

OGP Africa Data Protection - Comparison Table

				Law applies to								Actions covered under the scope of the law	
Country	Legal framework	Year of initial adoption of law	Date of required compliance	Natural persons must comply	Public entities must comply	Legal/juristic persons must comply	Legal persons outside of the territory must comply under specified circumstances	Parties that process personal information on behalf of the responsible party must comply	The law Applies to the data of all natural persons living in the territory, regardless of citizenship	The law applies to the data of legal / juristic persons	The law applies to the data of citizens of the territory regardless of their physical location	The law applies to automated processing	The law applies to manual processing
Burkina Faso	The Protection of Personal Data Act 010-2004/AN (2014)	2004	20 October 2004 or 19 April 2007	1	1	1	1	1	1	0	Law does not stipulate.	1	1
Cabo Verde	The Data Protection Act, Law 133 of 2001	2001	22 July 2001 or 22 January 2002.	1	1	1	1	1	Law doesn't stipulate.	Law doesn't stipulate.	Law does not stipulate.	1	1
Côte d'Ivoire	The Protection of Personal Information Act 2013-450	2013	18 December 2013	1	1	1	Law doesn't stipulate.	1	1	0	Law does not stipulate.	1	1
Ghana	Data Protection Act, 2012 (Act 843)	2012	Law doesn't stipulate but registration began on 1 January 2015	1	1	1	1	1	Law unclear.	Law is unclear but it would appear so.	Law is unclear but it would appear so.	1	1
Kenya	The Data Protection Act, 2019	2019	Law doesn't stipulate	1	1	1	1	1	Law unclear but it would appear so.	0	0	1	1
Liberia	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law
Malawi	No comprehensive piece of legislation - certain provisions of the Electronic Transactions and Cybersecurity Act apply	2016	Law doesn't stipulate	Not stipulated.	Not stipulated.	Not stipulated.	Not stipulated.	Not stipulated.	Not stipulated.	Not stipulated, but definition of data appears to exclude information concerning juristic persons.	Not stipulated.	1	Law is unclear; the definition of data appears to exclude it, but the definition of processing appears to include it.
Morocco	Law no. 09-08 of 18 February 2009	2009	Two years from the date of establishment of the CNPD	1	1	1	1	1	1	0	Not stipulated.	1	1
Nigeria	The Draft Data Protection Bill, 2020	Not yet in force	Not yet in force	1	1	1	1	1	1	0	Not stipulated.	1	1
Senegal	Law No. 2008-12 of 25 January 2008 (LDPC)	2008	One and two years from date LDPC came into operation	1	1	1	1	1	0	0	Not stipulated.	1	1
Seychelles	Data Protection Act 9 of 2003	Not yet in force	Not yet in force	Unclear	1	Unclear	1	1	Unclear	0	Not stipulated.	Not stipulated.	Not stipulated.
Sierra Leone	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law
South Africa	Protection of Personal Information Act (POPIA)	2013	1 July 2021	1	1	1	1	1	Not stipulated.	1	Not stipulated.	1	1
Tunisia	Law No. 2004-63 of 27 July 2004	2004	26 July 2005	1	1	1	unclear	1	unclear	0	0	1	1

				Conditions for the lawful processing of professional information									
Country	Legal framework	Year of initial adoption of law	Date of required compliance	Accountability - person who processes personal data takes into account the privacy of the individual by applying the data protection principles.	Legality - data must be processed lawfully and with respect for the principle of good faith	Processing limitation - the data must be appropriate, relevant and not excessive with regard to the purpose for which they were collected and later processed.	Purpose specification - the data must be collected for specific, explicit and legitimate purposes and cannot be used for any other purposes	Further processing limitation - requires that the further processing of personal data should be compatible with the purpose for which it was collected	Information / data quality - data must be accurate, kept up to date and adequate measures must be implemented to ensure that incorrect or incomplete data is erased or rectified	Security safeguards - The data controller must enforce all appropriate technical and organisational measures to preserve the security of the data, notably protecting their accidental or illicit destruction, accidental loss, alteration, distribution