committed under the law;
- receiving and responding to complaints about the misuse of personal data;
- conducting inspections on personal data processing, and obtaining all information and documents needed;
- responding to access requests for processing;
- issuing enforcement notices and imposing sanctions and penalties on data controllers in the case of non-compliance;
- keeping a public register of personal data processing operations;
- proposing amendments to simplify and improve data protection legislation, where necessary; and
- at the request of the Prime Minister, representing Gabon to the international community on data protection-related matters.

The processing of personal data is subject to prior notification to the CNPDCP. If a data controller appoints a data protection officer, notification is unnecessary unless personal data is being transferred across borders.

CROSS-BORDER TRANSFER

Transfer of personal data to another country is allowed only when that country provides a sufficient level of protection for privacy, freedoms and fundamental rights of individuals regarding the processing of personal data.

The transfer of personal data to a country which does not ensure an adequate level of protection may be permitted if the data subject has given consent to the transfer or where such transfer is:

- necessary for the commencement or performance of a contract between the data subject and the data controller, or at the data subject's request;
- necessary for the execution or conclusion of a contract awarded in the interest of the data subject, or between the data controller and a third party;
- required to safeguard the public interest;
- required to safeguard the data subject's life;
- necessary to ensure recognition, exercise or defend a right to justice; or
- necessary for the consultation of a public register intended for public information.

SECURITY AND BREACH PROTOCOL

No breach notification protocol is stipulated under Gabonese law.

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