

Datenpreisgabe und Datenschutzrecht in Afrika

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Regulierungsvektor

Im Allgemeinen ist der EU-Rechtsrahmen die Vorlage



Regulierungsvektor: AU (Malabo Convention)

2. The mechanism so established shall ensure that any form of data processing respects the fundamental freedoms and rights of natural persons while recognizing the prerogatives of the State, the rights of local communities and the purposes for which the businesses were established.



Regulierungsvektor: EU DSGVO

DSGVO = stellt die Rechte des Einzelnen in den Vordergrund



Regulierungsvektor: AU und einzelne Länder

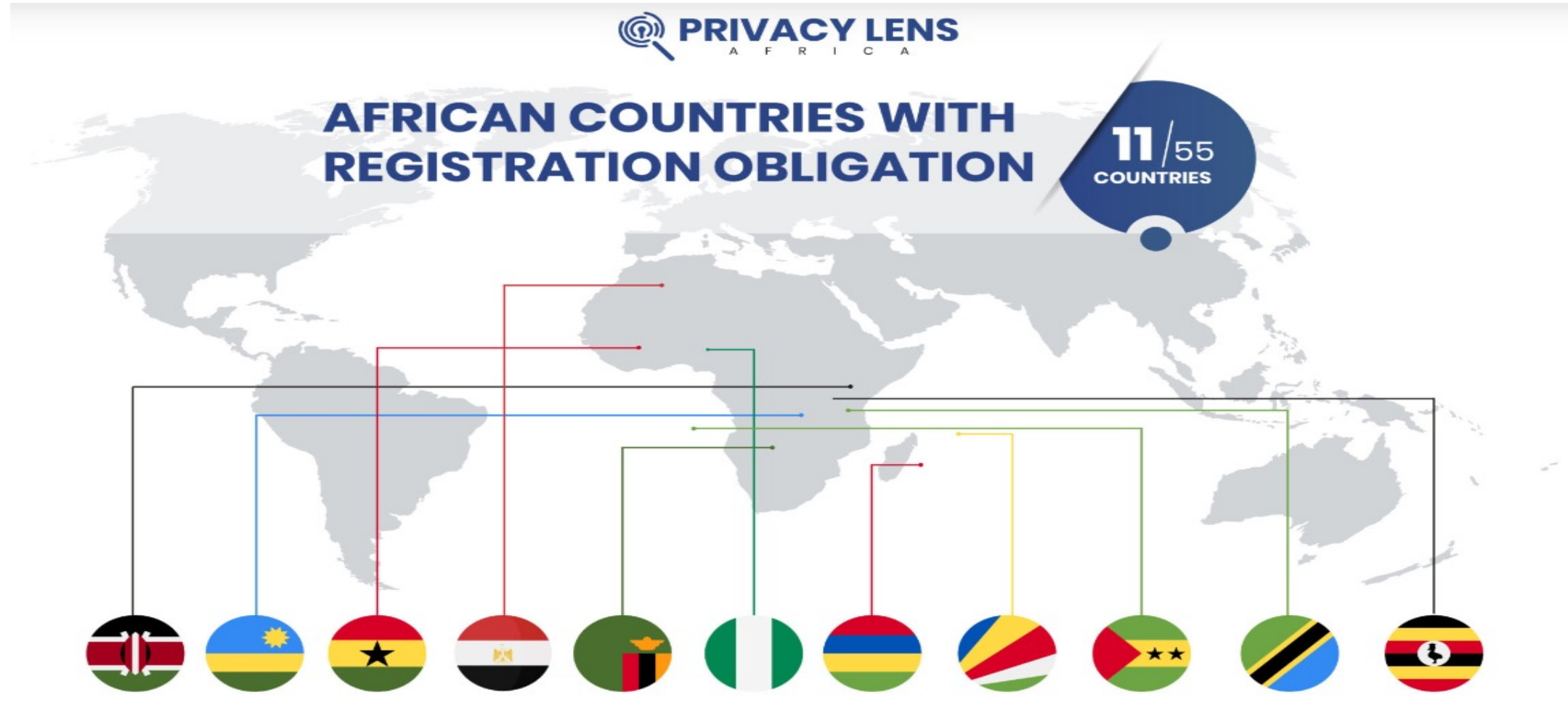
Datenpreisgabe ist grundsätzlich verboten

~~DISCLOSURE~~

Einwilligung

Rechtliche/legitimierte Grundlage

Registrierungspflicht



Regulierungsvektor = Haftung

Freiheitsstrafe



Data localization und Data Residency



Noch Interessant ist.....