or unauthorised access	Data subject participation/ consent - requires that the data controller obtain the prior consent of the data subject before processing their data. It further provides that a data subject may request a data controller to confirm whether they hold their data and to provide a description of the data	Notification /Openness - responsible parties are obligated to notify data subjects about the purpose of the processing, the recipients of the data, the obligatory or optional nature of the answers to the questions asked as well as the possible consequences of a default response	Time constraints on storage - the data must only be retained for a duration that does not exceed the period necessary for the purpose for which it was collected and processed. Beyond this, the data may only be kept in a non-identifiable form with a view to processing for historical, statistical or research purposes
Burkina Faso	The Protection of Personal Data Act 010-2004/AN (2014)	2004	20 October 2004 or 19 April 2007	Not listed in conditions	Not listed in conditions	1	1	Not listed in conditions	Not listed in conditions	1	Not listed in conditions	1	1
Cabo Verde	The Data Protection Act, Law 133 of 2001	2001	22 July 2001 or 22 January 2002	Not listed in conditions	1	1	1	1	1	1	1	Not listed in conditions	1
Côte d'Ivoire	The Protection of Personal Information Act 2013-450	2013	18 December 2013	Not listed in conditions	Not listed in conditions	1	1	Not listed in conditions	1	1	1	1	1
Ghana	Data Protection Act, 2012 (Act 843)	2012	Law doesn't stipulate but registration began on 1 January 2015	1	1	Not listed in conditions	1	1	1	1	1	1	Not listed in conditions
Kenya	The Data Protection Act, 2019	2019	Law doesn't stipulate	1	1	Not listed in conditions	1	1	1	Not listed in conditions	Not listed in conditions but provided for	1	1
Liberia	No Law	No Law	No Law	No law	No law	No law	No law	No law	No law	No law	No law	No law	No law
Malawi	No comprehensive piece of legislation - certain provisions of the Electronic Transactions and Cybersecurity Act apply	2016	Law doesn't stipulate	Not listed in conditions	1	1	1	1	1	Not listed in conditions	1	Not listed in conditions	1
Morocco	Law no. 09-08 of 18 February 2009	2009	Two years from the date of establishment of the CNPD	Not listed in conditions	Not listed in conditions	1	1	Not listed in conditions	1	1	Not listed in conditions but provided for in the law	Not listed in conditions	1
Nigeria	The Draft Data Protection Bill, 2020	Not yet in force	Not yet in force	Not listed in conditions	1	1	1	1	1	1	Not listed in conditions but provided for in the law	Not listed in conditions	1
Senegal	Law No. 2008-12 of 25 January 2008 (LDPC)	2008	One and two years from date LDPC came into operation	Not listed in conditions	Not listed in conditions	1	1	Not listed in conditions	1	1	1	Not listed in conditions	1
Seychelles	Data Protection Act 9 of 2003	Not yet in force	Not yet in force	Not listed in conditions	1	1	1	Not listed in conditions	1	1	Not listed in conditions	1	1
Sierra Leone	No Law	No Law	No Law	No law	No law	No law	No law	No law	No law	No law	No law	No law	No law
South Africa	Protection of Personal Information Act (POPIA)	2013	1 July 2021	1	1	1	1	1	1	1	1	1	1
Tunisia	Law No. 2004-63 of 27 July 2004	2004	26 July 2005	Not listed in conditions	Not listed in conditions	1	1	Not listed in conditions	1	1	Not listed in conditions	Not listed in conditions	1

				Exclusions: the law does not apply to the processing of data, in certain circumstances, if it is processed for the following purposes										Consent	
Country	Legal framework	Year of initial adoption of law	Date of required compliance	Personal or household activity	De-identified data	National security	Cabinet or an Executive Council	Judicial functions	Journalistic, literary or artistic purposes	Law enforcement	The law prohibits the processing of personal information concerning a child, subject to specified conditions	The law prohibits the processing of special personal information, subject to specified conditions	The law prohibits the transfer of data to a third party in a foreign country, subject to specified conditions	The law stipulates the requirements for valid consent	Does the law require opt-in consent?
