AU DATA POLICY FRAMEWORK

African Union

Agend 2063
The Africa we Want

Africa School of Internet Governance, 2025

Data Governance: Concepts, Issues, Challenges and Opportunities

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INTRODUCTION TO THE AUDPF

Scope and objectives of the AUDPF

- Collaborate on data governance issues in order to achieve the **common goals of sustainable development** across the continent.
- Inform and assist AU member states in **domesticating continental policy.**
- Enable flow of data across borders while considering **protection of rights, mitigate risks** and consideration of member-state interests.
- Create trust mechanisms for **data sharing** among member states while respecting sovereignty.
- **Maximise the benefits of datafication of the economy** and society, including a single digital market.
- Ensure that data is used for the benefit of society in a **sustainable** manner.
- Utilise data in novel ways to promote public value, particularly for decision planning, monitoring, and evaluation in the public sector.

Guiding Principles of the Framework

Cooperation: Member states to work together to exchange data and ensure data system interoperability.

Integration: Framework for promoting intra-African data flows and removing unnecessary legal barriers to data flows, subject to only the necessary measures (e.g. human rights or data protection).

Fairness and inclusiveness: To address inequalities, states must provide opportunities and benefits to all Africans.

Trust, safety and accountability: States must promote trustworthy data environments that are safe and secure, accountable to data subjects, and ethical and secure by design.

Sovereignty: DPF supports member states in maintaining oversight over their data and encourages collaboration for self-management capacity building.

Comprehensive and forward looking: DPF to enable investment and innovation by develop infrastructure, enhancing human capacity, and harmonizing laws and regulations.

Integrity and justice: Member states must ensure that data collection, processing, and use a fair and legal, as well as non-discriminatory and pro-human rights.

Data policy framework issues

Data Definition: Providing specificity and detail on the types of data to be regulated and to what extent, in order to maximise benefit for different role players in data policy implementation. This should be done with the value and nature of data in mind.
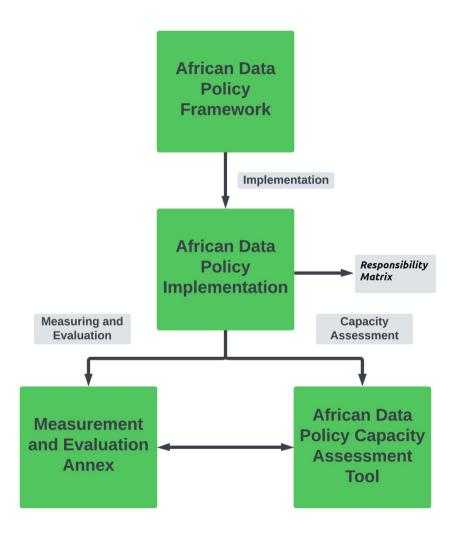
Continental Coordination: Providing mechanisms and priorities for coordination within the continent to strengthen Africa's position in global governance and to support domestication

Domestic institutional Capacity: Nationally assigning obligations, responsibilities, and powers to institutional actors can establish a consistent domestic environment for data communities to conduct data activities.

Domestic Collaboration: The focus is on ensuring policy alignment, identifying multi-stakeholder participants, and enhancing successful domestication mechanisms.

Policy Support: Implementable standards and solutions aim to improve domestic data quality, control, access, interoperability, processing, protection, and security, fostering a data economy growth.

Clarity: Ensuring clarity which facilitates compliance does not have unintended restriction but can serve as a foundation for cross-border (and cross-silo) coordination

Vision

The Data Policy Framework envisions the transformative potential of data to empower African countries; improve people's lives; safeguard collective interests; protect (digital) rights; and drive equitable socio-economic development.
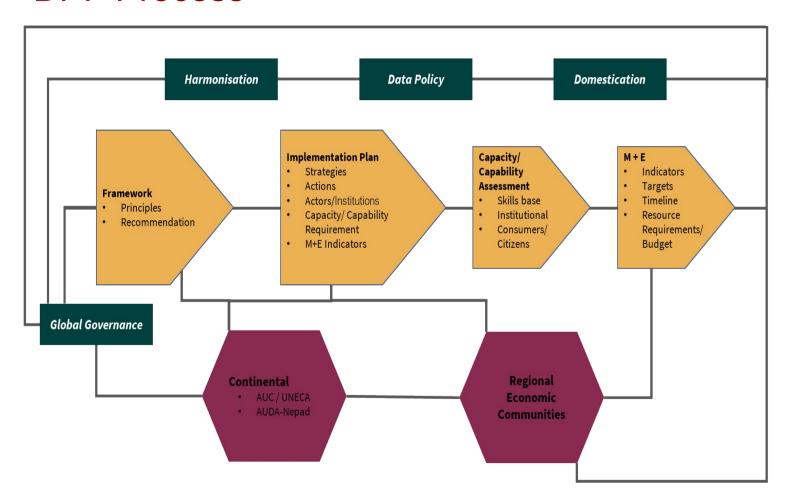
Practically the process seeks to translate this vision into a framework which will when implemented:

| empower Africans to exercise their rights through the promotion of trusted, safe and secure data systems integrated on the basis of common standards and practices; | create, coordinate and capacitate governance institutions to regulate, as necessary, the ever-changing data landscape and to increase the productive and innovative use of data to provide solutions and create new opportunities while mitigating risk; | ensure that data can flow across borders as freely as possible while achieving an equitable distribution of benefits and addressing risks related to human rights and national security. |

