

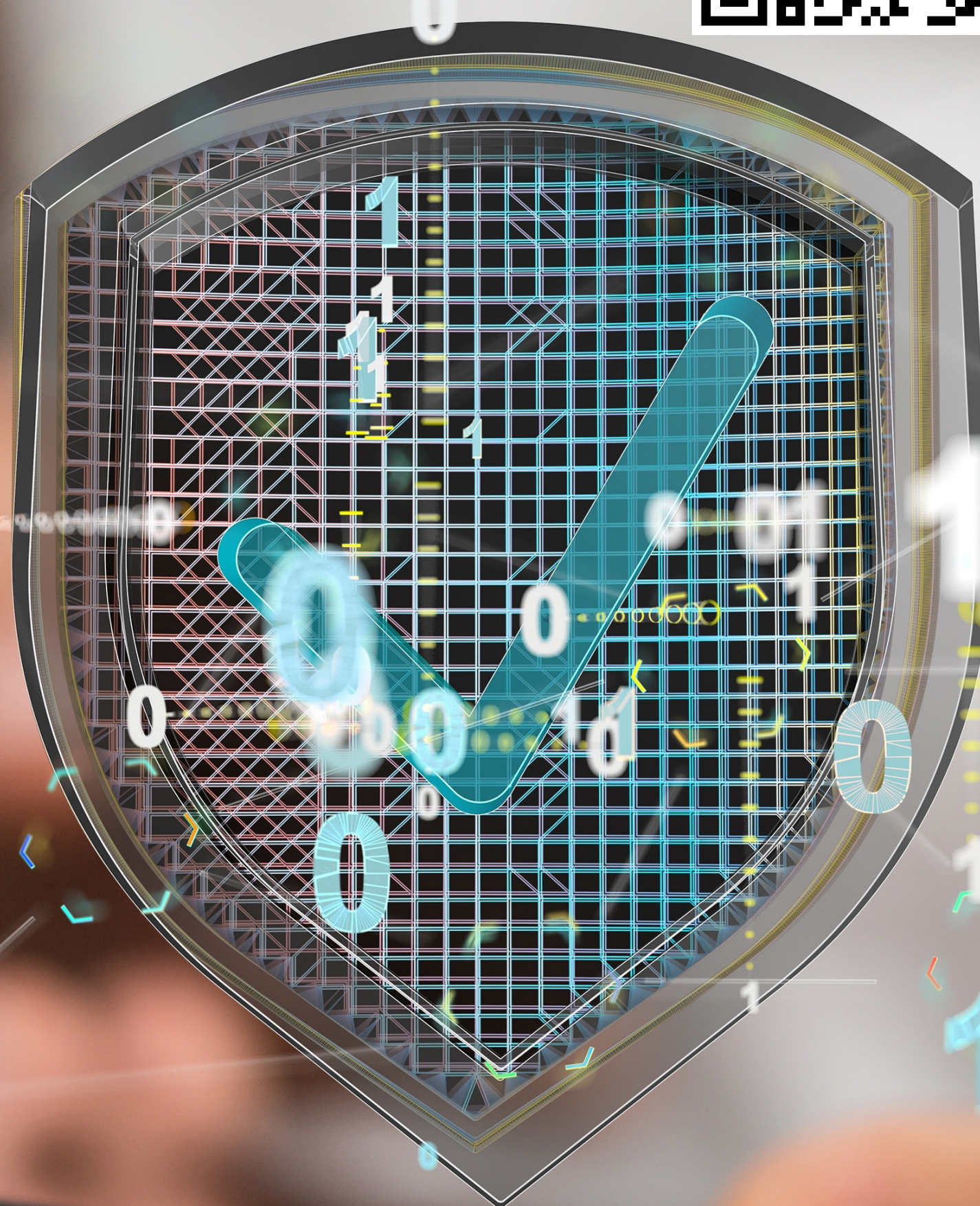


Africa Data Protection

Newsletter n° 2

December 2022

VERSION FRANÇAISE





By

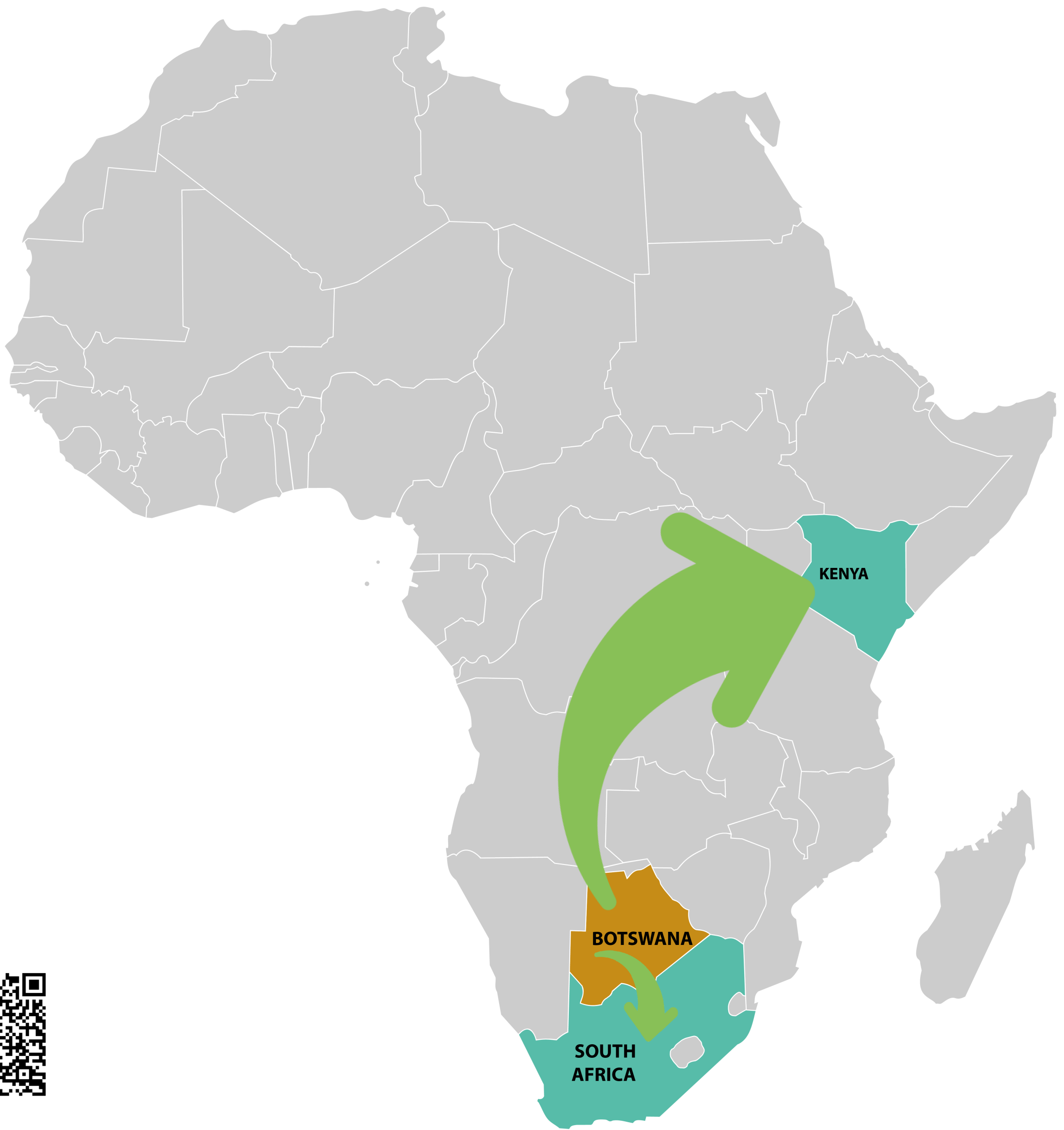
Jules Hervé Yimeumi
Legal Data Protection Officer

Data protection in Africa has evolved a lot over the past 6 months, especially in Southern Africa. One of the highlights took place in Botswana, which is one of the few countries to have addressed the issues of data transfer.

