

# Africa Data Protection Regulation Landscape

“The African Privacy Mandate”

By:

Edward King Onyenweaku

Cybersecurity and Risk Consultant

MSc Cybersecurity, CEH, GDPR, CISSP, CEH, CCISO, CCNP, ISO27001LI,  
ISO27032, ISO22301LI, ISO9001LI/A, PCIP

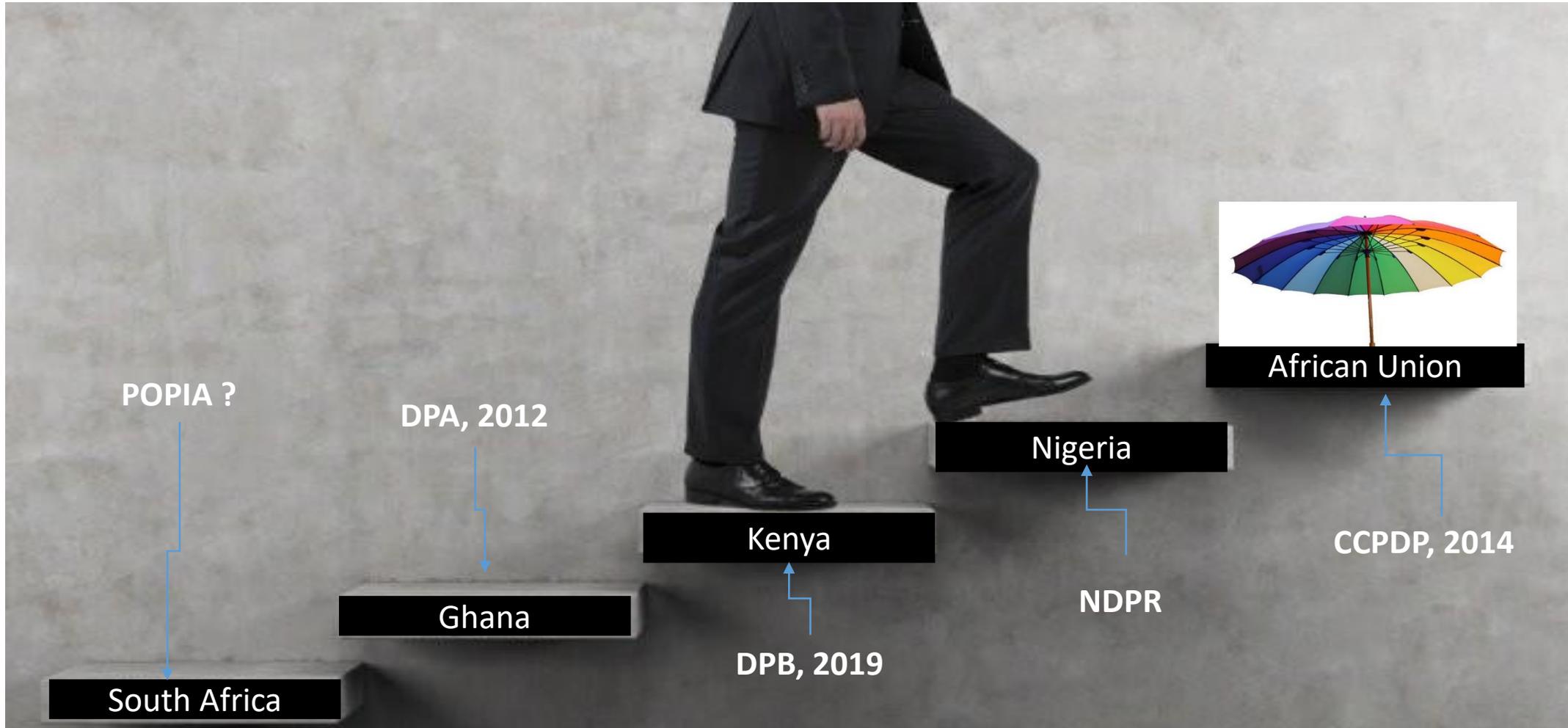


# Why is Data Privacy and Protection an important tool for Africa Wellbeing?

- Until Personal Information and data laws are brought into effect, the Regulators are not able to effectively enforce compliance and victims are deprived appropriate remedy.
- Unlawful surveillance, interception and monitoring of private communications (like emails, SMSs, and phone calls) of its citizens on a mass scale will continue to reign
- Personal data is the new currency with which to effectively conduct business operations globally, hence privacy must be protected.
- Governments will use the lack of Data Protection law to violate citizens' right to privacy.
- Unlawful and unauthorized use of personal information of individuals, cyber crime and identity theft will keep increasing at an alarming rate.

