

WHO PUBLISHES, WHO HIDES

Enforcement in the Dark

44 African data protection laws are in force. 23 regulators enforce. 17 publish what they decide. The publication gap, measured country by country from a verified 54-state survey, and what it costs practitioners, data subjects and the regulators themselves.

44	23	17	6
DP LAWS IN FORCE	REGULATORS ENFORCING	PUBLISHING DECISIONS	ENFORCING IN THE DARK

44 of Africa's 54 states have a data protection law in force. 23 regulators enforce. 17 publish what they decide. This short report measures the gap between those numbers, names the countries in each tier, and argues that publication, not legislation, is now the binding constraint on data protection practice across the continent. Every figure is computed from the Research Wing's [54-country landscape dataset](#), verified country by country with per-cell source URLs. Legal information, not legal advice.

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1. The gap, measured

African data protection has a visibility problem, not a legislation problem. The funnel from statute to public record loses countries at every step:

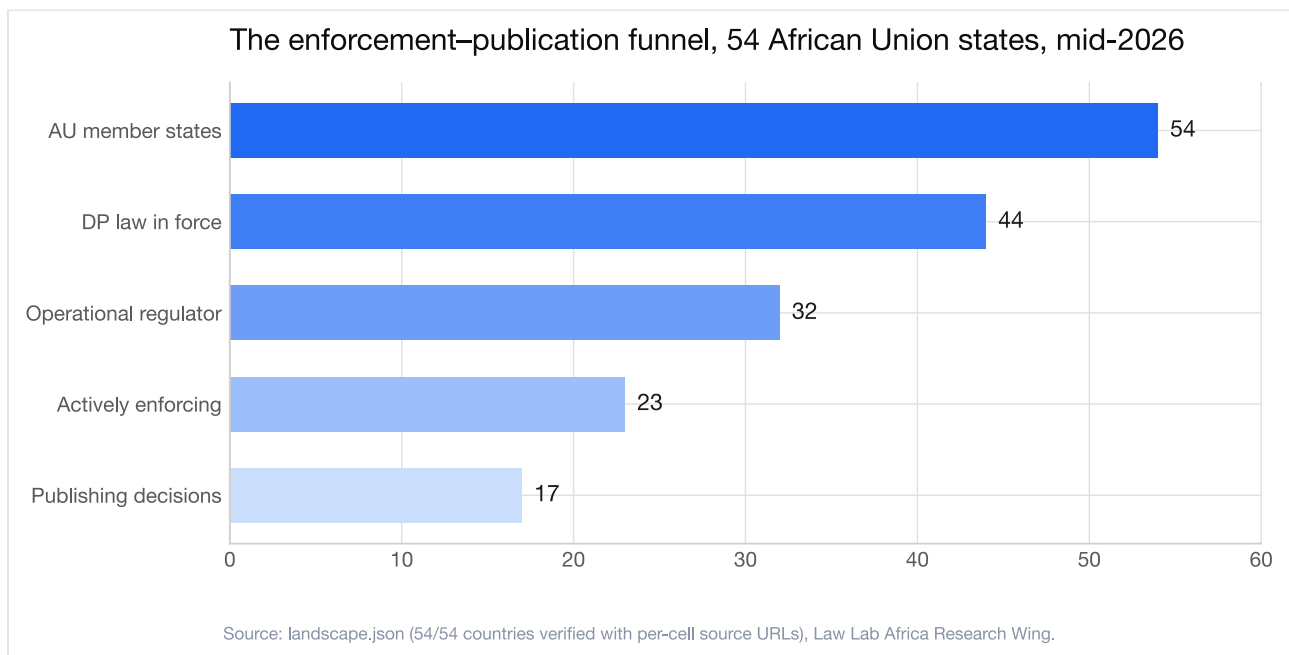


Fig. 1 · The funnel, mid-2026. Source: [landscape dataset](#).

- **44 of 54** African Union states have a comprehensive data protection law in force.

- **32** have an operational regulator.
- **23** of those regulators enforce in an observable way: sanctions, compelled registrations, formal notices, public warnings.
- **17** publish their decisions anywhere at all.

The last step is the story. 6 countries (Burkina Faso, Cape Verde, Ghana, Malawi, Zambia, Zimbabwe) sanction and compel without publishing a single decision. A controller in those markets cannot read the enforcement record of its own regulator, because there is none to read. And the 17 that do publish are not the 17 you would guess: nine publish in French, one in Portuguese, and the English-language publishers number just 7.

2. The scorecard

Every one of the 54 states sits in exactly one tier:

TIER	DEFINITION	STATES	COUNTRIES
A	Publishes decisions	17	Algeria, Angola, Benin, Côte d'Ivoire, Eswatini, Gabon, Kenya, Mali, Mauritius, Morocco, Niger, Nigeria, Senegal, South Africa, Tanzania, Tunisia, Uganda
B	Enforces without publishing	6	Burkina Faso, Cape Verde, Ghana, Malawi, Zambia, Zimbabwe
C	Operational regulator, no observable enforcement	9	Chad, Ethiopia, Mauritania, Rwanda, Seychelles, Sierra Leone, Somalia, São Tomé and Príncipe, Togo
D	Law in force, regulator not yet operational	13	Botswana, Burundi, Cameroon, Central African Republic, Comoros, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Guinea, Lesotho, Madagascar, Republic of the Congo
E	No comprehensive law in force	9	Eritrea, Gambia, Guinea-Bissau, Liberia, Libya, Mozambique, Namibia, South Sudan, Sudan

Tier C includes Sierra Leone, whose operational commission is an access-to-information body; its data protection law is still a bill. Tier assignments carry per-country source URLs in the [landscape dataset](#).

