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# Latest News

in the

# African Data Protection Space

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## LATEST NEWS IN THE AFRICAN DATA PROTECTION SPACE

The field of data protection is very dynamic and witnesses many frequent changes. Across the African continent, this reality is not any different, as there is rapid development and constant growth in the data protection (and related) space. Some key developments across key African countries are highlighted below.

### ANGOLA



#### **APD fines Banco de Poupança e Crédito (BPC)**

The Angolan Data Protection Agency (APD) also fined Banco de Poupança e Crédito (BPC) \$525,000 for violating the Personal Data Protection Act. Banco de Poupança e Crédito, an Angolan public bank, violated several data protection rules, culminating in the leakage of a map of employees affected by employment termination at the bank. The facts leading to the fine occurred in 2021, with the actual fine issued in April 2024.

#### **APD issues fine of 75,000 USD against COSAL**

In July 2024, the National Data Protection Agency (APD) in Angola fined Comércio e Serviços de Angola, LDA (COSAL) the equivalent of \$75,000 following a cyber-attack that resulted in a personal data breach. The APD found that COSAL had failed in its duty to implement appropriate technical and organizational measures to protect the personal data of its customers and employees.

### BOTSWANA



#### **Minister seeks to amend Botswana Data Protection Act**

In Botswana, the minister published a bill seeking to amend the Data Protection Act known as the Data Protection Bill 2024 (Bill No. 19 of 2024). The bill seeks to further strengthen the protection of personal data obtained in processing an individual's personal information, outline incidences where personal data is to be processed, and outline the security safeguards required in processing personal data. The bill further introduces new provisions regulating the processing of personal data in relation to criminal convictions.

### ETHIOPIA



#### **Ethiopia publishes the Personal Data Protection Law**

In July 2024, Ethiopia published its Personal Data Protection Law (PDPL) in the official gazette. This marks a crucial step in safeguarding individual data protection rights, especially as third-party data processing has surged in the country. The proclamation extends to all public and private organizations processing data within Ethiopia's borders. The publication signaled the coming into force of the PDPL.

**KENYA****ODPC issues yet another fine**

Kenya's Office of the Data Protection Commissioner (ODPC) (the Kenyan data protection supervisory authority) issued a fine of 700 000 Kenyan shillings (equivalent to approximately 5 500 USD) against Malibu Pharmacy for the unlawful processing of health data. In this case, the complainant alleged that the respondent's pharmacy diagnosed the complainant without her knowledge or consultation with her primary doctor. She further contends that the diagnosis itself is defamatory, wrong, misleading, and was carried around by a rider all day long as they delivered medication to various clients. The data Commissioner found the respondent pharmacy liable for unlawful possession of the complainant's personal health data. The respondent was ordered to pay the fine to the complainant, and an enforcement notice was issued against the respondent.

Also, in the case of Grace Gatambu v AAR Healthcare Kenya Limited, the complainant stated that her confidential medical information was released to a third party without her consent. The data commissioner found the respondent liable, and an enforcement notice was issued against the respondent.

The ODPC seems to be the most active regulator in Africa, especially when it comes to data protection enforcement.

**MALAWI****Malawi's Data Protection Act officially enters into force**

Malawi's Data Protection Act officially entered into force on 3rd June 2024 after it was initially published in the official gazette in February 2024. The Act aims to provide a comprehensive regulatory framework for protecting personal data in the country. The Malawi Communications Regulatory Authority (MACRA) has been designated as the data protection supervisory authority.

**NIGERIA****Nigeria Communication Commission (NCC) issues new Consumer Code of Practice Regulations 2024**

On the 30th of July, 2024, the Nigeria Communication Commission (NCC) issued a new Consumer Code of Practice Regulations 2024, replacing the Consumer Code of Practice Regulations of 2007 (the 2007 Regulations). The new regulation introduced new provisions, particularly in the area of data protection. Such provisions include the requirement that a licensee may reasonably collect information on individual consumers for its business purposes. The licensee is also expected to ensure that the consumer is informed of consumer data being processed by it and the purpose and duration of processing.

## **Nigeria and the United States of America (USA) signed an MOU on AI and data transfers**

On the international front, a significant development occurred with the signing of a Memorandum of Understanding (MOU) between the USA and Nigeria on AI and data transfers. This MOU is expected to substantially impact data transfers and AI development, further shaping the global privacy landscape. The U.S. Department of Commerce and the Nigerian Ministry of Communications, Innovation, and Digital Economy intend to promote the adoption and implementation of policies and rules in bilateral and multilateral economic relationships. This is aimed at supporting interoperability between two privacy regimes and identifying areas of cooperation in the respective approaches to AI and digital up-skilling in both countries.

## **The National Center for Artificial Intelligence and Robotics (NCAIR) publishes a draft of a national AI strategy.**

The National Center for Artificial Intelligence and Robotics (NCAIR) published a draft of a national AI strategy. The draft National AI strategy is a landmark initiative aimed at harnessing the transformative potential of AI to drive sustainable development, innovation, national productivity, and human well-being, which will, in turn, solidify Nigeria's position as a leader in AI adoption on the African continent. This achievement will further build on the nation's pioneering establishment of the NCAIR and other AI-specific government initiatives to foster a knowledge-based economy and promote AI research and development.



## **Senegal publishes press releases on the protection of minors' personal data**

Senegal Commission for the Protection of Personal Data (CDP) published press releases on the protection of minors' personal data. The Commission expresses its deep concern regarding the proliferation of videos involving children on social media platforms. The proactive role of the Commission in addressing this issue demonstrates Senegal's commitment to protecting

the privacy of its most vulnerable citizens. The press release was motivated by the latest and widely reported news concerning a teacher who filmed a student with diction and pronunciation difficulties before publishing the video online without considering the image of the child concerned.

Beyond the scope of data protection law, the collection and distribution of images featuring minors without the prior consent of their legal guardians is strictly prohibited under Senegalese (Penal) law.



## Information Regulator publishes guidance notes on processing voters' personal information

The South African data protection supervisory authority, the Information Regulator, recently published guidance notes on processing voters' personal information. The guidance notice is directed at South African political parties and candidates concerning the proper use of voters' personal information in the run-up to the elections. The Information Regulator's goal is to ensure the lawful processing of voter information as outlined in the Protection of Personal Information Act (POPIA). This will help mitigate the effects of misinformation and disinformation, creating reassurance about the integrity of the electoral process.

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