# Overview of the journey so far.....

Out of 54 Africa countries, over 26 have passed Data Protection laws



# Some countries that have enacted comprehensive personal data protection legislation



Egypt



Angola



Gabon



Madagascar



Senegal



Benin



Ghana



Mali



Seychelles



Burkina Faso



Ivory Coast



Mauritius



South Africa\*



Cape Verde



Lesotho



Morocco



Nigeria



- ➔ In 2014, the African Union adopted the Convention on Cybersecurity and Personal Data Protection (CCPDP).
- ➔ It is a comprehensive document covering electronic transactions, Privacy and Cybersecurity.
- ➔ The Convention has been signed by about 14 states and ratified by five countries out of 55 member states
- ➔ Laws on protection of personal data are increasingly being adopted at national plane



- The continent's biggest economy
- Most populated country in Africa

- Adopted its first Data Protection Regulation in January 25 2019.
- Public and private actors have to conduct internal assessments
- Many concepts of the Regulation mirror the EU General Data Protection Regulation ("GDPR").
- National Information Technology Development Agency (NITDA) - the government's agency is in charge of monitoring IT development - enforce norms and supervise compliance



# South Africa

The continent's second-largest economy

- Protection of Personal Information Act (POPIA) not entirely in effect
- An urgent item for the Parliament for full implementation
- Parliament, met on 12 May 2020 to listen to a presentation from the information regulator



# Ghana

- Data Protection Act, 2012
- The Data Protection Act, 2012 is legislation enacted by the Parliament of the Republic of Ghana to protect the privacy and personal data of individuals



# Kenya Data Protection Bill

- ➔ On 8 November 2019, President Uhuru Kenyatta signed the Data Protection Bill, 2019 into law ('the Act'), establishing requirements for the protection of personal data.
- ➔ The Act is Kenya's first data protection law
- ➔ Came into force on 25 November 2019

# Africa Union Data Protection Regulation (AU GDPR)??



- There has been block level adoption by different regional bodies and organizations.
- Good efforts and progressive steps