The 23 enforcing states, where the publish-or-hide distinction actually bites, in detail:

COUNTRY	REGION	PUBLISHES	LANGUAGE	FORMAT	EST. VOLUME
Algeria	North Africa	Yes	French	html	low
Angola	Southern Africa	Yes	Portuguese	html	medium
Benin	West Africa	Yes	French	html	high
Côte d'Ivoire	West Africa	Yes	French	html	medium
Eswatini	Southern Africa	Yes	English	pdf	low
Gabon	Central Africa	Yes	n/a	html_jo_entries	medium
Kenya	East Africa	Yes	English	pdf	high
Mali	West Africa	Yes	French	html	medium
Mauritius	East Africa	Yes	English	pdf_single_index	high
Morocco	North Africa	Yes	French	html	medium
Niger	West Africa	Yes	French	html	low
Nigeria	West Africa	Yes	English	html	medium
Senegal	West Africa	Yes	French	html	medium
South Africa	Southern Africa	Yes	English	pdf	medium
Tanzania	East Africa	Yes	English	pdf	low
Tunisia	North Africa	Yes	French	pdf	low
Uganda	East Africa	Yes	English	pdf	low
Burkina Faso	West Africa	No	n/a	n/a	low
Cape Verde	West Africa	No	n/a	n/a	low
Ghana	West Africa	No	n/a	n/a	low
Malawi	East Africa	No	n/a	n/a	low
Zambia	Southern Africa	No	n/a	n/a	low

COUNTRY	REGION	PUBLISHES	LANGUAGE	FORMAT	EST. VOLUME
Zimbabwe	Southern Africa	No	n/a	n/a	low

The regional pattern is stark:

REGION	STATES	ENFORCING	PUBLISHING
North Africa	6	3	3
West Africa	16	9	6
Central Africa	8	1	1
East Africa	16	5	4
Southern Africa	8	5	3

West Africa is the publication heartland. Central Africa is the empty cell: 8 states, 8 laws in force, 1 published decisions. The region legislated and never built the institutions to match.

3. The five in the dark

Each of the 6 dark-tier countries has real enforcement behind its silence, which is what makes the silence expensive.

Zimbabwe runs one of the continent's most demanding regimes on paper: mandatory controller licences under [SI 155 of 2024](#), 24-hour breach notification, and criminal exposure of up to seven years for unlicensed processing [\[W-CHECK: characterisation from the landscape record's sources; spot-check the SI before publication\]](#) . Not one decision is published.

Zambia opened enforcement in March 2025 behind a [registration deadline carrying criminal penalties for default](#). Nothing published.

Ghana's DPC runs registration drives, compliance audits and has [publicly warned that fines are coming](#); 2026 is shaping into its enforcement year. No systematically published decisions exist. Briefing: [Ghana's enforcement era begins](#).

Malawi operationalised fast: a dedicated authority site, a published Data Protection Handbook, registration for significant controllers and a [financial-sector compliance push](#). Decisions: none published.

Cape Verde's CNPD has been operational for a decade and publishes guidance and notices, but [no systematic archive of its deliberations could be confirmed](#) [W-CHECK: recheck the CNPD site; if a deliberations archive exists this country moves to Tier A and the numbers self-correct on re-run] .

The practical consequence is identical in all five: compliance advice runs on statutes and guesswork, risk pricing runs on rumour, and the first public evidence most controllers will see of their regulator's philosophy is the sanction that lands on them.

4. The translation gap nobody prices

Of the 17 publishing regulators, 10 (59%) publish in a language other than English: French in Algeria, Benin, Côte d'Ivoire, Mali, Morocco, Niger, Senegal, Tunisia; Portuguese in Angola.