Indeed, in accordance with the Botswana Data Protection Act (Act 32 of 2018), the Minister of Presidential Affairs, Governance and Public Administration has issued an order on the transfer of personal data.

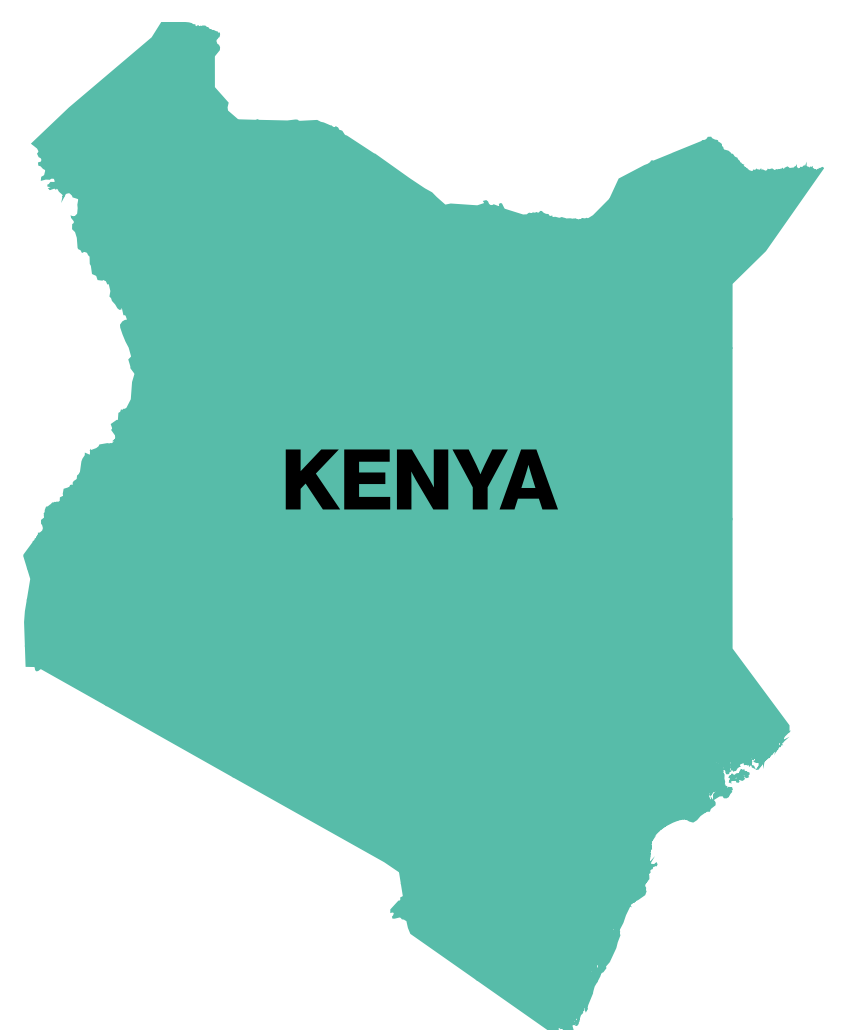
In this order, the Minister specifies that personal data can be transferred from Botswana to 45 countries. The countries on this list include all countries covered by the European Union's General Data Protection Regulation (GDPR), but also countries such as New Zealand, Israel, Japan, Switzerland, Uruguay, the Republic of Korea, Andorra, or Argentina. Only 2 African countries are on the list, namely South Africa and Kenya.

Although the order does not provide explanatory guidance on how the Botswana government came up with this list, it may be noted that this could be because these countries have made progress in enforcing their legal frameworks on Data protection.



