POLICY BRIEF

Shaping Responsible Data Governance Institutions in Africa

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Overview

Data governance frameworks, structures and implementation approaches are all institutionally driven. Building an African data economy that benefits citizens and businesses requires the existence of responsible, sustainable and robust data governance institutions. From institutions that create or make relevant national and international data governance laws, regulations, standards and policies, institutions that monitor compliance and enforcement to available laws and regulations, institutions that generate evidence-based research to inform and maintain data governance mechanisms, institutions that apply data governance frameworks to their data processing pipelines to institutions that facilitate findable, accessible, interoperable and reusable (FAIR) data principles, data governance institutions define and shape data ecosystems. In Africa, there is a dearth of literature on these data governance institutions. This is mainly because robust data governance ecosystems are lacking.

Thus our study focused on data governance institutional gaps and capacity needs in Africa. This study used a multidimensional research approach with a variety of research strategies that are currently employed across the social sciences including desk research, focus group and doctrinal analysis. To provide detailed insights, the study focused on five countries from different regions of Africa: Nigeria, Morocco, Kenya, Mauritius and South Africa. This policy brief presents critical findings from this study, the implications of findings and finally maps out policy pathways for diverse stakeholders.

Key findings

● *Lack of data governance laws / regulation beyond data protection*: Regulations to harmonise fair and equitable access and use of data (personal and non-personal human data, animal data and technical data) are yet to be established in Africa. Whereas data protection regulations (which focuses on the protection of personal data) are increasing in Africa, provisions that can shape the fair use of non-personal data are yet to receive attention. There are no regulations to address the growing imbalances of power occasioned by the monopolisation of data by big tech companies as well as the disproportionate access to data possessed by governments.

● *Lack of institutions dedicated to the creation and monitoring and enforcement of data governance principles other than data protection:* The absence of comprehensive data governance regulations mean that there are no institutions dedicated to creating and monitoring data governance requirements. Data protection authorities' responsibilities are only limited to the protection of personal data.

● *Limited presence of institutions that can generate evidence-based research to shape data governance:* In all the countries studied, evidence-based research that can help the advancement of the practice and

theory of data governance is limited or completely missing.

● *Lack of motivation for data processing institutions to apply data governance mechanisms:* It was found that data-driven entities that should be applying data governance frameworks are not motivated to do so. This is because the enforcement mechanisms for data protection regulations are weak and most of them lack the financial wherewithal to create data governance positions.

● *Lack of institutions that can facilitate FAIR:* There is little or no infrastructure developed to facilitate FAIR in Africa. These infrastructures or repositories are expensive to develop without substantial public funding but they are of critical importance to a robust data governance ecosystem.

● *Absence of African values within existing data governance structures:* Available data governance structures in Africa do not align well with fundamental African values and contexts such as solidarity, communitarianism, interconnectedness and social justice.

A detailed study of the available data protection authorities in the selected countries also reveal that these agencies operation lack robust;

● Organisational culture built around people with the right skills, experience and that meets the needs of relevant stakeholders

● Systems and process that support efficient data related policies for the right stakeholders and

● Enabling infrastructure that can adequately respond to the view and needs of data stakeholders

Implications

● The African data economy needs to be sustainable; and able to benefit the citizens, businesses and the environment. This cannot be achieved without robust, functional and responsible data governance institutions.

● It is not enough for these institutions to exist but to have sufficient capacity to maintain and sustain a functional data governance ecosystem for the common good and.

● For these institutions to be effective, there is a need to establish comprehensive national and regional legal and ethical frameworks capable of enabling equal, inclusive, fair, transparent and secure data processing workflows. These laws and ethics should be based on African values, interests, expectations, needs, contexts and beliefs.

Policy recommendations for diverse Stakeholders

Following the above findings, this brief makes policy recommendations for diverse stakeholders based on the quadruple helix of policy, industry, academia and society. In order to shape responsible data governance institutions, these stakeholders have different roles to play in the establishment and maintenance of functional data governance processes for a trusted African data economy.

Policy Makers

Establish comprehensive Data Governance laws that align with solid and trusted legal framework for the protection of personal data: Laws that can address the increasing imbalances of powers in data ecosystems and ensure a fair and responsible distribution of benefits from data for the common good.

Assure the independence of Compliance and Enforcement/monitoring agencies at all levels: This involves both financial and administrative independence.

Create Funding Mechanisms for Data Governance: This involves building enabling infrastructures for monitoring and enforcement agencies as well as providing funding for public repositories for open data or FAIR data.

Facilitate the integration of African socio-cultural values into data governance processes: Policy makers at both public and private levels have the responsibility to consider specific African contexts, needs, interests, expectations and values that should shape data governance processes.

Industry Players

Create Data Governance Roles: It is important for data-driven industry players to establish specific data governance roles to ensure compliance to legal and ethical principles to foster responsible data governance.

Build Solid data Infrastructures for FAIR: This will involve the establishment of open data repositories, portals, platforms and archives that can support FAIR data principles. Efficient data ecosystems depend on these.

Academia

Inclusion of Data governance in curriculum: Members of academia (including education and research) need to establish policies that can help the integration of data governance and related disciplines (data ethics, Technology ethics and Digital ethics) into the curriculum. This will improve the required skills base in data governance in Africa

Citizens

Make citizens partners in data governance policy-making: It is critical for citizens to be sufficiently engaged in data governance processes. It is not only an investment in good governance, it helps to build public trust in the process and ultimately strengthens civic capacity. Citizens need to be fully aware of their data rights in order to make data-driven institutions accountable and responsible.

Detailed report can be accessed here