Data Governance: Reflections on AI and Image Rights Regulation in Africa

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Images Rights in Data Governance Context: Is Africa thinking about it?

Data – Personal information = includes:

- names,

- Images and image recognition,

- voice and voice recognition,

- location data

- ID numbers

- Digital footprint etc…

- All are protected against falsification and commercial exploitation through IMAGE RIGHTS– Data Protection looks to private and public bodies, but not independent individuals.

Threats

Personal

- Image based sexual abuse
- Identity theft – Home Affairs e.g

Public – data governance concerns

- Election manipulation and disinformation
- Warfare (misuse and abuse of data by states)

Challenges

Lack of Image Rights knowledge and certainty

Data regulation and oversight infancy

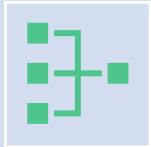Lack of AI literacy and regulation

Social media (over)use

The Loophole?

Africa suffers from **overprocessing** of **personal data** on **social media** but **regulatory approaches** across the **continent** are *skewed*, **while AI threats are CURRENT**.

Characteristics of Africa's initiative

* Harmonising regulations on data towards human-rights based data economy

Creating cross-border data flows

Promoting investments in secure and sustainable data infrastructure facilities

https://d4dhub.eu/initiatives/data-governance-in-africa

The position we seem to have embraced in Africa

Unintentional Harmony

- Common law states often take similar approach

Disharmony

- Interpretations and litigation trends differ

Can, will, did harmonisation occur?

Example of data protection regulation:

- African states developed own but similar data protection regulations
- All suffer from the Brussel effect
- None are united
- Data privacy Symposium brings regulators and officers together but where is regulation?

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What about AI regulation?

AU high-level recommendations for African countries:

1. Multi-tiered governance approach

2. Ethics approach to ensure development, innovation and transparency and accountability

3. Agile, forward-looking ==risk-based regulations==

Impact & Recommendations

Impact: Disharmony perpetuates uncertainty and high risk of threats of war, destabilized economies due to ID theft and human rights DATA-related violations

Recommendations: Africa must harmonise regulation to exercise collective powers against companies responsible for violations

Thank you

University of the Witwatersrand

Dr Nomalanga Mashinini's ORCiD: