**African Union Convention on Cyber Security and Personal Data Protection**

I have cited verbatim sections of the convention that could possibly confer requirements on a new gTLD directory service:

Article 2 (2) requires provision of certain information. It states:

Without prejudice to other information obligations defined by extant legislative and regulatory texts in African Union Member States, State Parties shall ensure that any person exercising e-commerce activities shall provide to those for whom the goods and services are meant, easy, direct and uninterrupted access using non-proprietary standards with regard to the following information:

1. Where a physical person is involved, the provider shall indicate his/her name and where it is a legal person, its corporate name; its capital, its registration number in the register of companies or associations;
2. Full address of the place of establishment, electronic mail address and telephone number;
3. Where the person is subject to business registration formalities or registration in the national directory of businesses and associations, the registration number, the share capital and corporate headquarters;
4. Where the person is subject to taxes, the tax identification number;
5. Where his/her activity is subject to a licensing regime, the name and address of the issuing authority, and the reference of the authorization;
6. Where the person is member of a regulated profession, the applicable professional rules, his/her professional title, the African Union State Party in which he/she was granted such authorization, as well as the name of the order or professional body with which he/she is registered.

On personal data, the convention makes personal data processing subject to a declaration before the protection authority and each authority may establish standards for such processing.

**Article 8: Objective of this Convention with respect to personal data**

**1.** Each State Party shall commit itself to establishing a legal framework aimed at strengthening fundamental rights and public freedoms, particularly the protection of physical data, and punish any violation of privacy without prejudice to the principle of free flow of personal data.

**2.** The mechanism so established shall ensure that any form of data processing respects the fundamental freedoms and rights of natural persons while recognizing the prerogatives of the State, the rights of local communities and the purposes for which the businesses were established.

**Article 9: Scope of application of the Convention**

**1.** The following actions shall be subject to this Convention:

a) Any collection, processing, transmission, storage or use of personal data by a natural person, the State, local communities, and public or private corporate bodies;

b) Any automated or non-automated processing of data contained in or meant to be part of a file, with the exception of the processing defined in Article 9.2 of this Convention;

c) Any processing of data undertaken in the territory of a State Party of the African Union;

d) Any processing of data relating to public security, defence, research, criminal prosecution or State security, subject to the exceptions defined by specific provisions of other extant laws.

**Article 10: Preliminary personal data processing formalities**

**3**. With regard to the most common categories of personal data processing which are not likely to constitute a breach of privacy or individual freedoms, the protection authority may establish and publish standards with a view to simplifying or introducing exemptions from the obligation to make a declaration.

**4.** The following actions shall be undertaken after authorization by the national protection authority:

a) Processing of personal data involving genetic information and health research;

b) Processing of personal data involving information on offenses, convictions or security measures;

c) Processing of personal data for the purpose of interconnection of files as defined in Article 15 of this Convention, data processing involving national identification number or any other identifier of the same type;

d) Processing of personal data involving biometric data;

e) Processing of personal data of public interest, particularly for historical, statistical or scientific purposes

**Article 13: Basic principles governing the processing of personal data**

Principle 1: Principle of consent and legitimacy of personal data processing

Principle 2: Principle of lawfulness and fairness of personal data processing

Principle 3: Principle of purpose, relevance and storage of processed personal data

Principle 4: Principle of accuracy of personal data

Principle 5: Principle of transparency of personal data processing

Principle 6: Principle of confidentiality and security of personal data processing

**Article 14: Specific principles for the processing of sensitive data**

**1.** State Parties shall undertake to prohibit any data collection and processing revealing racial, ethnic and regional origin, parental filiation, political opinions, religious or philosophical beliefs, trade union membership, sex life and genetic information or, more generally, data on the state of health of the data subject.

**2.** The prohibitions set forth in Article 14.1 shall not apply to the following categories where:

a) Processing relates to data which are manifestly made public by the data subject;

b) The data subject has given his/her written consent, by any means, to the processing and in conformity with extant texts;

c) Processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving his/her consent;

d) Processing, particularly of genetic data, is required for the establishment, exercise or defence of legal claims;

e) A judicial procedure or criminal investigation has been instituted;

f) Processing is necessary in the public interest, especially for historical, statistical or scientific purposes;

g) Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

h) Processing is necessary for compliance with a legal or regulatory obligation to which the controller is subject;

i) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority or assigned by a public authority vested in the controller or in a third party to whom data are disclosed;

j) Processing is carried out in the course of the legitimate activities of a foundation, association or any other non-profit making body with a political, philosophical, religious, cooperative or trade union aim, and on condition that the processing relates solely to the members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed to a third party without the consent of the data subjects.

**3.** Personal data processing for journalistic purposes or for the purpose of research or artistic or literary expression shall be acceptable where the processing is solely for literary and artistic expression or for professional exercise of journalistic or research activity, in accordance with the code of conduct of these professions.

**4.** The provisions of this Convention shall not preclude the application of national legislations with regard to the print media or the audio-visual sector, as well as the provisions of the criminal code which provide for the conditions for exercise of the right of reply, and which prevent, limit, compensate for and, where necessary, repress breaches of privacy and damage to personal reputation.

**5.** A person shall not be subject to a decision which produces legal effects concerning him/her or significantly affects him/her to a substantial degree, and which is based solely on automated processing of data intended to evaluate certain personal aspects relating to him/her.

**6.** a) The data controller shall not transfer personal data to a non-Member State of the African Union unless such a State ensures an adequate level of protection of the privacy, freedoms and fundamental rights of persons whose data are being or are likely to be processed.

b) The previous prohibition is not applicable where, before any personal data is transferred to the third country, the data controller shall request authorization for such transfer from the national protection authority.

**Article 34: Settlement of Disputes**

1. Any dispute arising from this Convention shall be settled amicably through direct negotiations between the State Parties concerned.

2. Where the dispute cannot be resolved through direct negotiation, the State Parties shall endeavour to resolve the dispute through other peaceful means, including good offices, mediation and conciliation, or any other peaceful means agreed upon by the State Parties. In this regard, the State Parties shall be encouraged to make use of the procedures and mechanisms for resolution of disputes established within the framework of the Union.