

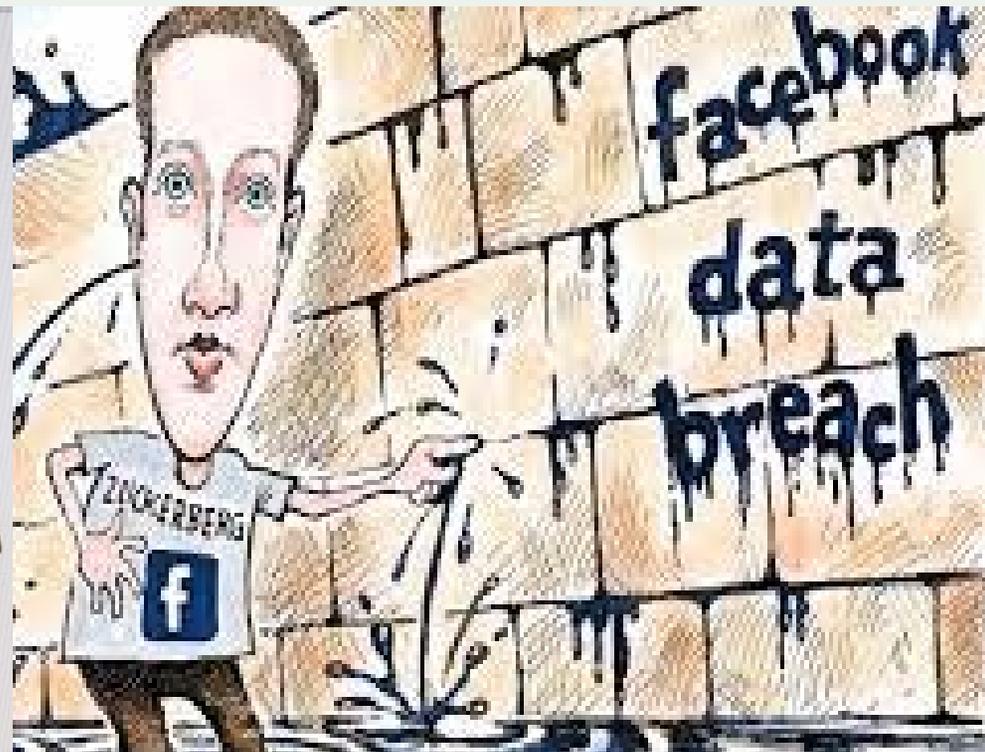
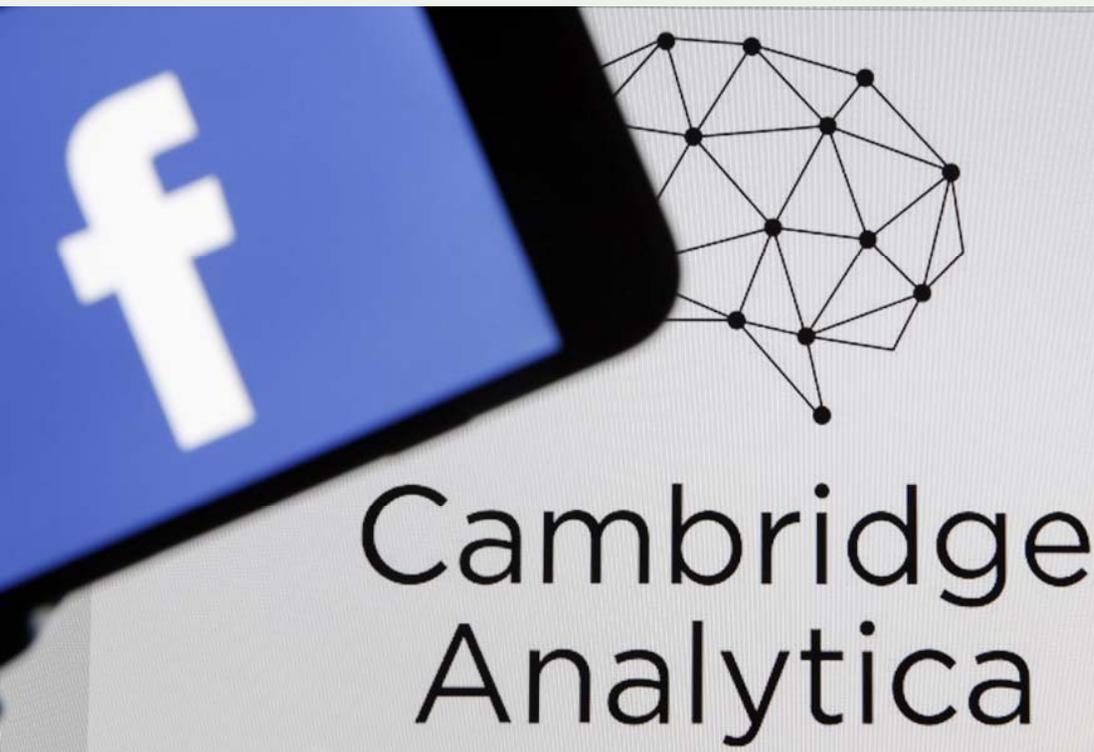


