



# HARMONISING DATA PROTECTION LAWS ACROSS AFRICA – BENEFITS FOR INTERNATIONAL TRANSFERS AND CO-OPERATION

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# Data, like Africa, is mobile!



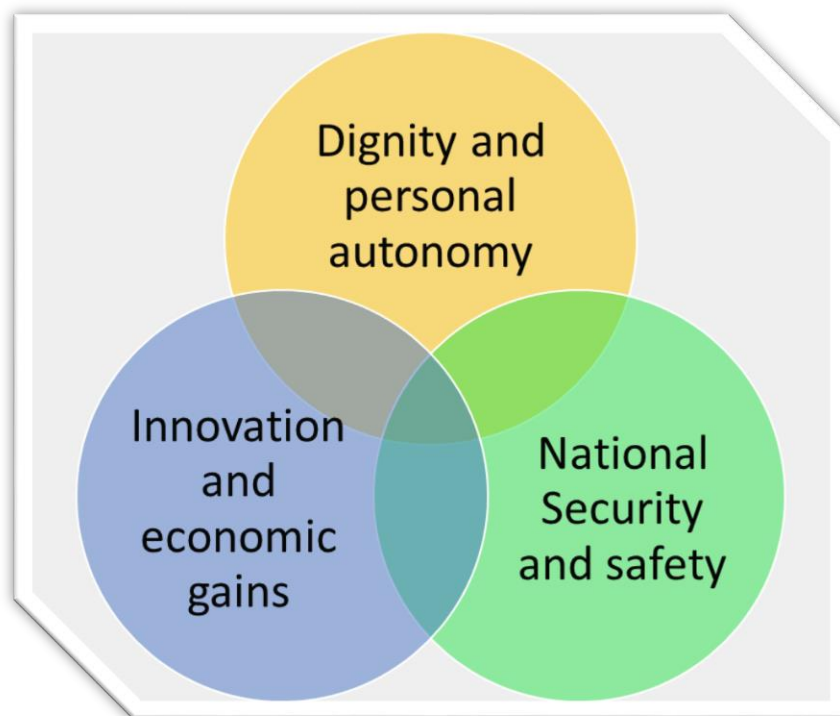
Africa's diaspora is her competitive edge in a globalized economy. So also, the ability for data to be moved in a **legal**, **predictable** and **usable** fashion would lead to exponential growth for the continent and her globalized citizenry



# Africa's rising data economy

- 590 million Africans are connected to the internet
- Actis is investing \$250 million in Data Centres including Rack Centre, Mainone, MTN in Nigeria.
- As at 2012, less than 33% of Kenya and Nigeria's internet traffic was local, this has grown to 70% as at 2020. Peak internet traffic handled by Nigeria's internet exchange rose by 400 times from 0.3gb/s to 125Gb/s. (Internet Society Report)

# Philosophies for data regulation



- Africa's philosophy should be *pragmatic* and not *dogmatic*. **We must value dignity, enshrine innovation and secure our continent in the global scheme of affairs.**



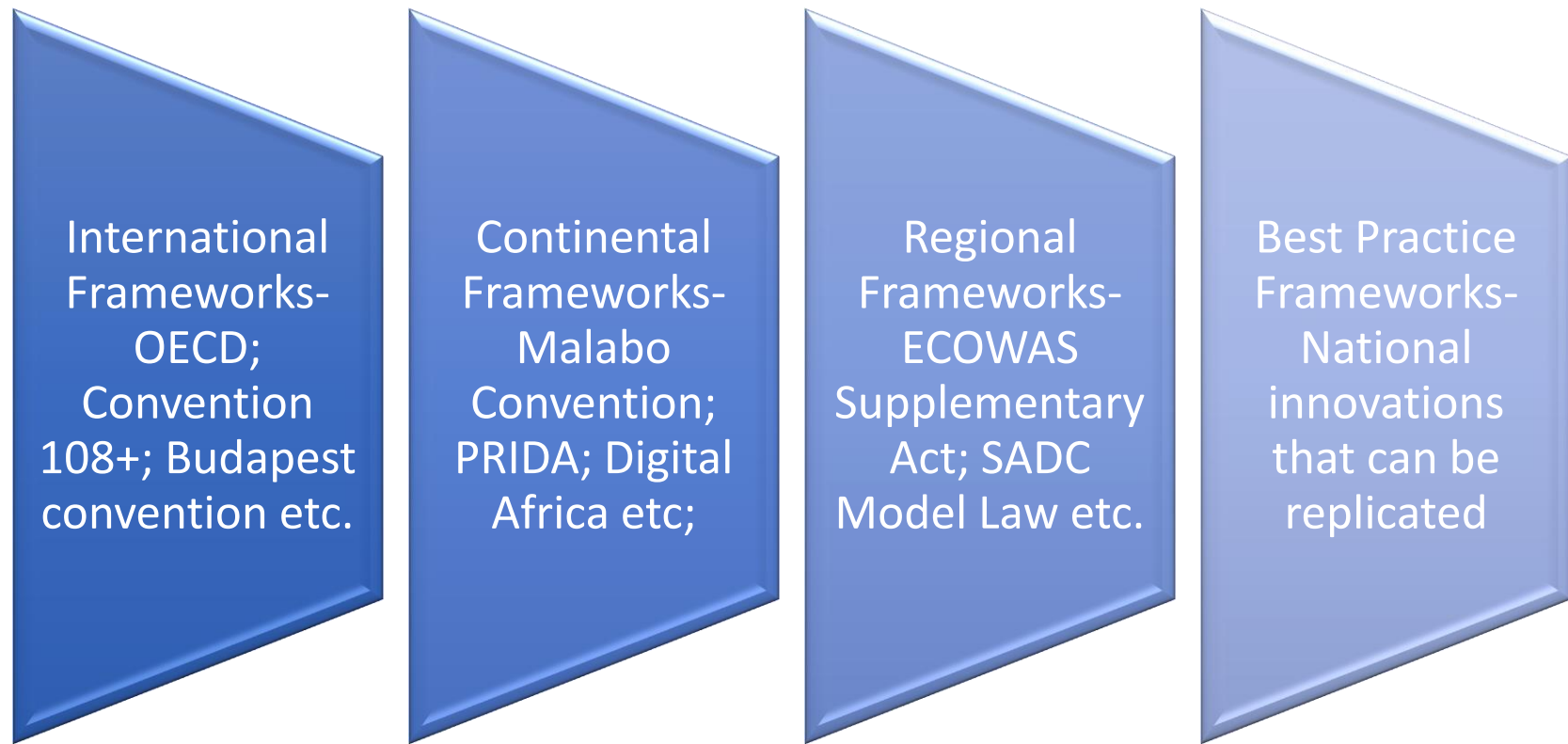
## Data transfer: understanding the schools of thought!

