DATA PROTECTION AND PRIVACY CHALLENGES IN AFRICA

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Rome was not built in a day
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THE AFRICAN ECOSYSTEM

• International Influence
• AU Framework
• Regional Frameworks
• Country Specific Laws

Best described as:
• Undeveloped
• Diverse
• OECD Guidelines
• Europe
• AUCC
• EAC
• SADC
• ECOWAS
• Convention 108
• EU Directive
• GDPR
...do as the Romans do.
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
• Harmonisation
• Establish frameworks for collaboration/co-operation.
• Mechanisms to improve cross-border data flows.
Rome was not built in a day
Shaping the future of data protection/privacy for Africa!
Register to sponsor this Summit: dataprotectionafrica.org/sponsor-the-summit

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