# Privacy & Personal Data Protection Guidelines for Africa

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## Increase in data Breaches



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## Personal Data is a Commodity

Every day, personal data is being shared and used several degrees of separation away from the point of collection, often without the knowledge of the data subject. This is because:

- Data can be stored cheaply and retained for longer periods,
- Data can be shared and distributed more easily, and
- There are more and more sensors in Internet-connected devices.

## Personal Data Protection laws:

There are currently 17 countries in Africa that have enacted comprehensive personal data protection legislation, namely Angola, Benin, Burkina Faso, Cape Verde, Gabon, Ghana, Ivory Coast, Lesotho, Madagascar, Mali, Mauritius, Morocco, Senegal, Seychelles, South Africa, Tunisia and Western Sahara.<sup>v</sup>

<sup>v</sup> Cynthia Rich (2016) Privacy Laws in Africa and the Near East (16) 6  
*Bloomberg BNA World Data Protection Report*, 1

## What we know

Three countries, **Kenya, Uganda and Zimbabwe**, have already enacted personal data protection legislation, the promulgation of which has not yet been made effective, as the laws are still in the form of bills. Tanzania is in the process of enacting personal data protection legislation.

**Nigeria** - the African country with the most Internet users, does not have a data protection law and a data-protection bill that was introduced in 2010 is still making its way through parliament



## **Other existing Privacy laws and frameworks in Africa include;**

SADC Model Law on Data Protection (2010)

ECOWAS Supplementary Act A/SA.1/01/10 on Personal Data Protection (2010)

EAC Framework for Cyberlaws (2008)



Privacy helps reinforce user trust  
in online services.

## Personal Data Protection Guidelines for Africa

A joint initiative of the Internet Society  
and the Commission of the African Union

9 May 2018



**African Union**

## The Guidelines

As a new step towards developing national legislative frameworks and helping African countries transpose the provisions of the Malabo Convention into national law,

- **the African Union Commission**
- **Internet Society (ISOC),**

Jointly developed the “Personal Data Protection Guidelines for Africa”, which is a detailed set of **best practice guidelines on personal data protection.**



## Why the Guidelines Matter

The Guidelines were developed to help facilitate implementation of the Convention, with its **recommended actions tailored to the African environment's unique features, including:**

- a shortage of skilled human resources in the area of personal data protection,
- limited resources (including financial) for governments, organizations, and other stakeholders,
- limited levels of awareness of online privacy issues among stakeholders,
- and a general lack of awareness of the risks involved in the use of ICTs.
- The Guidelines were created by a multistakeholder group with contributions from regional and global privacy experts, including industry privacy specialists, academics and civil society groups.



## **The Guidelines recommend the most critical actions to take on Personal Data Protection at the regional, national, and organizational levels.**

The Guidelines emphasize the importance of the multistakeholder model and provides recommendations for

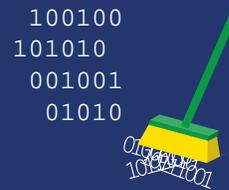
- Governments and policymakers,
- Data protection authorities (DPAs),
- Data controllers and their partners and
- Citizens and Civil Society



# Key Considerations



Collection  
Limitation



Data Quality



Purpose  
Specification



Use Limitation

Security  
Safeguards



Openness



Individual  
Participation



Accountability



## Guiding Principles

- 1 Global interoperability
- 2 Collaboration
- 3 Ethics
- 4 Privacy impact
- 5 Anonymity and pseudonymity
- 6 Data minimization
- 7 Choice
- 8 Legal environment
- 9 Technical environment
- 10 Business environment



**The Guidelines set out 18 recommendations, grouped under three headings:**

**Multi-stakeholder solutions;  
Wellbeing of the digital citizen; and  
Enabling and sustaining measures.**

**Eight recommendations for action by the following stakeholders:**

Governments and policymakers  
Data Protection Authorities (DPAs)  
Data controllers and data processors



## Ask

- Member states with an interest in exploring this subject may reach out to AUC or ISOC
- Focused Capacity session

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# Thank you.

Read the full policy brief:

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