DATA GOVERNANCE IN AFRICA: EVENT SUMMARY REPORT

INTRODUCTION

1. The Centre for the Study of the Economies of Africa (CSEA) is conducting a series of advocacy and research initiatives (with support from the William and Flora Hewlett Foundation), to promote stronger digitization and data governance efforts on the African continent. To this end, CSEA organized a virtual roundtable discussion on the 9th of August 2021 themed: "*Data Governance In Africa: Pathways For Strengthening Confidence In The Digital Economy*". The purpose of the deliberations is to increase awareness and debates on this issue. This brief is a summary of the conversations from the session.

WELCOME REMARKS BY CSEA'S EXECUTIVE DIRECTOR, DR. CHUKWUKA ONYEKWENA

2. The ongoing economic integration efforts in Africa, particularly the African Continental Free Trade Area (AfCFTA), has the potential to bring about life-changing benefits and enormous gains in terms of the much-needed structural transformation and diversification of African economies. But, the presence of an appropriate data governance framework especially at the regional level is crucial in order to facilitate responsible data exchange across African countries, and guard against concerns related to privacy violations, data misuse and abuse, unfair practices as well as exploitation, while complementing national government efforts. Stakeholder discussions such as this are therefore relevant in forging a stronger data environment in the region.

KEYNOTE ADDRESS BY DR. NGOZI OKONJO-IWEALA, DIRECTOR GENERAL OF THE WORLD TRADE ORGANIZATION

3. Trade represents a sustainable solution for reviving the economies of African countries; especially in view of the region's urgent economic recovery needs, exacerbated by the COVID-19 pandemic. A major element of the emerging digital economy is that trade is increasingly more intertwined with, and dependent on availability of data or information. This increased interface between data and trade has two sides: opportunities and possible risks. For this reason, strategic policies are a necessity. Clearly, the data governance approach in the region needs to be upgraded and reformed, to fully capitalize on the opportunities that come with data, digital transformation, and trade.

4. To optimally harness the potential of intra-Africa trade, there are roadblocks that must be surmounted. Some of the issues to ponder are: How do we close the digital divide? How do we get African countries to prioritize data governance? How do we build trust in the data ecosystem? How do we guarantee equitable access and use of data? The only way to solve these problems is through a multi-stakeholder approach. Governments, development institutions, citizens, trade organizations, private sector, everyone really, has a role to play. However, we must ensure that as we advocate for data governance, it should be done in a manner that is geared towards supporting digital economy growth in the region.

5. In highlighting CSEA's preliminary findings, the research noted that although the potential of digital technologies and data as a resource are yet to be fully exploited in Africa, progress is underway. However, data driven opportunities come with risks; cases of data threats and cybercrime in Africa are on the rise. African countries are therefore gradually coming to terms with the importance of having legal frameworks on data governance to instil confidence. That said, most countries in the region still suffer from huge data policy gaps, lack of resources, inadequate capacity/skills, absence of efficient data regulatory institutions, and restricted information flow with other African countries. Therefore, national data governance efforts must be strengthened. One way of speeding this up is through greater regional collaboration. Having a united data governance stance can improve the region's influence on the global digital scene. It will also encourage pooling of resources, knowledge sharing and capacity building at the regional level, which lower income countries in the region can benefit from. We believe that having a set of data rules under the umbrella of the existing structure of the AfCFTA, can positively influence faster adoption and effective coordination of a regional data policy framework, that will encourage responsible data use in improving economic conditions for the region.

6. Part of the session included the unveiling of CSEA's central repository on data governance related issues on the continent. The repository is a valuable resource for building awareness on existing gaps and tracking progress. The platform content is divided into three different frameworks which assess: digital preparedness, digital development and data governance.

ROUNDTABLE DISCUSSIONS

Panelists: Drudeisha Madhub (The Commissioner, Data Protection Office, Mauritius); Teki Akuetteh (The Executive Director, Africa Digital Rights Hub); Kamal Tamawa (Director of Public Policy, SSA, GSMA) and Adedeji Adeniran (Director of Research, CSEA)

7. **Mauritius tops the list on the digital preparedness index. Any policy lessons from Mauritius, and how is the country's data protection agency able to build capacity and mobilise resources for work to be more impactful?**

   The most important aspect is expertise. It does not depend on the size of the country but how strong the framework is that is in place, and how it is equipped, together with collaboration and co-operation. Mauritius has for long been a very early adopter of data protection and very recently, has come up with a new set of rules and principles in the new Data Protection Act. Africa has been lagging behind in many data protection aspects, but now has an opportunity to develop a new set of principles which will actually correlate with realities of the COVID-19 world. Regional blocks and policies are very important but what is most important is harmonisation and a globalised approach to data governance.

8. **In terms of citizens' awareness of their personal data protection and privacy, where do you think we are on the continent and how much work needs to be done to improve on this?**

   Citizens' awareness of their personal data protection could be rated at a 3 over 10. Data protection is a very technical subject and more awareness is required in the way that the

dynamics work. It is important that data protection framework and ecosystem are looked at as well as the entire ecosystem needed to facilitate data governance. An enabling environment is crucial in this and we must be proactive. In terms of capacity building and citizenry, we must call on other civil society organisations that can support. Everyone must be involved in this agenda.

