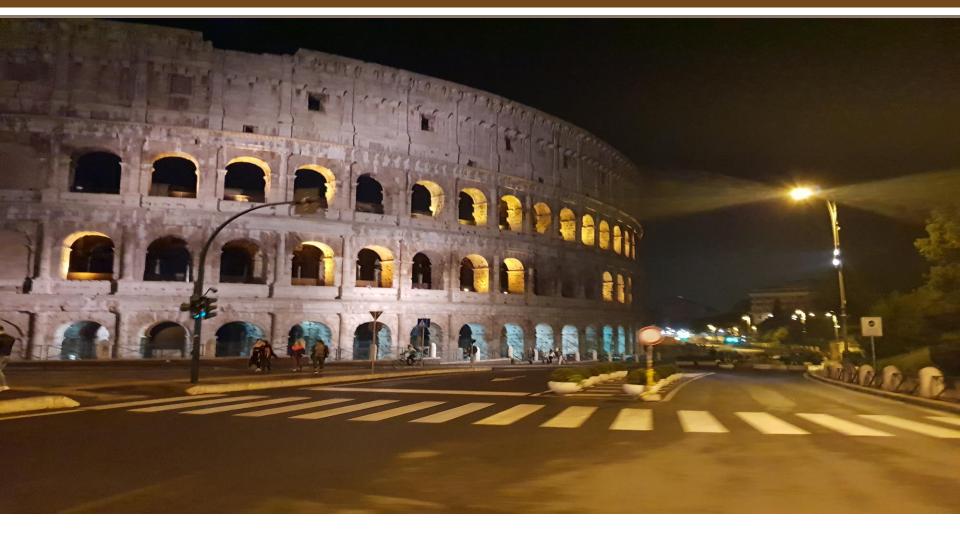
DATA PROTECTION AND PRIVACY CHALLENGES IN AFRICA

Teki Akuetteh Falconer (Mrs.)

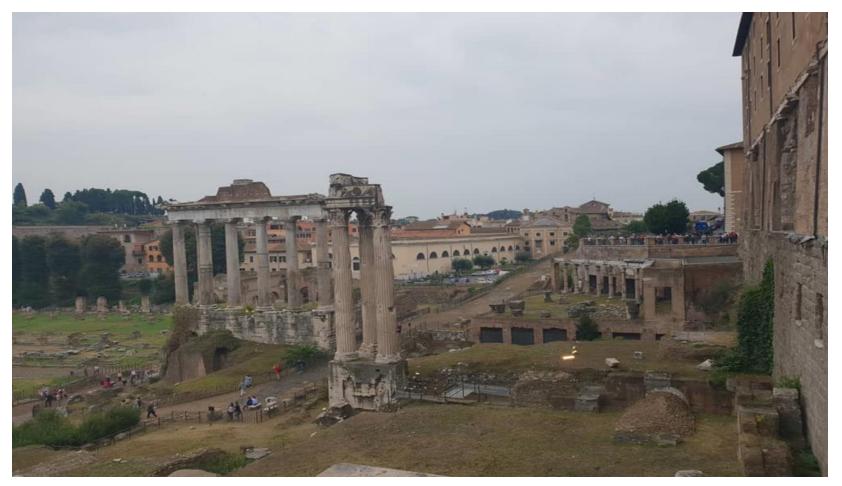
Founder & Executive Director



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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, <u>Benin</u>, <u>Burkina Faso</u>, <u>Cape Verde</u>, Gabon, <u>Ghana</u>, <u>Ivory Coast</u>, Lesotho, Madagascar, <u>Mali</u>, <u>Mauritius</u>, <u>Morocco</u>, <u>Senegal</u>, Seychelles, <u>South Africa</u>, <u>Tunisia</u> 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 crossborder data flows.



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UPCOMING







Shaping the future of data protection/privacy for Africa!

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ASPIRE, AGGREGATE, ADVANCE!