**But ...**

**The overall legislative framework is not harmonized.**

# My prayer

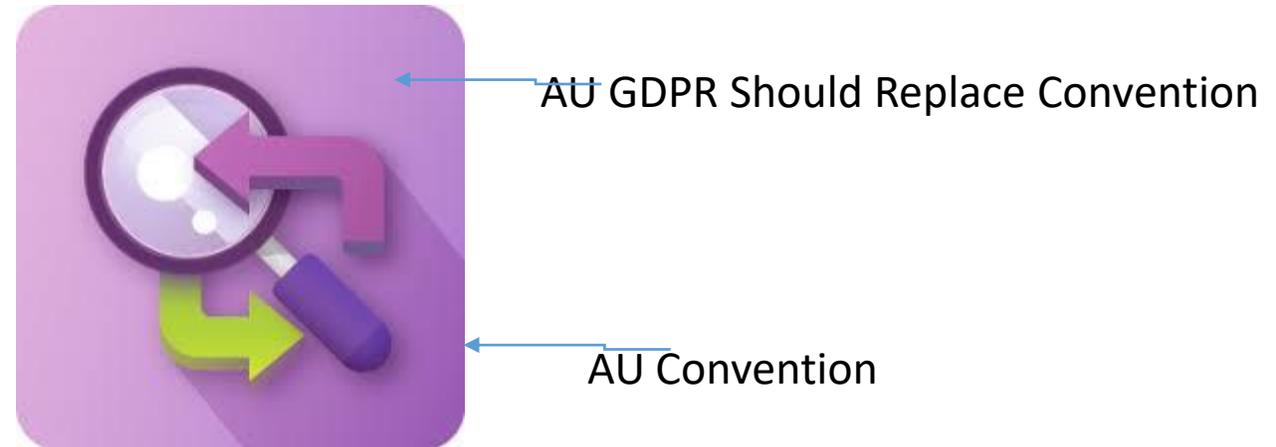
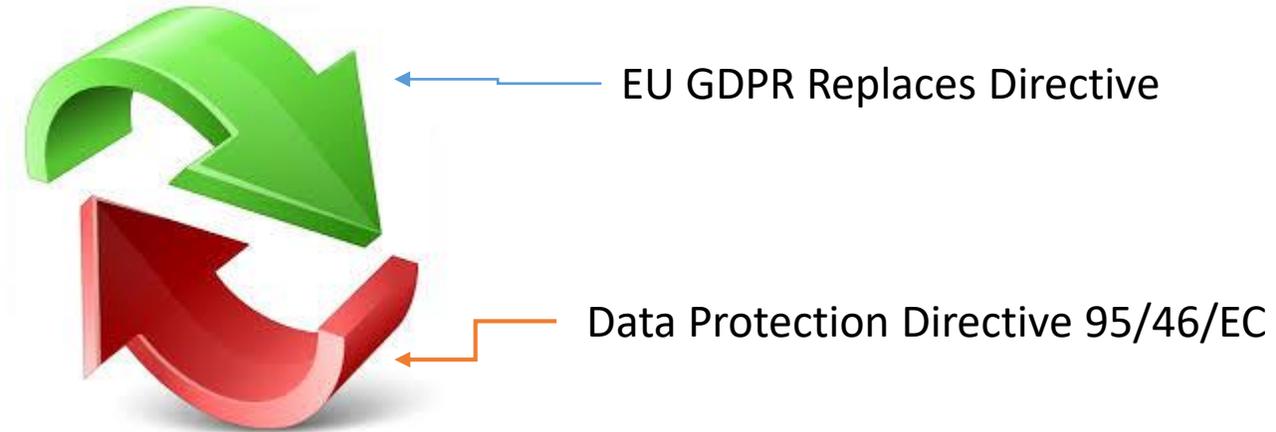
Let Africa adopt a  
Harmonized Legislative Data  
Protection framework

I call it....African Union GDPR



# What should AU GDPR look like?

- The EU GDPR is enforceable within EU member states while the Directive is not
- AU GDPR should look like EU GDPR and should replace Convention
- AU Convention will not have any legal force unless it is transposed into an African country's legislation.



# Benefit of a harmonized framework

- It is an opportunity to encourage the continent's development through the promotion of better data hygiene and greater trust.
- Promote transparent data transfers from other continents to Africa
- Prevent uncontrolled and unlawful collection of consumer data in Africa by some Silicon Valley's giants including Facebook, WhatsApp and Google.
- It will promote the use of African-based technologies and services like local Datacentres, blockchain technology, e-government and Fintech services within the financial ecosystems.
- Improved Business Reputation.
- Guarantee more Accurate Data.
- Globally encourage and contribute to data security which is a pandemic issue today within the cyber space.

# Challenges with harmonization of Data Protection law in Africa.

- Lack of Common Currency for easy and Better integration
- In reality, Africa currently runs on BLOCK Perspective rather than Union perspective, hence Enforcement might be a challenge.
- The socio-economic contexts, political settings and legal culture in which such laws developed and operate might pose some bottlenecks.
- Existence of different personal data protection principles in relation to:
  - registration with a DPA
  - cross-border data transfers
  - data breach notification
  - appointment of a DPO

# My personal *Recommendation*



- Legal and regulatory Framework for the data protection in Africa should be harmonized
- However, the Harmonized Data Protection Regulation must not be in the interest of the politicians
- AU should adopt a Common Currency for easy and Better integration.

thank you!

Tel: +2348156320938

[edynol4real@gmail.com](mailto:edynol4real@gmail.com)