

Somalia Data Protection Authority (DPA)

Official Guidance on Cross-Border Data Transfer Rules

Status: Official Guidance

Version: 1.0

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Foreword

This guidance explains the conditions under which personal data may be transferred outside Somalia while ensuring continued protection of individual rights.

Legal Basis

This guidance is issued pursuant to the cross-border transfer and accountability provisions of the Somalia Data Protection Act No. 005 (2023).

1.1 General Rule

Personal data may only be transferred outside Somalia where adequate protection is ensured and legal requirements under the Act are met.

Organizations remain responsible for ensuring continued protection of personal data after transfer.

1.2 Lawful Transfer Mechanisms

Cross-border transfers may occur only under one of the following:

Adequacy

Transfers to jurisdictions recognized by the DPA as providing adequate protection.

Appropriate Safeguards

Including:

- Standard Contractual Clauses (SCCs)
- Binding Corporate Rules (BCRs)
- Approved codes of conduct or certifications

DPA Authorization

Required where no adequacy decision or appropriate safeguards exist, especially for:

- Sensitive personal data
- Large-scale processing
- Transfers involving vulnerable populations

1.3 Risk Assessment Requirement

Before transferring data abroad, organizations must assess:

- Destination country laws
- Government access risks
- Cybersecurity environment
- Ability to enforce data subject rights

This assessment (Transfer Impact Assessment) must be documented and reviewed periodically.

Organizations must ensure that identified risks are mitigated through appropriate safeguards prior to transfer.

1.4 Transparency to Individuals

Where relevant, individuals must be informed of:

- Destination countries
- Safeguards used
- Risks involved

Privacy notices must clearly explain cross-border transfer practices.

1.5 Enforcement

Unauthorized cross-border transfers may result in:

- Suspension orders
- Administrative fines
- Deletion or repatriation requirements
- Other enforcement measures under the Act

1.6 Derogations in Specific Situations

In limited cases, transfers may occur based on:

- Explicit consent of the data subject
- Contractual necessity
- Public interest grounds

Such derogations must be interpreted restrictively and applied only where permitted under the Act.

Organizations must document the justification for relying on any derogation.

Revision History

- Version 1.0 – Initial publication (2025)

Disclaimer

This guidance is issued to assist organizations in interpreting and applying the Somalia Data Protection Act No. 005 (2023). It does not replace the Act and does not create new legal obligations beyond those set out in law.