

Privacy in Mozambique: overview

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LEGISLATION

1. What national laws (if any) regulate the right to respect for private and family life and freedom of expression?

The Constitution of the Republic of Mozambique (Constitution) regulates the right to private and family life and grants everyone a right to privacy by prohibiting the use of electronic means for the registration and manipulation of any data that allows for the identification of a person's political, philosophical or ideological convictions, religious faith, political party or trade union affiliation or private life.

Article 80 of the Civil Code (approved by Administrative Ordinance No 22869 of 4 September 1967), establishes a general principle whereby everyone must keep private any information concerning another's private life.

Other sectoral legislation, such as the Labour Law (approved by Law No 23/2007 of 1 August) and the Information Law (approved by Law No 34/2014 of 31 December), also contains provisions relating to the protection of privacy.

2. Who can commence proceedings to protect privacy?

The affected party to whom the privacy right is granted can commence proceedings where he/she believes his or her right to privacy has been infringed.

3. What privacy rights are granted and imposed?

The Constitution forbids the misuse of a person's private data, by making a clear reference to personal privacy. In addition, the recording and processing of an individual's data with regards to their private life without the individual's consent is prohibited.

Under the Labour Law, employers must respect the personal rights of their employees, especially the right to the privacy of the employee's personal life (for example, his family life, romantic and sex life, state of health and political and religious beliefs).

Employers cannot force employees to provide information regarding their private lives, unless:

- The specific nature of the professional activity requires so, by virtue of the law or custom in the profession.
- The basis for the request is previously indicated in writing.

An employee's personal data, obtained under a duty of confidentiality, as well as any information, the release of which would violate the employees' privacy rights, must not be given to a third party without the consent of the employee, unless otherwise required by law.

According to the Information Law, the exercise of the right to information must safeguard other rights and interests protected by the Constitution, namely the right to privacy. Therefore, information on personality rights cannot be provided or disclosed. All information regarding private life can only be disclosed with the express consent of the data subject.

4. What is the jurisdictional scope of the privacy law rules?

The jurisdictional scope of the privacy law rules is the Mozambique civil jurisdictional courts.

5. What remedies are available to redress the infringement of those privacy rights?

The infringement of privacy rights can be remedied by means of a precautionary/protective injunction and/or civil lawsuit.

6. Are there any other ways in which privacy rights can be enforced?

There are no other ways in which privacy rights can be enforced and the means referred to above are the only ways to enforce the right to privacy.

Practical Law Contributor profiles



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Publications

- *Getting the Deal Through: Vertical Agreements 2017 – Law Business Research.*
- *Africa Guide Competition Law 2017 - Bookbinder Business Law.*
- *Benchmarking PPP Procurement 2017 Report - World Bank Group.*
- *Getting the Deal Through: Merger Control Mozambique 2017 – Law Business Research.*
- *LEGAL ALERT // Energy and Infrastructure Business Opportunity Electrifi Round 1 - Call for Applications.*
- *Getting the Deal Through: Vertical Agreements Mozambique 2016 - Law Business Research.*
- *The African and Middle Eastern Antitrust Mozambique Review 2016 - Law Business Research.*



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