9. **Does the private sector have a role in promoting data governance in Africa? If this is the case, what might that role be?**

Through trust and accountability, businesses are able to prioritise resources to where they are needed, increasing effectiveness. Businesses are able to adopt a consistent compliance posture across different jurisdictions, protecting both the business and consumer. Through the private sector, data protection rules can be applied more smartly. Accountability in a business setting may work more efficiently.

10. **What is the risk of development post-COVID19 given the levels of literacy and adversity to technology in Africa? How will current gains be sustained at the individual level, in terms of change of behaviour and culture?**

Changing individuals' culture and mindset on data protection is the most difficult part of this process. There are many aspects in data protection and governance that may appear frightening to countries that want to begin on that road, and this may be the issue many African countries face. The aversion to changing mindsets contributes to this difficulty. The interests of the individuals, the private sector and public sector are different, and the interest of the individuals are usually bypassed. Data protection must be looked at from an individual's perspective. Although costly, in the long-term it will prove advantageous. In order to consolidate the gains, governments must be very deliberate, and assess the gains that have already been made and recognise that people have been left behind.

11. **Is there an aspirational open data policy from a ministry of health to review?**

Such a framework exists in Mauritius which has been implemented in the public sector and the Ministry of Health. It includes the data protection standards in that policy.

12. **How is corruption or the lack of it undermining or enabling data governance in Africa? Are there any safeguards?**

Unfortunately, corruption cannot be isolated from this system. If we do not address the challenge of corruption in dealing with data governance, it will create even more problems. There are many drivers in the data ecosystem and sometimes, governments do not have all the power to regulate issues efficiently. Corruption, if not handled, will further weaken our governments and citizenry if we do not work deliberately to implement legal frameworks and structures against it. Data protection standards do address corruption concerns at the very outset of a project. If the right policies and standards are put up, it is easier to address the existence of corruption.

13. **How can the African Continental Free Trade Agreement assist data governance in Africa?**

Having laws and protocols that guide in the process of data government is crucial. The AfCFTA works to bring about regional integration and flow between countries through digital trade and e-commerce. More transparency is needed. Physical trade and digital trade go hand in hand and must be discussed as such. Protocols must also be made more public.

14. **Data governance is key to every economic policy building. But the uniqueness of the African economy must be addressed. How do we put all forms of data for a unified**

governance at the centre? For example, data for an economic purpose is not the same with the judiciary, medicals and other sectors.

For digitalisation to happen, classification must happen. Classification can only come with the understanding of countries. Countries must come together and introspect to identify the issues that are important to them. The appropriate segregation of data is crucial for this. Once that classification is possible, it minimises the difficulty in looking at the data ecosystem which is very broad. Sharing data between certain spaces becomes easier following this development. For instance, in Mauritius, the 'Info Highway System' allows public sector agencies share data across departments and other sectors, and classification plays a very important in this channel.

15. **Given the heterogenous nature of Africa, how does the significant geopolitical influence of the EU, China and the US who have different data governance strategies including cross-border data flows influence unilateral data governance strategies and ultimately continental harmonisation efforts?**

All these frameworks outside Africa all have many similar principles on data protection especially concerning human rights. It is important that we are able to apply these laws in Africa. At the end of the day, data is global and we are addressing similar issues. Data is global and the African continent is influenced by the rest of the world but we must also address diversity. Addressing diversity is essential to build a unified front. Adequate harmonisation will need to address our diversities and identify the principles that bring different nations together and able to work more effectively. That is where the focus should be rather than on uniformity.

16. **There seems to be no basic standard data breach or laws that state a minimum protection against data breach that a company or organisation should inculcate. This implies that the protection is not full proof. Is it possible to liaise with regulators to improve on this?**

It is very deliberate that these laws are not specific. Many of the cybersecurity laws from a decade ago are obsolete today. This is where it is important to have laws that are not stagnant and are able to move with the times. It is important for laws in place to be adaptable and able to identify new risks. These laws should also be applicable across sectors. There are quite a number of data laws specific to the action that must be taken in the case of certain level of data breach.

17. **How much is the average African country investing in data collection and management on an annual basis?**

Based on data on capacity, Africa is performing quite low. Although, opportunities exist for improvements.

CONCLUDING REMARKS

18. Africa is still at a suboptimal level in having data governance laws. Efforts must be made to improve on this, especially countries that currently do not yet have laws. Concerning the laws that already exist, we must ensure that data can cross borders and be impactful for economic benefits. In finding solutions to data governance, we must note that it is a complex issue and we must be strategic in our approach. We need to consider the data and digital environment in totality and identify the issues that exist in the ecosystem within all spheres. The human capacity that is required to build this ecosystem must also be recognised, in that stakeholders have a

role that must be addressed and worked upon. Collaboration and cooperation between different African countries must be encouraged, as we seek the way forward.

Note: The event recording, detailed keynote address, project inception report, presentation slides and data platform can be accessed HERE.

@csea_Afric

@csea-africa

@Cseaafrica

Enquiries@cseaafrica.org

234-9-291-4822, +234-9-291-4820

No 4 dep Street off Danube crescent Maitama – Abuja, Nigeria

www.cseaafrica.org