- **Localisation:** Laws and policies that require a controller to store and process data in a medium that is physically present in a geographical territory, eg Russia, China
- **Liberalisation:** liberal laws and policies that promote the transfer of data to and from a country. This is usually in pursuit of strategic national and business interests e.g US
- **Logical Localisation:** These are laws and policies that allow transfer, with requisite safeguards in the interest of privacy, national security and economic edge e.g EU, most AU countries

Most countries' data transfer policy falls into one of the above categories



# Data laws harmonisation tracks





# Goals of PRIDA WG on data laws harmonisation in Africa

- Trusted cross-border data flows
- DP balanced with business efficiency and innovation.
- Reduced negative economic effects of data localization
- Asymmetry and reciprocity between AU countries and other entities
- Formal Equivalence Mechanisms
- Promotion of data protection accountability mechanisms



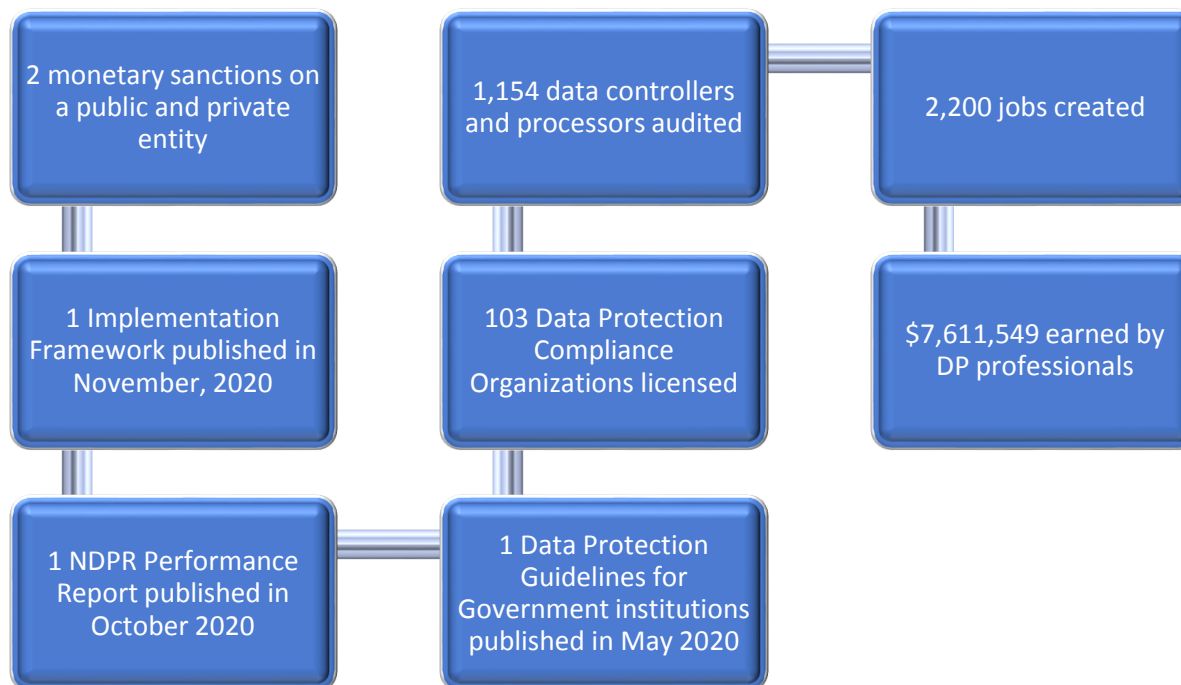
## Harmonising Cross-border transfer using the PRIDA Framework