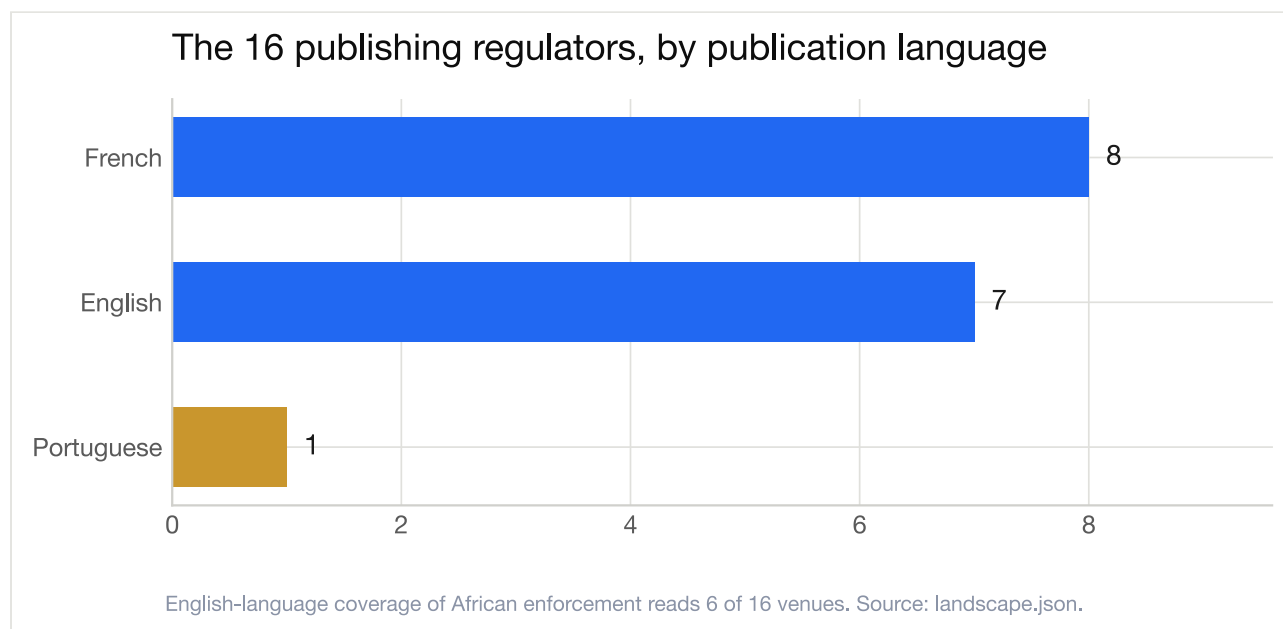


Fig. 2 · Publication languages. Source: [landscape dataset](#).

No service systematically translates this corpus, so anglophone coverage of "African data protection enforcement" is in practice coverage of 7 venues: Eswatini, Kenya, Mauritius, Nigeria, South Africa, Tanzania, Uganda. Meanwhile Benin's APDP, one of the continent's most active authorities, [reported examining 907 files in 2025, up 61% from 560 in 2024](#) [W-CHECK: figures from APDP annual reporting as covered by the linked source; verify against the APDP report] . The most complete picture of African enforcement available in English, the Research Wing tracker's 595 records, is itself 303 parts Kenya, because Kenya publishes and most of the continent does not. Whoever translates the francophone corpus first owns the reference layer for half the continent's enforcement record.

5. What the dark costs

Practitioners in Accra, Lusaka and Harare advise against statutes whose enforcement practice is unknowable. The questions clients actually ask (what does this regulator sanction first, how hard, against whom) have answers; the answers are locked in filing cabinets.

Data subjects lose precedent. A complainant in Nairobi can cite hundreds of published determinations to show the ODPC upholds complaints like hers. A complainant in Lusaka can cite nothing, against a regulator that demonstrably enforces.

The regulators themselves lose deterrence, which is publication's cheapest product. An unpublished sanction deters one organisation; a published one deters a sector. Kenya's ODPC and South Africa's Information Regulator are the continent's two most-cited authorities not because they sanction hardest but because they can be read. Publication also disciplines the regulator: reasoned, citable decisions are the difference between enforcement and arbitrariness, and authorities that publish build the legitimacy that survives litigation and leadership change.

Markets cannot price the risk. Professional-indemnity insurers, acquirers running due diligence and investors comparing jurisdictions have enforcement data for 17 countries and folklore for the rest. Invisible enforcement reads as either zero risk or unquantifiable risk, and both readings are wrong.

6. The ask

Publication is the cheapest institutional upgrade in data protection. It requires no statutory amendment in the enforcing countries, no budget line beyond a web page, and no capacity the authorities do not already have (each of the five dark-tier regulators already runs a website that publishes guidance). A PDF archive with dates and respondent names redacted where law requires is the entire threshold.

The Research Wing's standing position, put to every operational authority on the continent, is one sentence: **send us your decisions and we will archive, index and cite them, at no cost, with full attribution, the way we already do for 10 jurisdictions.** The tracker exists so that the public record outlives news cycles and website redesigns. Regulators that publish get cited, taught and followed; regulators that do not get described by rumour.

This scorecard republishes annually. The tiers are computed, so a country moves the moment its facts do. Cape Verde could join Tier A by uploading an archive it may already hold; Ghana

could join it the day its first enforcement decisions go online. The dark tier is a choice, and it is reversible.

Methodology

Tier assignments are computed by `analyze.py` from the Research Wing [landscape dataset](#): 54 country records, each field carrying a source URL and a verification date, last verified July 2026. Tier definitions: A publishes enforcement decisions in any venue; B shows observable enforcement (sanctions, compelled registrations, formal notices) without publication; C has an operational authority without observable enforcement; D has a law in force without an operational authority; E has no comprehensive law in force. "Publishing" means decisions; guidance and press releases do not qualify. Corrections: research@lawlab.africa, under the [correction policy](#).

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