DPF Process

Enabling Data Policy Framework

Transversal Digital and Data Policy

Legal ecosystem

Bill of Rights

- Privacy
- Freedom of expression
- Access to information

Competition law

Cybersecurity law

Data protection law

Electronic transactions law

Intellectual property law

Trusted data system

Cybersecurity

Data protection

Data justice

Ethics by design

Self regulation

Institutional arrangements and data infrastructure

Data regulator

Competition regulator

Consumer protection

Financial regulator

_____

Digital infrastructure

Digital ID

Interoperability - standards/ categorisation

Public value

Data

Data curation

Quality
Open data

Coherent sectorial policy for data economy

Competition

Trade

Taxation

Data governance

Control

Data processing

Data security

Data demand

Data quality

Data portability

Data sovereignty and localisation

Interoperability

Continental and international cooperation

African Union Data Policy Framework

1. Foundational Infrastructure
- Digital Infrastructure
- Data Infrastructure
- Digital ID Infrastructure

4. Integrated National Data System
- Data Categorisation
- Open data Standards/ Sharing Initiatives
- Data Skills

2. Digital Markets & Data Value
- Creating Public Value
- Cross-sector
  - Tax Policy
  - Trade Policy
  - Competition Policy

3. Trustworthy and Legitimate Data
- Cybersecurity
- Data Innovation
- Data Ethics
- Data Justice
- Personal Data Protection

Institutional Arrangements
- Competition Regulation
- Consumer Protection Regulation
- Telecommunication Regulation

5. Data Governance
- Special Data Regimes
- Open Data & Data Exchange
- Data Localisation
- Sovereignty
- Data Portability
- Data Interoperability
- Data Demand & Data Communities
- Data Protection

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Data and Sustainable Development

African School on Internet Govetrnancer, May 2025

Anriette Esterhuysen

Its a data, data, data world

What I will cover

- Data as a resource for development

- African Union Data Policy Framework

- UNCTAD Digital Economy Report 2021 (for illustration, there is a 2024 Pacific report)

- Different approaches to data localisation/sovereignty

- Exercise and discussion

Data as a resource for development

"...the expansion of data flows matters for the achievement of virtually all the Sustainable Development Goals, and countries around the world are struggling to determine how to deal with them from a policy perspective. The ultimate approach chosen at national and international levels will affect not only trade, innovation and economic progress, but also a range of issues related to the distribution of gains from digitalization, human rights, law enforcement and national security."

Cross-border data flows and development: For whom the data flow - UNCTAD Digital Economy Report 2021 - https://unctad.org/publication/digital-economy-report-2021

Characteristics of data and data flows

Data flows are hard to measure, but growing fast

The data-driven digital economy is characterized by large imbalances…

- For example, while up to 8 in 10 Internet users shop online in several developed countries, that figure is less than 1 in 10 in many LDCs.

- Within countries, there are significant divides between rural and urban areas, as well as between men and women. The largest gender divides are observed among LDCs and in the African region.

- In terms of capacity to engage in and benefit from the data-driven digital economy, two countries stand out: the United States and China.

Defining data and data flows

- Data are **intangible and non-rival,** which means that many people can use the same data simultaneously, or over time, without depleting them.
- At the same time, access to data can be limited by technical or legal means, resulting in varying degrees of **excludability - inability to access or use data**.
- For example, data collected by major global platforms are not readily available for others to use, giving the platform owners a monopolistic position to benefit from the data.
- Moreover, the value of data is often only meaningful when more than one data set can be used together (e.g. climate patterns and crop yields) or income and child health.

The data value chain

- Data is an economic resource. Data flows across borders. How this flow happens, its direction and who benefits matters.

- Individual data sets are of little value unless they are aggregated and processed. And vice versa, there cannot be digital intelligence without the raw data.

- Value emerges in the process of transformation of raw data – from data collection, through analysis and processing into digital intelligence – that can be monetized for commercial purposes or used for social objectives.

- Adding value to data is what contributes to development. **As the data-driven digital economy has evolved, a data-related divide has compounded the digital divide.**

- In this new configuration, developing countries may find themselves in subordinate positions, with data and their associated value capture being concentrated in a few global digital corporations and other multinational enterprises that control the data.

- **Developing countries risk becoming mere providers of raw data to global digital platforms, while having to pay for the digital intelligence obtained from their data.**

Digital sovereignty – what is it really?

- Digital sovereignty is expressed as the need or entitlement of governments to require storing of data within national borders for the benefit of a national economy

- But the link between the geographic storage of data and how it is used and protected is not fixed. It is not easy to assign territoriality to data that flows across borders. The people/communities and countries that generate the data should be able to benefit and be protected irrespective of where the data is stored or processed.