Burkina Faso	The Protection of Personal Data Act 010-2004/AN (2014)	2004	20 October 2004 or 19 April 2007	1	0	1	0	0	0	0	0	1	1	0	0
Cabo Verde	The Data Protection Act, Law 133 of 2001	2001	22 July 2001 or 22 January 2002.	1	0	0	0	0	0	0	0	0	1	1	0
Côte d'Ivoire	The Protection of Personal Information Act 2013-450	2013	18 December 2013	1	0	0	0	0	1	0	0	1	1	1	0
Ghana	Data Protection Act, 2012 (Act 843)	2012	Law doesn't stipulate but registration began on 1 January 2015	1	0	1	Exclusion only applies to appointment.	Exclusion only applies to appointment.	1	1	1	1	0	1	0
Kenya	The Data Protection Act, 2019	2019	Law doesn't stipulate	1	0	1	0	0	1	0	1	1	1	1	0
Liberia	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law
Malawi	No comprehensive piece of legislation - certain provisions of the Electronic Transactions and Cybersecurity Act apply	2016	Law doesn't stipulate	0	0	0	0	0	0	0	0	0	0	1	0
Morocco	Law no. 09-08 of 18 February 2009	2009	Two years from the date of establishment of the CNPD	1	not explicit but likely covered by definition	1	0	0	0	1	0	1	1	1	0
Nigeria	The Draft Data Protection Bill, 2020	Not yet in force	Not yet in force	1	0	1	0	0	0	1	1	1	1	1	Law is unclear
Senegal	Law No. 2008-12 of 25 January 2008 (LDPC)	2008	One and two years from date LDPC came into operation	1	not explicit but likely covered by definition	0	0	0	1	0	0	1	1	1	0
Seychelles	Data Protection Act 9 of 2003	Not yet in force	Not yet in force	1	0	1	Only for appointments	Only for appointments	0	1	0	0	It may be prohibited	0	0
Sierra Leone	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law
South Africa	Protection of Personal Information Act (POPIA)	2013	1 July 2021	1	1	1	1	1	1	1	1	1	1	1	0
Tunisia	Law No. 2004-63 of 27 July 2004	2004	26 July 2005	1	0	0	Some public entities are exempt from certain provisions	Some public entities are exempt from certain provisions	0	0	1	1	1	0	0

				Transparency tools					Rights of data subjects						
Country	Legal framework	Year of initial adoption of law	Date of required compliance	The law requires notification in the event of a data breach	The law requires a data protection impact assessment to be conducted	The law requires the use of terms of service icons (or an equivalent measure to inform consent of data use)	Law requires data processors to publish simplified means to inform people about how their data will be used prior to processing	The law requires data processing registers	The right to be notified that their personal information is being processed or accessed by an unauthorised person	The right to establish whether a responsible party holds personal information about them and to request access to it	The right to request the correction, destruction, or deletion of their personal information	The right to object to the processing of their personal information	The right not to have their personal information processed for the purposes of direct marketing	The right not to be subject to a decision which is based solely on automated processing of their personal information	Redress: The right to submit a complaint to the Information Regulator regarding an interference with their personal information, or to institute civil proceedings regarding an interference with the protection of their personal information
Burkina Faso	The Protection of Personal Data Act 010-2004/AN (2014)	2004	20 October 2004 or 19 April 2007	0	0	0	0	The law maintains a register but it doesn't appear to include information concerning responsible parties.	1	1	1	1	0	1	It's not a right but it is provided for in the law.
Cabo Verde	The Data Protection Act, Law 133 of 2001	2001	22 July 2001 or 22 January 2002	0	0	0	0	1	1	1	1	1	1	1	1
Côte d'Ivoire	The Protection of Personal Information Act 2013-450	2013	18 December 2013	0	0	0	0	1	1	1	1	1	1	It's not a right but it is prohibited in certain circumstances	1
Ghana	Data Protection Act, 2012 (Act 843)	2012	Law doesn't stipulate but registration began on 1 January 2015	1	0	0	0	1	1	1	1	Not stipulated in the law	1	1	1
Kenya	The Data Protection Act, 2019	2019	Law doesn't stipulate	1	1	0	0	1	1	1	1	1	Its not a right, but it is prohibited	1	It's not a right but it is provided for in the law.
