Contextualising Data Regulation Matrix - Lessons From Kenya

Caroline Wanjiru Muchiri, IP Expert & Research Fellow-Centre for Intellectual Property and Information Technology (CIPIT)
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

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

Source: UNCTAD, 2020

Image Source: CIPIT, 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!

https://cipit.strathmore.edu/