



**REPUBLIC OF NAMIBIA**

---

**MINISTRY OF INFORMATION AND COMMUNICATION TECHNOLOGY**

---

**PARLIAMENTARY STATEMENT BY HON, STANLEY MUTUMBA  
SIMATAA, THE MINISTER OF INFORMATION AND COMMUNICATION  
TECHNOLOGY**

**TABLING**

**THE AFRICAN UNION (AU) CONVENTION ON CYBER SECURITY AND  
PERSONAL DATA PROTECTION FOR RATIFICATION**

**2018**

Thank you very much Hon. Deputy Speaker for giving me the floor to submit to this August House the African Union Convention on Cyber Security and Personal Data Protection for your consideration.

We all live in a world which is networked together, from internet banking to government infrastructure. This being the case, network protection is no longer an option but a fundamental obligation.

The exponential growth in the internet has led to a concomitant spike cybercrimes. Internet users are exposed to security risks of being part of a large network. The potential for harm is severe for not only the business, but for casual users as well. However despite the benefits to be derived from the digital revolution, it is incumbent on us to implement strategies that address the risks associated with Internet usage which may consequently trigger cybercrimes. Cybercrime has become a major concern for law enforcement agencies. Nations ability to combat cybercrimes should be an inclusive effort, involving all stakeholders, including International organisations.

In an attempt to mitigate some of these challenges, the African Union adopted the Convention on Cyber Security and Personal Data Protection on 27 June 2014. The Convention seeks to adopt the essential security rules for a credible digital environment enabling the development of modern Information Society in Africa. The ultimate goal is to address the imperative for a harmonized legislation in the area of cyber security in member states of the African Union and to establish in each state party a mechanism capable of combating violations of privacy that may be generated by personal data processing, transmission, storage and use.

Overall, the main objective of this convention is to provide the necessary security and legal framework for the emergence of the knowledge economy in Africa. Furthermore, the convention guarantees that whatever form of processing is used, shall respect the basic freedom and rights of individuals while also taking into account the prerogative of the states, the rights of local

communities and the interest of businesses. The convention also factors in internationally recognized best practices.

Additionally, establishes a framework aimed at strengthening the fundamental rights and public freedoms, particularly the protection of physical data and penalize any violations of privacy without prejudice to the principles of free flow of personal data.

## **CHAPTER I: ELECTRONIC TRANSACTION**

This Chapter comprises of three sections and 10 Articles. It provides the scope of application of electronic commerce and stipulates contractual obligations in electronic form.

## **CHAPTER II: PERSONAL DATA PROTECTION**

This chapter provides the objectives of the convention with respect to personal data protection, the scope of application of the convention and preliminary personal data processing formalities. It also provides for the establishment of an Institutional framework for the protection of Personal data.

## **Chapter III: Promoting Cyber Security and Combating Cybercrime**

This Chapter provides for Cyber Security measures to be taken at the National level and Criminal provisions thereto. These include the establishment of a National Cyber Security framework consisting of a National Policy and National Strategy and the adoption legislative and regulatory measures in the area cyber security. Member States that ratify this convention should ensure that there is National Cyber Security monitoring structure where each state party shall adopt the necessary measures to establish appropriate institutional mechanisms. It also sets obligations on state parties in terms of:

- (i) Establishing clear accountability in matters of cyber security.

- (ii) Expression of a clear, public and transparent commitment to cyber security
- (iii) Encouraging private sector engagement, commitment and participation in Government -led initiatives to promote cyber security.

#### **Chapter IV: Final Provision**

This Chapter provides for the Procedures and Measures to be taken at the level of the African Union. It provides for the establishment of monitoring mechanisms for the operations for the convention. The convention is open to all member states of the African union and comes into force thirty (30) days after the date of receipt by the chairperson of the Commission of the African Union of the fifteenth (15<sup>th</sup>) instrument of ratification.

As a Member State of the African Union, Namibia is encouraged to ratify this Convention, more so when we are in the process of finalizing the Electronic Transactions Bill this year and have embarked on the process of developing the Personal Data Protection and Cyber Security Bills, which will of course factor in applicable provisions of this Convention.

I now have the pleasure to submit the African Union (AU) convention on cyber security and personal data protection for your consideration and support.

**I thank you for your attention**