Liberia	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law
Malawi	No comprehensive piece of legislation - certain provisions of the Electronic Transactions and Cybersecurity Act apply	2016	Law doesn't stipulate	0	0	0	0	0	1	1	1	1	Law is unclear.	0	0
Morocco	Law no. 09-08 of 18 February 2009	2009	Two years from the date of establishment of	0	0	0	0	1	1	1	1	1	Its not a right, but it is prohibited	1	1
Nigeria	The Draft Data Protection Bill, 2020	Not yet in force	Not yet in force	1	0	0	0	0	0	1	1	1	Its not a right, but it is prohibited	1	1
Senegal	Law No. 2008-12 of 25 January 2008 (LDPC)	2008	One and two years from date LDPC came into	0	0	0	0	0	1	1	1	1	Its not a right, but it is prohibited	Its not a right but is prohibited in certain circumstances	0
Seychelles	Data Protection Act 9 of 2003	Not yet in force	Not yet in force	0	0	0	0	1	1	1	1	0	0	0	1
Sierra Leone	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law
South Africa	Protection of Personal Information Act (POPIA)	2013	1 July 2021	1	1	0	0	0	1	1	1	1	1	1	1
Tunisia	Law No. 2004-63 of 27 July 2004	2004	26 July 2005	0	0	0	0	0	1	1	1	1	Not a right but it is prohibited.	0	Not a right but is provided for in the law

				Supervisory Authority											Penalties for non-compliance		
Country	Legal framework	Year of initial adoption of law	Date of required compliance	The law establishes a supervisory authority	The supervisory authority is empowered to investigate complaints	An investigation may be initiated by the state	An investigation may be initiated by a data subject	An investigation may be initiated by the supervisory authority on its own initiative	An investigation may be initiated by any person	The supervisory authority is empowered to access premises and documents	Compliance with requests to access documents or premises is enforced through a warrant	Compliance with requests to access documents or premises is enforced through sanction	The supervisory authority is empowered to impose criminal sanctions	The supervisory authority is empowered to impose administrative sanctions	Criminal penalties	Civil penalties	Administrative penalties
Burkina Faso	The Protection of Personal Data Act 010-2004/AN (2014)	2004	20 October 2004 or 19 April 2007	1	1	Law does not stipulate.	Law does not stipulate.	1	Law does not stipulate.	1	0	1	Law does not stipulate	0	1	0	0
Cabo Verde	The Data Protection Act, Law 133 of 2001	2001	22 July 2001 or 22 January 2002	1	1	1	1	1	1	1	0	0	0	1	1	1	1
Côte d'Ivoire	The Protection of Personal Information Act 2013-450	2013	18 December 2013	1	1	Law does not stipulate.	Law does not stipulate.	Law does not stipulate.	Law does not stipulate	0	0	0	1	1	1	0	1
Ghana	Data Protection Act, 2012 (Act 843)	2012	Law doesn't stipulate but registration began on 1 January 2015	1	1	1	Law does not stipulate	Law does not stipulate	Law does not stipulate	0	0	0	Law does not stipulate	0	1	1	0
Kenya	The Data Protection Act, 2019	2019	Law doesn't stipulate	1	1	1	1	1	1	1	0	1	Law does not stipulate	1	1	1	1
Liberia	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law
Malawi	No comprehensive piece of legislation - certain provisions of the Electronic Transactions and Cybersecurity Act apply	2016	Law doesn't stipulate	1	0	0	0	0	0	0	0	0	0	0	1	0	0
Morocco	Law no. 09-08 of 18 February 2009	2009	Two years from the date of establishment of the CNPD	1	1	Law does not stipulate	1	Law does not stipulate	Law does not stipulate	Law is unclear - refusing to send documents is an offence	0	1	0	0	1	0	1
Nigeria	The Draft Data Protection Bill, 2020	Not yet in force	Not yet in force	1	1	Law does not stipulate	Law does not stipulate	Law does not stipulate	Law does not stipulate	1	1	1	1	1	1	1	1
Senegal	Law No. 2008-12 of 25 January 2008 (LDPC)	2008	One and two years from date LDPC came into operation	1	1	1	1	1	1	Not stipulated.	0	0	1	1	1	0	1
Seychelles	Data Protection Act 9 of 2003	Not yet in force	Not yet in force	1	1	Law does not stipulate	Law does not stipulate	Law does not stipulate	Law does not stipulate	1	1	0	0	0	1	1	0
Sierra Leone	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law	No Law
South Africa	Protection of Personal Information Act (POPIA)	2013	1 July 2021	1	1	1	1	1	1	1	1	1	0	1	1	1	1
Tunisia	Law No. 2004-63 of 27 July 2004	2004	26 July 2005	1	1	Law does not stipulate	1	Law does not stipulate	Law does not stipulate	1	0	1	0	Law does not stipulate	1	0	1