Correction of
personal data

29.-(1) Where a document or file to which access has been given under this Act contains personal data and that data subject claims that the personal data-

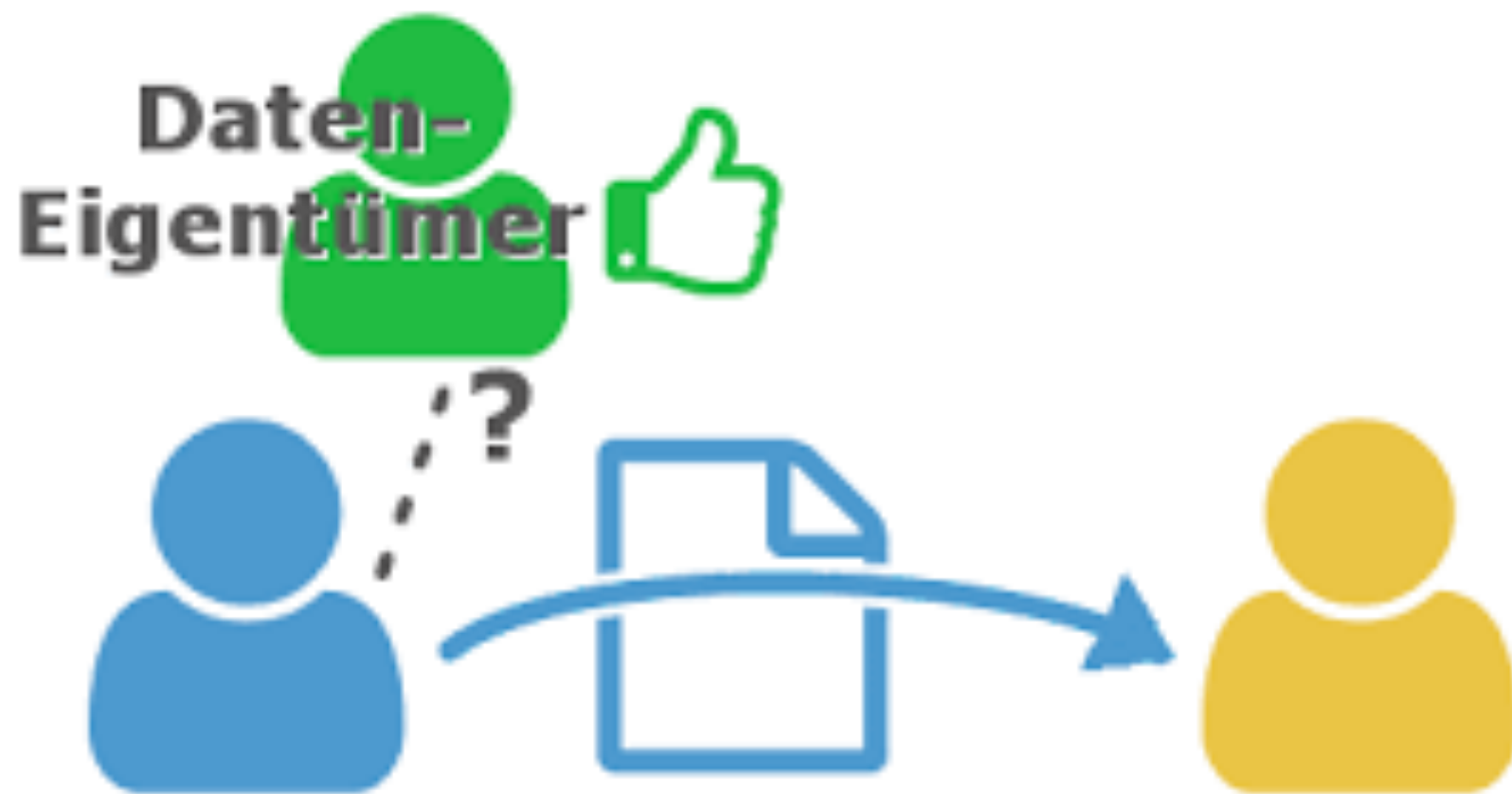
(a) is incomplete, incorrect or misleading; or

(b) not relevant to the purpose for which the document is held,

the data controller may, subject to procedures as may be prescribed in the regulations and upon receiving and being satisfied with the application of the data subject, amend the personal data.

(2) The data controller shall, when making an amendment to personal data in a document under this section, ensure that he does not permanently delete the record of the text of the document as it existed prior to the amendment.

Das Gesellschaft



Datenpreisgabe: Data Commercialisation

Ghana

Prohibition of sale of personal data

89. (1) A person who sells or offers to sell personal data of another person commits an offence and is liable on summary conviction to a fine of not more than two thousand five hundred penalty units or to a term of imprisonment of not more than five years or to both.

(2) For the purposes of this section an advertisement which indicates that personal data is or may be for sale is an offer to sell the data.

Tanzania

Right to prevent processing of personal data for direct marketing purposes

35.-(1) A data subject may, through the procedures prescribed in the regulations, require the data controller to stop processing his personal data for purposes of direct marketing.

(2) Subject to subsection (1), a data subject may enter into agreement with a data controller for purposes of using or processing his personal data for pecuniary benefits.

Kenya

37. (1) A person shall not use, for commercial purposes, personal data obtained pursuant to the provisions of this Act unless the person—

- (a) has sought and obtained express consent from a data subject; or
- (b) is authorised to do so under any written law and the data subject has been informed of such use when collecting the data from the data subject.

Commercial use of data.