

# Contextualising Data Regulation Matrix- Lessons From Kenya

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# Context vs Data

- Data: Personal Data
- What is data context?
- How do we contextualise?
- Why should context in data regulatory frameworks matter?
- What is context in data regulatory frameworks?

# Data Context for GS Countries

- **Environment Context:** Background;
- **Unique Stakeholders:** State; Religious Institutions; Humanitarian/Development Agencies
- **History of Colonialism**
- **Nature of Data-Type;** function; national approaches; source.

# Relevance of Contextualizing

- **Interdependence:**
  - Of frameworks
  - Data as a collective
- **Structure of the data market**
  - Collectiveness
  - Prosumers
- **Varied national responses**
  - Specific Laws:-Data Protection Laws
  - Constitutional Provisions
  - No regulatory framework (as yet)

# Status of DP Laws in GS-2020

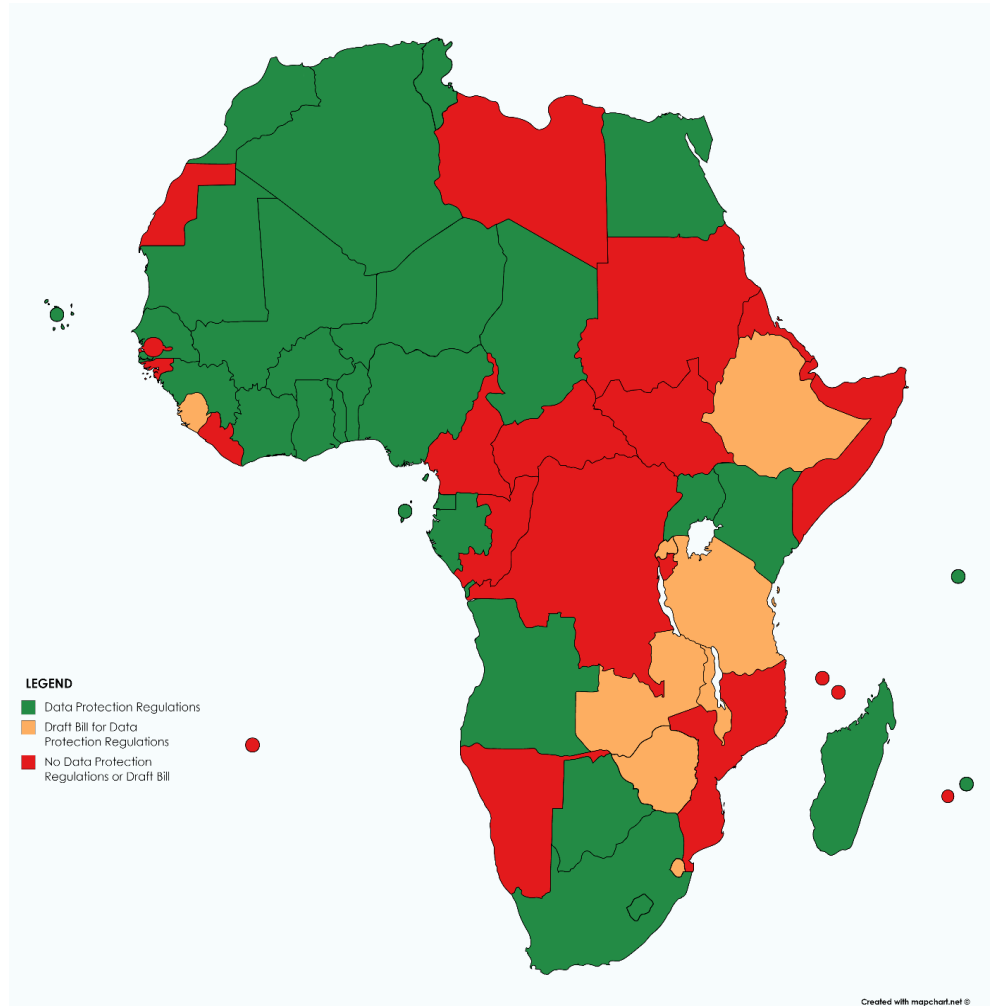


Image Source: CIPIT, 2020

## Specific DP Laws

- 52% African Countries;
- 57% for Asia Pacific;
- 69% of Americas
- Draft legislations
- Constitutional Provisions
- No legislation
- No data

Source: UNCTAD, 2020

# Key/Special Considerations for Frameworks

- **Sui generis frameworks**
  - Ubuntu
- **Model law/ Best practices/Principles**
- **Lessons from Existing frameworks**
  - Access to Benefits Sharing-CBD
  - Exemptions/exceptions;
  - TRIPS' Minimum Provisions
  - Importance of modification
- **Capacity Building**

# Thank you!

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