

Data Protection in the Global South

With a focus on Africa

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Abstract. In this essay the data protection in Africa will be discussed. Data protection is necessary because there is a rising demand for technology in this continent. However, non to limited amount of laws are created around this topic. The citizens of these countries need to be protected and the best way to do this is by international data protection legislation. This will improve the situation all over the world, even in the best protected area, the EU, many improvements are needed. The EUs GDPR will also be covered, since this also greatly impacts the data privacy in African countries.

Keywords: Data Protection · Data Privacy · GDPR · AU convention.

1 Introduction

Nowadays speech technology is everywhere. This can be in the form of virtual assistants, robots or other voice application like phone services in Africa. To be able to create speech technology, an AI has to be trained to recognise and reproduce speech. For the training of an AI millions of training and test data samples are needed. This can only be done by collecting them from the community, because they represent the population that will be using the technology. A big problem that needs to be addressed is that these speech technologies are now only created for high resource languages like English or Chinese [1]. This is a problem, because there are over 6.500 languages in the world and only a few of them are represented [2]. Furthermore, the language that are represented have a high literacy rate, while underrepresented languages can have a very low literacy rate [3] [4]. The problem that needs to be addressed here is that low literate and illiterate people do not have the same opportunities when using technology as literate people. And speech technology can help bridge that gap between the literate and illiterate population. Speech technology can help illiterate and low literate people interact with the technology that the literate population is already using. A great example of how this is already used is the Mr. Meteo voice application that is used in rural Ghana [5]. This is a voice based application that helps the local people and because it is voice based, everyone can use it. The only problem with these kind of applications right now is that they rely on voice recordings of local people. This means that one or more people have to record small sentences and these sentences are used in the application. And

when something changes, new voice recordings have to be made. This is very time consuming and therefore also not very sustainable. A great change in this process would be to have a language model for most of the local languages in Africa. However, this means collecting huge amounts of data from many different people. How save is it to collect these amounts of data? And what is the legislation around collecting data from citizens around the world? This essay will focus mainly on the legislation around data collection in section 2. First it looks at Europe in subsection 2.1, because this is a leading party in this area. Then it will shift to the legislation in Africa in subsection 2.2, since the data protection laws are not well known over there. In both these subsections the view point from the media and from the scientific community is given. This is done because in this case there can be a big difference in what the scientific community sees and what the media sees. Lastly there will be a short discussion about all these topic and my point of view, and it will close with a conclusion in section 3.

2 Legislation

Data is used and collected everywhere, but how collects it, how is it collected, who has access to it and what happens to it after it is collected? All these questions should be answered by some laws around data protection and privacy. Nevertheless, there are more and more data scandals occurring every day. This means that there either is no legislation or it is not enforced. Europe is known for the best legislation around data, sadly it is also known to not being enforced very good. Other parts of the world also have their own legislation around this topic. In subsection 2.2 some of these laws and their regions in Africa where they are applicable will be discussed. An important thing to always keep in mind when using technology can be explained by this quote:

“If you’re not paying for it, you’re not the customer; you’re the product being sold.”

— Tim O’Reilly’s tweet, 2 Sept. 2010

2.1 Data protection in the EU

In Europe there are laws about data collection and protection that are European Union wide. Before 2018 The EU had the Data Protection Directive, which regulates the processing and movements of personal data in the EU [6]. In the spring of 2018 The General Data Protection Regulation (GDPR) went into effect. These laws were applicable to all the members of the European Union. The most important laws that were included were; 1) Requiring the consent of users for data processing. 2) Anonymizing collected data to protect privacy. 3) Providing data breach notifications. 4) Safely handling the transfer of data across borders. 5) Requiring certain companies to appoint a data protection officer to oversee GDPR compliance.[7] The purpose of these laws is to enforce a uniform data security all throughout the EU. In this way, the different countries in this union

do not need to write their own laws on this matter and in addition, all EU citizens are protected from data collection of companies all over the world. The safety is worldwide because, any company that markets goods or services to EU residents, regardless of its location, is subject to the regulation [7]. This means that if the EU enforces stricter legislation around data collection and usage, it will improve privacy on a global level.

The Netherlands is one of the countries that is a member of the EU and therefore is affected by this legislation. But how does the Dutch government handle personal data? Dennis Broeders is the head of safety and technology at the University of Leiden. And he states that, the Dutch government still has a lot of 'tech-enthusiasm.' If there is a problem, there is an immediate tendency to look for a technological solution, especially when it comes to safety [8]. Governments mostly see privacy as a constraint on what they want to achieve. What we see happening right now in The Netherlands is that the government slowly collects more and more data of its citizens without them knowing. They call this, function creep. First they introduce a piece of technology to achieve a certain goal which seems logical to most people. Then they start using these technologies for different purposes that they know nothing about. So even though the EU has quite a few laws about privacy and data collection. This example of what is happening in The Netherlands shows that more legislation is needed.

