SOUTHERN AFRICAN REGIONAL DIALOGUE ON INTERNET ACCESS

Policy Imperatives to Information Society
WHAT POLICIES SAY REGARDING INCLUSIVE INFO

• Rights of data subjects to notice, access and consent regarding the collection, use and disclosure of personal data is crucial due to increasing number of devices and entities connected to the Internet.

• Need for Stakeholder engagement vehicles; eg. public hearings, high-level roundtables and expert workshops, hackathons, can allow pooling resources and expertise to inform major regulatory decisions.

• Diversified mechanisms for stakeholder engagement and feedback to multiply the regulatory inputs and allow for fine-tuning regulatory policies and implementation
REGULATIONS THAT NEED TO ENFORCED

- Regulations for ensuring trusted and secure cross-border data flows; Cyber Security and international co-operation.
- Rights to access Information and Rights to Privacy and Protection of Personal Data.
- Freedom of Expression, Access to Public and Private Services, to health information, to Education, etc;
- Human Rights-recognition of the dignity and equality of all people.
- Privacy of Internet of Things- IoT devices very intrusive as many have microphones that can breach informed content and privacy.
- An individual’s personal data now often held by different agents eg. Geolocalisation data, voice data and biometrical data. Need to ensure privacy not breached through unconsented data aggregation.
## International and Regional Instruments for Data Protection in SADC

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Geographic Scope</th>
<th>Countries</th>
<th>Binding</th>
<th>Date</th>
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<tr>
<td>International Covenant on Civil and Political Rights (ICCPR) 1ˢᵗ Prtcl</td>
<td>All</td>
<td>Not Ratified: Comoros, Mauritius, Mozambique, Eswatini, Tanzania and Zimbabwe</td>
<td>Yes</td>
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<td>OECD Guidelines on Protection of Privacy</td>
<td>All</td>
<td>Tanzania and Zimbabwe</td>
<td>No</td>
<td>2013 Rev.</td>
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<td>Convention 108 of CoE</td>
<td>All</td>
<td>Mauritius 2016</td>
<td>Yes</td>
<td>Rev. 2018</td>
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<td>Directive 95/46/ EC 56/ EU GDPR 57</td>
<td>All</td>
<td>South Africa, Mauritius, Bots</td>
<td>Yes</td>
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<td>ISOC PDPG4A</td>
<td>Africa</td>
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<td>No</td>
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<td>SADC Data Protection Model Law</td>
<td>SADC</td>
<td>All SADC MS adopted</td>
<td>No</td>
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NEW KEY REGULATIONS THAT SHOULD BE DEVELOPED TO ADDRESS INTERNET ACCESS

• Data governance frameworks for transparent and accountable processing of personal data-due to AI, Big Data Analysis

• Balancing Digital Rights against Freedoms and ensuring replacement of data informed Policies with Data Data Driven ones

• Data Protection Regulation needed due to huge amounts of data collected and processed from AI, Block Chain, Cloud Computing, Drones & IoT

• Policies promoting access & use of digital technologies

• Harmonisation of Data Protection Legislation in SADC

• Privacy frameworks that conform to local cultural context. Some cultures promote community rights first.
OTHER REGULATORY INTERVENTIONS MEANT TO ADDRESS INTERNET ACCESS

- **Space for digital experimentation**: temporary licences; new technologies’ pilots; regulatory sandboxes all used to create a dynamic regulatory environment in which digital market failures and opportunities have space and flexibility to address present and future challenges. Such methodologies can also be employed to design strategies to enhance digital applications and skills.

- **Pro-competition frameworks for the digital transformation**: more diverse market players, services and devices; stakeholder partnerships and digital infrastructure layers and ultimately, their impact on markets and consumers and Internet neutrality. But excessive and unwieldy regulation must be avoided.

- **Regulatory incentives** can create a positive market dynamic and improve market outcomes with less regulatory effort. - ex ante and also throughout the lifecycle of regulation.

- **Regulatory Impact Assessment (RIA)**: With Enhanced Benchmarks and Data Analysis.
Collaborative Regulation

- **Agile data-driven monitoring solutions** can facilitate market oversight in areas such as quality of service and experience, and regulatory compliance.

- **Effective channels for dynamic collaboration among regulatory authorities** such as the ICT, financial and competition authorities and law enforcement agencies. The judiciary. Regulatory sandboxes involving multiple regulators can incubate key cross-sector regulations, such as for digital financial inclusion.

- **Regional and international cooperation in** regulatory rules on cross-border issues for consistency, predictability and fluidity of digital markets.

- **Regulatory expertise** continuously developed to integrate new technologies, competencies and skills and allow for data and evidence-based decision-making.
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