

DATA PROTECTION AND PRIVACY CHALLENGES IN AFRICA

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THE AFRICAN ECOSYSTEM

- International Influence
- AU Framework
- Regional Frameworks
- Country Specific Laws
- Best described as:
 - Undeveloped
 - Diverse

WHEN IN ROME...



- **OECD Guidelines**
- **Europe**
- **AUCC**
- **EAC**
- **SADC**
- **ECOWAS**

- **Convention 108**
- **EU Directive**
- **GDPR**

...do as the Romans do.



WHEN IN ROME ...

DATA PROTECTION LAWS

- Fundamental Right to Privacy
- 17 countries in Africa with data protection legislation
 - ✓ Angola, Benin, Burkina Faso, Cape Verde, Gabon, Ghana, Ivory Coast, Lesotho, Madagascar, Mali, Mauritius, Morocco, Senegal, Seychelles, South Africa, Tunisia and Western Sahara
- Countries developing legislations
 - ✓ Mauritania, Niger, Nigeria, Egypt, Uganda, Kenya, Malawi, Tanzania, Zimbabwe

THE CHALLENGES

- Diverse frameworks and requirements
- Cross border data transfers
- Capacity
- Enforcement
- Enforcement co-operation
- Independence

- **Existing laws**
- **Structure of Authorities**
- **Jurisdiction & Powers of the Authorities**
- **Lack of co-operation and collaboration**
- **Political, Legal, Cultural & Ethnic Diversity**

- **Cross-Border Data Transfers within Africa**
 - Restrictions (prior authorizations/approvals, data residency/ localization issues, etc.)
 - No Restrictions
- **Cross Border Data Transfer between Africa and the rest of the world**
 - GDPR
 - Other Laws
- **Data Use/Sharing Limitations**

- **Lack of Skillset**
- **Cost**
- **Regulatory**
- **Industry**
- **General Awareness**

- **Capacity**
- **Resource Constraints (financial, human, etc.)**
- **Political will**
- **Awareness**
- **No Regulator**
- **Limited/No Enforcement Powers**

- **Legal Autonomy**
- **Institutional/Structural Autonomy**
- **Financial Autonomy**

- **Effective regulation requires collaboration and co-operation**
- **Fueled by Harmonized Laws**
- **Current state of the AU Convention**
- **Africa vrs the rest of the world**

SOLUTION

- Harmonisation
- Establish frameworks for collaboration/co-operation.
- Mechanisms to improve cross-border data flows.

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UPCOMING





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