SOUTH AFRICA

INFORMATION
REGULATOR



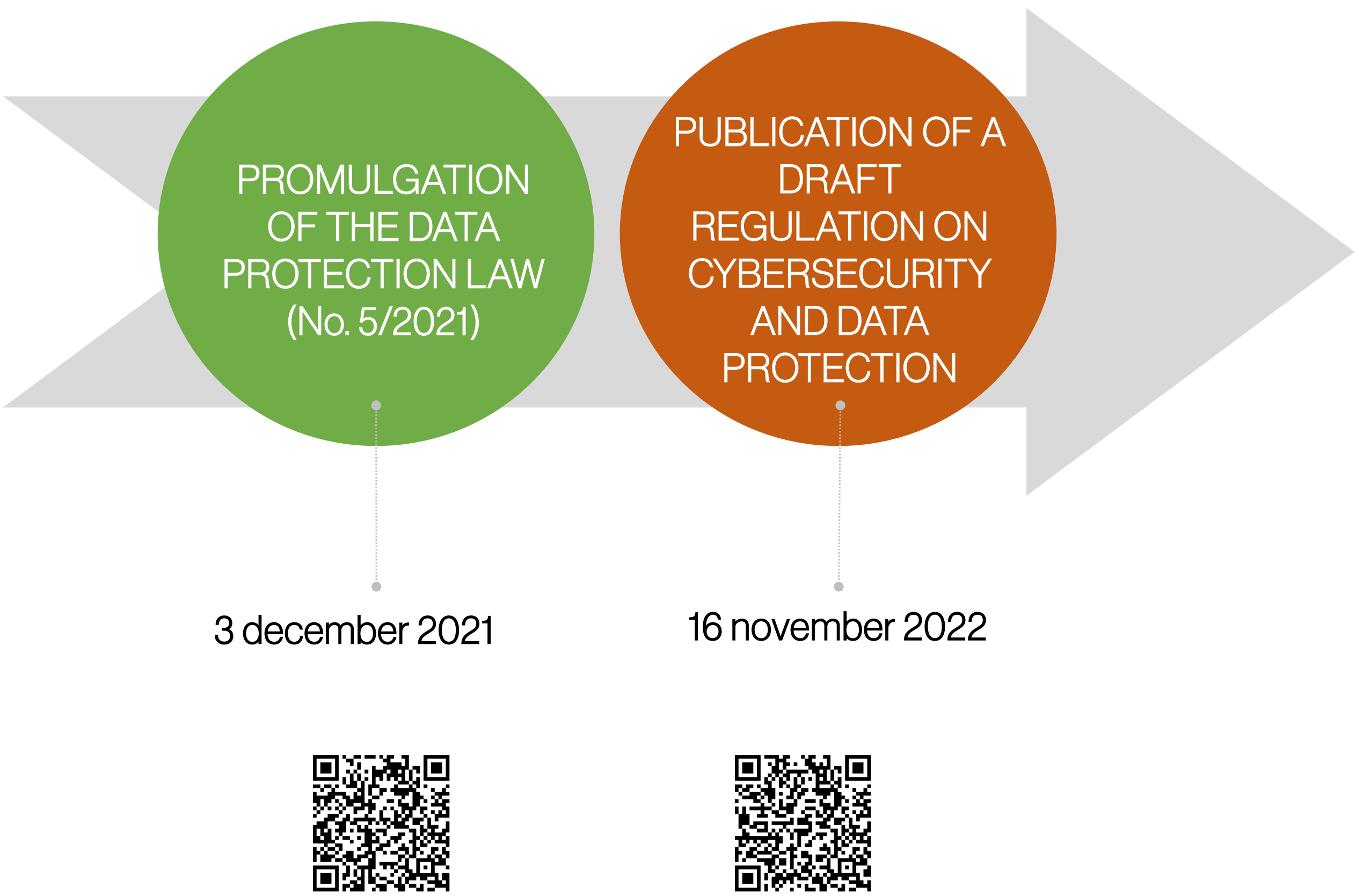
KENYA

OFFICE OF THE
DATA PROTECTION
COMMISSIONER

Botswana authorizes the transfer of data to South Africa and Kenya

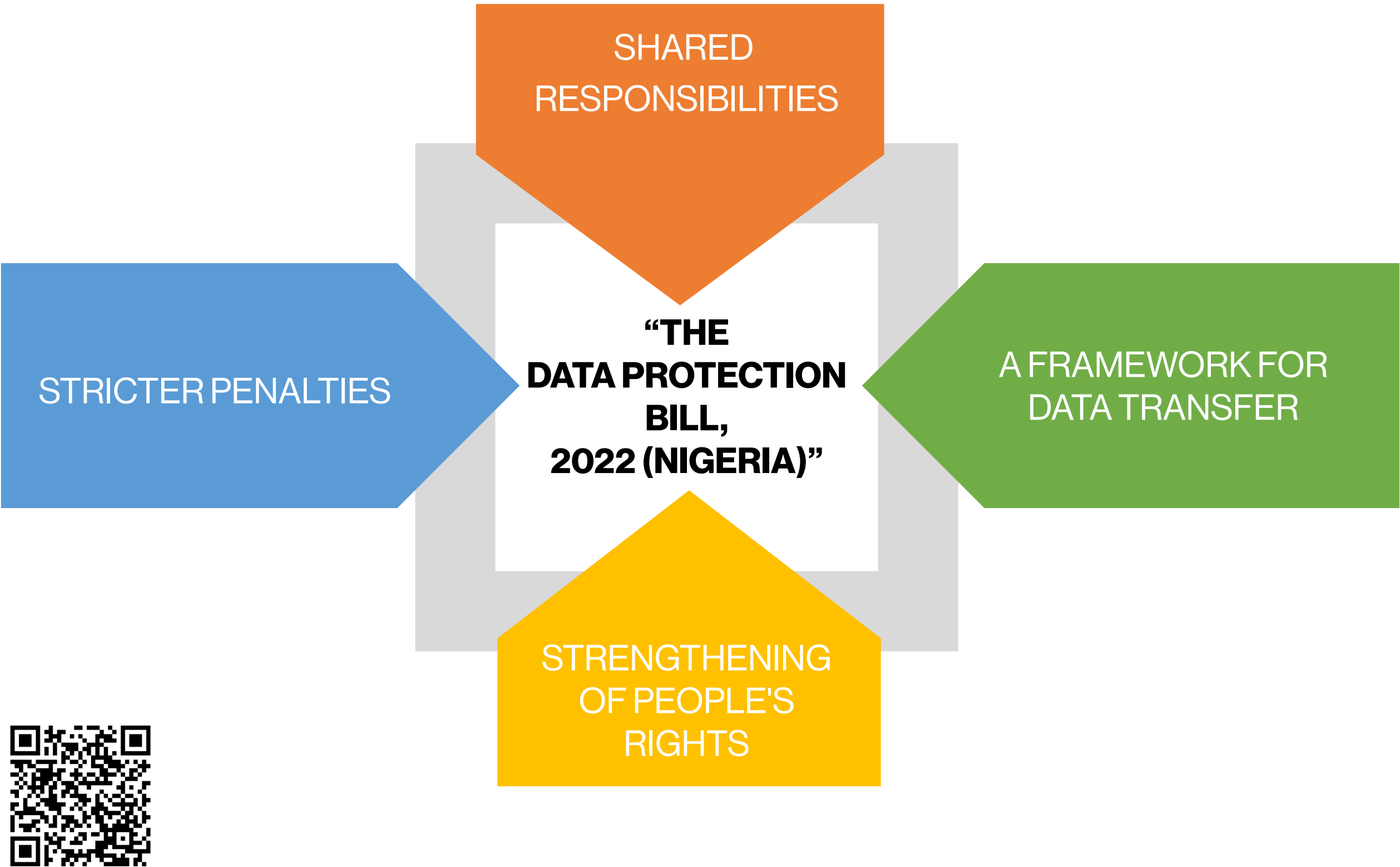
As of the two African countries, data protection laws are in full force. Additionally, both jurisdictions have appointed independent administrative authorities to enforce their respective data protection laws. The South African (Information Regulator) and Kenyan (Office of the Data Protection Commissioner) authorities are now operational and activities such as the registration of data controllers and processors are functional online.