- Evidence of a National law in line with international conventions on cross-border transfer of data
- Evidence of law showing adoption of adequacy requirement for transfer to a third country.
- Ghana, Morocco, Nigeria, Mauritius, South Africa, Burkina Faso, Senegal etc. have met these criteria

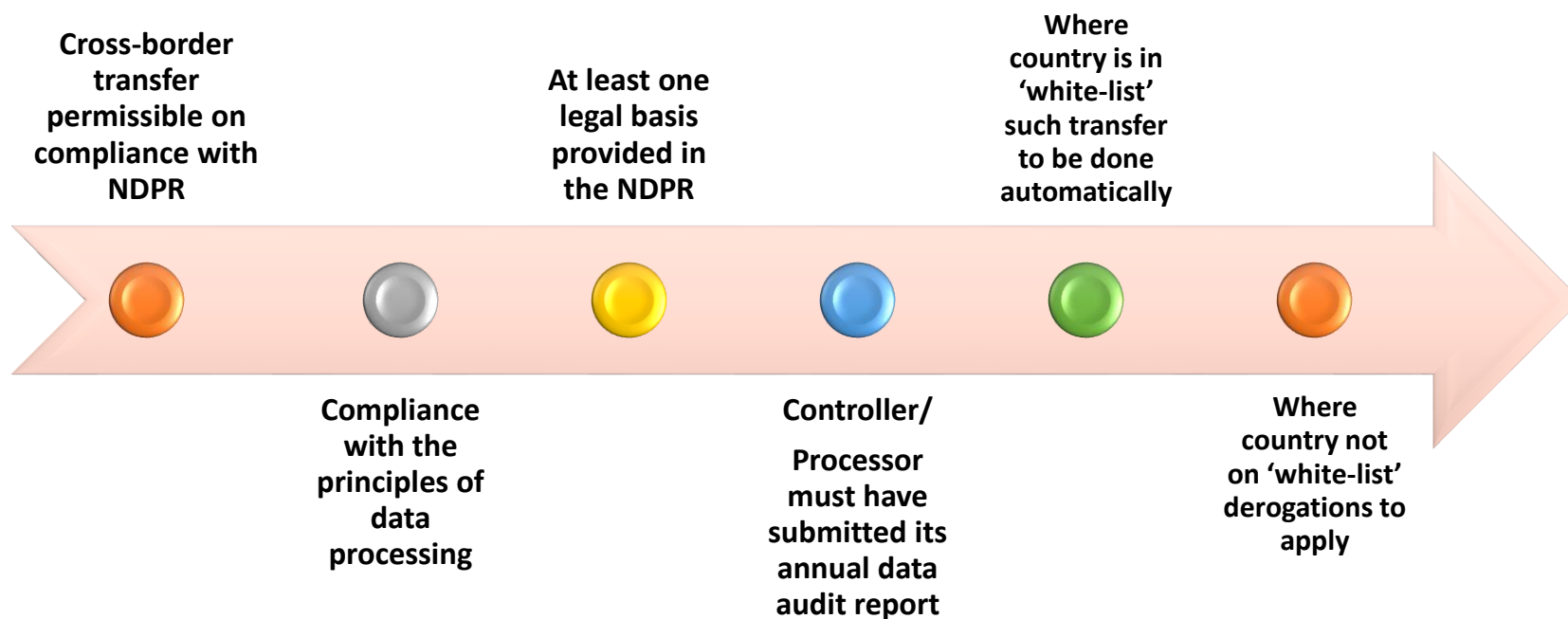




# NDPR Implementation 2019-2021



# Cross border data flow in GDPR



# Re-imagining African data localization strategy

## Pain Points

Cybersecurity

Economic security

Political security

Domestic security

Essential infrastructure

Environmental security

Energy and natural  
resource security

## Proposed Solutions

Africa as one jurisdiction

Develop in-continent capacity  
and research

Incentivize investment in  
digital economy infrastructure

Encourage indigenous data  
policy solutions

Improve enforcement

# Conclusion and Propositions

**A** - Africa Single Digital Market

**F** - Fair and consistent rules across board

**R** - Refine and use Africa's data for African innovation

**I** - Invest in youths, women and children

**C** - Coordinating mechanisms driven by private sector and policy experts

**A** - Allow data to flow without borders in the continent

***For your kind attention, I  
want to say-***

**Merci!**

**Asante  
Sana!**

**Thank  
you!**

**Obrigado!**

**Shukran!**