2.2 Data protection in Africa

To be able to bridge the huge gap between the developed western world and the developing countries, information and communication technologies are used to reduce this global inequality gap in the global south [9]. However, a new discussion arose with the come of technology. What policies should be followed with regard to data among other things. Who has the power over these ICTs and what even is the legislation around it? This opened a new problem which they called, "Connectivity with strings attached" [10]. It debates the topic of bringing Africa online and how to do that as safe as possible. This is an urgent problem because businesses in Africa are emerging and expanding in a rapid pace. As stated in the subsection above, the GDPR is effective all over the world and therefore also in Africa. But this only holds for the companies that are in business with EU countries. So how about the legislation in Africa? The African Union(AU) is working on an union wide legislation, the AU convention on Cybersecurity and Data Protection, June 2014 [11]. However, these laws have not yet been taken into effect because 15 of the 54 participating countries have not yet accepted them[11]. This causes Africa to not have a union wide legislation like the EU has. Luckily, there are options for the separate countries to protect their citizens. A country can choose to implement the AU convention on Cybersecurity and Data Protection into their own legislation. This has already been done by Kenya, Uganda and Zimbabwe. Some other countries are working on their own version of these laws.

A noticeable thing is that the AU convention is similar the the old version of the EUs GDPR, the directive. It contains some common personal data protection

laws like, access to personal data, cross-border data transfers and personal data breach notification. However, because the AU convention is not yet accepted, the legislation around data protection differs greatly between African countries. This is shown in figure 1, where the difference between countries with legislation and without legislation can be seen. It immediately becomes clear from this picture that there are still way to many countries that are not protected by any kind of legislation around data protection. This puts the citizens of these countries at risk of exploitation of their personal data.

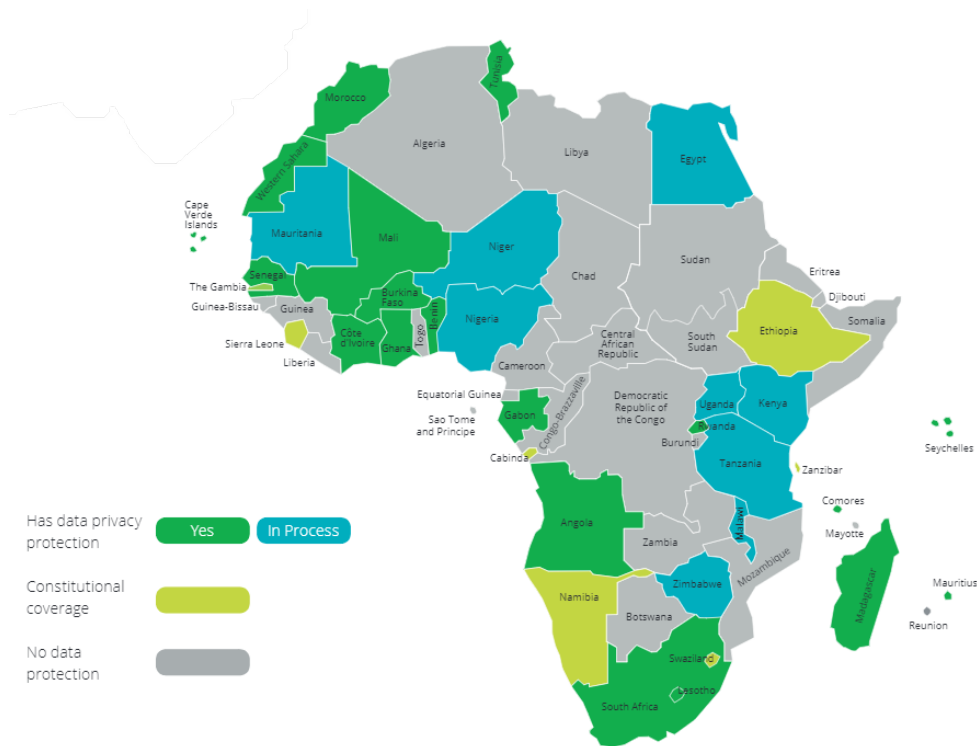


Fig. 1. Africa personal data protection regulatory landscape. Source: Adapted from Deloitte (2017).

An example of a country that has their own legislation is South Africa. They have accepted the Protection of Personal Information Act 4 of 2013, the POPIA [12]. This legislation applies to all organisations and businesses that collect or use personal data of South African citizens. Also for this legislation goes, it is very similar to the EU directive and even to the GDPR, because many companies located in South Africa also want to do business with EU countries and thus already have to comply to these laws.

3 Conclusion and Discussion

This essay covered the basic legislation around data protection in Africa, with as a comparison the GDPR that is used in the European Union. Data protection in Africa can be a lot better, but in my opinion, it can be improved world wide. Nowhere on earth is a good inclusive legislation on how to go about data protection. Data protection is very much needed, especially if we want to improve the technology used in the Global South. Because these areas need much more research and thus also much more data. In my opinion all the information given by both scientists and the media show one main solution for data protection and that is international legislation around all digital technology. This will also help with creating more save technology, like voice technology, for the global south. People might become more willing to help, because they will be aware of their rights and know what can happen with their data. And their data is necessary to continue researching and developing technology. The training of AIs that can help also people in the global south and not only people in rich countries is necessary if we want technology to be inclusive. And without data collection on e.g. how people in other parts of the world interact with technology, we cannot say that the technology and specifically technology that contains AI will be inclusive.

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