Also in southern Africa, we note that the Tanzanian parliament has adopted the bill on the protection of personal information and that Namibia has launched a call for contributions on the bill relating to the protection of personal data. In Zimbabwe, the Postal and Telecommunication Regulatory Authority of Zimbabwe has announced a new draft for the cyber and data protection regulations.



Evolution of data protection news in Zimbabwe

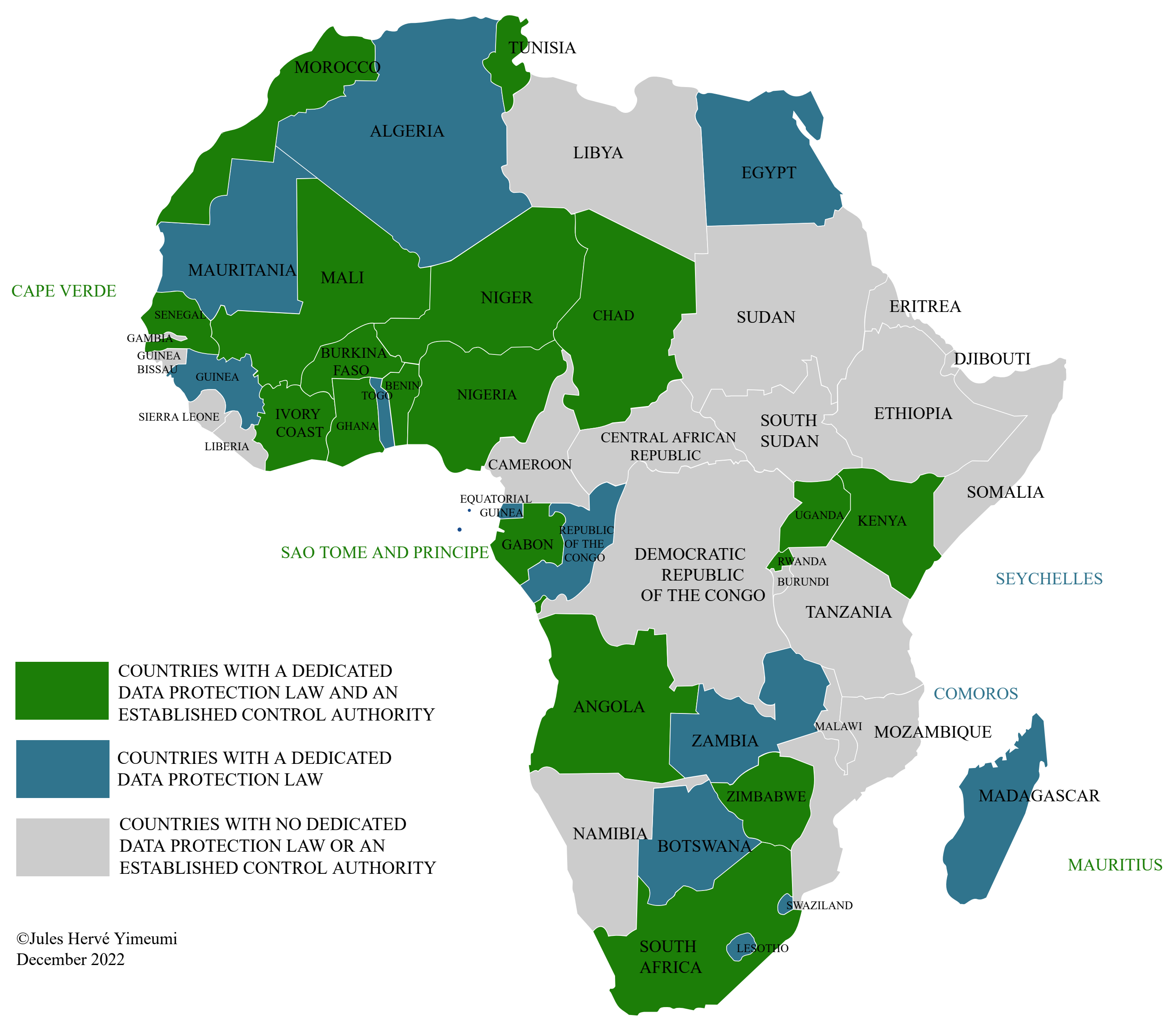
For the other regions, a slight evolution can be observed in West Africa, and more specifically in Nigeria. The National Information Technology Development Agency (NITDA) has released a new Personal Data Protection Bill. This describes the principles and legal bases for the processing of personal data, including the Data Protection Impact Assessment (DPIA), the appointment of a Data Protection Officer (DPO) and the rights of data subjects.