- Ultimately, can data not be better understood as shared, rather than as traded or exchanged as sovereign goods?

UNCTAD advice

Cross-border data flows are not trade and should be treated differently

"In the new context of the data-driven digital economy, concepts such as ownership and sovereignty are being challenged. Rather than trying to determine who "owns" the data, what matters is who has the right to access, control and use the data."

Different approaches to governing data flows

- The UNCTAD Digital Economy Report identifies three main governance approaches around the world that are of particular influence at the moment. Stated simplistically:

    - the approach of the United States that focuses on control of the data by the private sector.

    - the Chinese model that emphasizes control of data by the **Government**, and,

    - the European Union that favours control of data by individuals on the basis of fundamental rights and values.

- The current context is defined by tensions among these approached, particularly between the United States and China

- At the same time global digital corporations are seeking to expand their own data ecosystems.

Moving forward constructively

- Extreme positions on cross-border data flows will not be helpful, as **neither strict localization nor fully free data flows are likely to satisfy the needs of countries to meet various development objectives**.

- Regulation in this area needs to be rethought to find the basis for a middle-ground solution.

- New regulations will need to consider all dimensions of data, both economic in a holistic manner, taking into account possible implications for human rights, national security, trade, competition, taxation and overall Internet governance.

- This raises the question of what is the appropriate international forum in which to address data-related policies for development. This is being discussed by the Commission on Science and Technology for Development's Working Group on Data Governance at All Levels

UNCTAD Report

Do we need a new institutional setup to meet the global data governance challenge?

Making data flow for the benefit of all requires greater efforts to bridge the divides

Some creative initiatives are underway, for example, the **African Union Data Policy Framework**

The African Union Data Policy Framework

- Developed in 2021-22

- Accepted in 2022

- Currently being implemented

- A developing country response to some of the difficult questions around data governance

Vision

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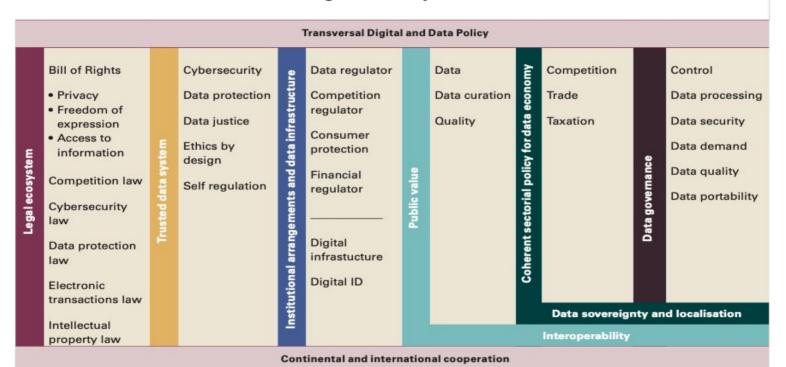
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Enabling Data Policy Framework

Transversal Digital and Data Policy

Legal ecosystem	Trusted data system	Institutional arrangements and data infrastructure	Public value	Coherent sectorial policy for data economy	Data governance
Bill of Rights • Privacy • Freedom of expression • Access to information Competition law Cybersecurity law Data protection law Electronic transactions law Intellectual property law	Cybersecurity Data protection Data justice Ethics by design Self regulation	Data regulator Competition regulator Consumer protection Financial regulator _____ Digital infrastucture Digital ID	Data Data curation Quality	Competition Trade Taxation	Control Data processing Data security Data demand Data quality Data portability

Data sovereignty and localisation

Interoperability

Continental and international cooperation

Scope and Objectives of the DPF

Enable states to cooperate on matters of data governance to achieve common objectives of **sustainable development** across the continent

Inform and support the **domestication** of continental policy by AU member states

Ensure that data can **flow freely** across borders while promoting **equitable distribution** of benefits and addressing related **risks** and other legitimate interests of member states

Establish **trust** mechanisms to allow data to circulate as freely as possible among member states while preserving **sovereignty**.

Enable states, private sector, civil society and intergovernmental organisations to **coordinate** their efforts on data issues in pursuit of a single digital market.

Enable **competitiveness** in the global economy through close and sustainable cooperation by African states, pvt sector and civil society through restructuring opportunities to optimise benefits from datafication of the economy and society.

Ensure the **sustainable use of data** for the benefit of society and that it is available within appropriate safeguards in both commercial and non-commercial settings.

Facilitate innovative ways to **promote public benefits** by using data in new ways esp for public sector decision making, planning and monitoring and evaluation.

From Research ICT Africa

Interactive debate

- Participants cluster into one of
  the three approaches – China, US or EU

- Open discussion about pros and cons of the different approaches

Resources

- Inside the Digital Society: Data, data everywhere… blog by Dr. David Souter - https://www.apc.org/en/blog/inside-digital-society-data-data-everywhere

- African Union Data Policy Framework - https://au.int/sites/default/files/documents/42078-doc-AU-DATA-POLICY-FRAMEWORK-ENG1.pdf

- For whom the data flow – Digital Economy Report, UNCTAD, 2021 - https://unctad.org/publication/digital-economy-report-2021