Some objectives of the new bill in Nigeria

This bill also provides for penalties of up to €22,000 and 2% of the annual gross income of the organization during the previous financial year.

You will find below an overview of data protection in Africa and the list of established data protection authorities.



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December 2022

Overview of data protection in Africa

List of established data protection authorities (21/54)




South Africa

INFORMATION REGULATOR



Angola

AGÊNCIA DE PROTECÇÃO DE DADOS



Benin

AUTORITÉ DE PROTECTION DES DONNÉES À CARACTÈRE PERSONNEL



Burkina Faso

COMMISSION DE L'INFORMATIQUE ET DES LIBERTÉS




Ivory Coast

AUTORITÉ DE RÉGULATION DES TÉLÉCOMMUNICATIONS/TIC DE CÔTE D'IVOIRE



Cape Verde

COMISSÃO NACIONAL DE PROTECÇÃO DE DADOS




Gabon

COMMISSION NATIONALE POUR LA PROTECTION DES DONNÉES À CARACTÈRE PERSONNEL



Ghana

DATA PROTECTION COMMISSION



Kenya

OFFICE OF THE DATA PROTECTION COMMISSIONER



Mali

AUTORITÉ DE PROTECTION DES DONNÉES À CARACTÈRE PERSONNEL



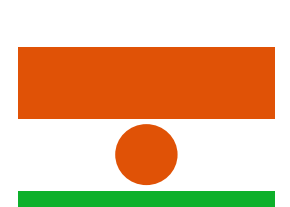
Mauritius

DATA PROTECTION OFFICE



Morocco

COMMISSION NATIONALE DE CONTRÔLE DE LA PROTECTION DES DONNÉES À CARACTÈRE PERSONNEL



Niger

HAUTE AUTORITÉ DE PROTECTION DES DONNÉES À CARACTÈRE PERSONNEL



Nigeria

NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY



Uganda

PERSONAL DATA PROTECTION OFFICE



Rwanda

NATIONAL CYBER SECURITY AUTHORITY



Sao Tome and Principe

AGÊNCIA NACIONAL DE PROTECÇÃO DE DADOS
PESSOAIS



Senegal

COMMISSION DE PROTECTION DES
DONNÉES PERSONNELLES



Chad

AGENCE NATIONALE DE SÉCURITÉ
INFORMATIQUE ET DE CERTIFICATION ÉLECTRONIQUE



Tunisia

INSTANCE NATIONALE DE PROTECTION DES
DONNÉES PERSONNELLES



Zimbabwe

POSTAL AND TELECOMMUNICATIONS
REGULATORY AUTHORITY OF ZIMBABWE

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