



NETWORK OF AFRICAN DATA PROTECTION **AUTHORITIES**
REDE AFRICANA DAS AUTORIDADES DE PROTECÇÃO DE **DADOS PESSOAIS**
RÉSEAU AFRICAÏN DES AUTORITÉS DE PROTECTION DES **DONNÉES PERSONNELLES**

Constitution of the Network of African Data Protection Authorities **NADPA-RAPDP**

As amended by the General Assembly of the Network
on May, 10th and 11th , 2022, in Marrakech.





Preamble

We, African Data Protection Authorities gathered for the Second African Data Protection Forum, held in Ouagadougou (Burkina Faso) on September 20-21, 2016;

Seeking to follow up on the conclusions of the first African Forum on Personal Data Protection (AF/PDP) held in Dakar on May 19-20, 2015;

Considering the international, regional and sub-regional instruments regarding personal data protection;

Considering the respective legislations of the member states regarding personal data protection;

Convinced that personal data protection is a factor of economic and social development of Africa and that a framework of cooperation and collaboration between protection authorities is necessary to address the new joint challenges in this area;

Acknowledging the significant progress that has been achieved in Africa in the field of personal data protection since the adoption of national legislations in compliance with international standards and the progressive implementation of data protection authorities;

Aware of our supporting role to the states in the process of adopting laws on personal data protection and the progressive implementation of personal data protection authorities;

Convinced of the necessity to set up an African Network of Protection Authorities;

Gathered in the General Assembly in Casablanca on February 23, 2018, amend the Network's constitution adopted in Ouagadougou on September 21, 2016.



CHAPTER I: GENERAL PROVISIONS

Article 1: CREATION

A Network of African Data Protection Authorities (NADPA), governed by the present constitution, is hereby created.

The French Name of the Network is « Réseau Africain des autorités de Protection des Données Personnelles » (RAPDP).

The Portuguese name of the network is « Rede Africana das autoridades de Protecção de Dados Pessoais » (RAPDP).

Article 2: COMPOSITION

The NADPA-RAPDP brings together, within the African Region, authorities whose mission is to promote the protection of personal data and privacy in their country.

States with legislation, but not yet having an Authority for the protection of privacy and personal data may be accepted on a case by case basis.

The NADPA-RAPDP recognises the status of observer to:

- States that are considering legislation on the protection of privacy and personal data.
- Bodies whose field of activity is related to the protection of privacy, in particular in the defence of human rights or the fight against cybercrime.

Article 3: HEADQUARTERS

The headquarters of the NADPA-RAPDP is the country of the authority providing the Permanent Secretariat.

Article 4: OFFICIAL AND WORKING LANGUAGES

The official languages of NADPA-RAPDP are the same as the African Union Commission:

The working languages of the NADPA-RAPDP are French, English and Portuguese.

Article 5: OBJECTIVES OF THE NETWORK

The objectives of the NADPA-RAPDP are, in particular, to:

- Organise close cooperation between its members, in order to foster the sharing of ideas and experiences on issues related to their missions.
- Support States in the drafting of laws on the protection of privacy and personal data and the establishment of supervisory authorities.



- Give opinions or make statements on specific issues relating to the protection of privacy and personal data.
- Provide a framework for consultation on the privacy and data protection issues and challenges facing Africa.
- Promote African legal instruments for the protection of privacy and personal data and to ensure their adequacy with the realities of the continent.
- Co-operate with other African and international bodies and associations in the consolidation of the right to privacy and personal data protection.
- Lead the harmonization of the rules on data protection in the region.
- Enable a standardised and a consistent approach to the delivery of the data protection and privacy mandate.
Enable a continental level of protection of people's data and their privacy as a fundamental human right.

Article 6: MEMBERS OF THE NETWORK

The members of the NADPA-RAPDP are the supervisory authorities whose States have national legislation on the protection of privacy and personal data.

States with legislation, but not yet having an authority for the protection of privacy and personal data may be accepted as full members at the discretion of the General Assembly.

Article 7: NETWORK OBSERVERS

The following shall be admitted as observers:

- Representatives of States which have legislation but do not yet have a Privacy and Personal Data Protection Authority.
- Countries which are considering legislation on the protection of personal data.
- Recognized states of Africa who don't have a legislation on the protection of personal data.
- Associations and organisations involved in the promotion and defence of the right to privacy and personal data protection or working in areas related to privacy protection, such as the defence of human rights or the fight against cybercrime.

Article 8: ADMISSION AND LOSS OF MEMBER QUALITY

Membership of the NADPA-RAPDP is acquired by application to the President of the NADPA-RAPDP. The request is subject to the approval of the General Assembly.

The modalities for the presentation of requests and membership are defined in the Rules of Procedure.

Membership is lost by:

- Voluntary withdrawal.
- Suspension in the event of serious breach of the principles and values defended by the NADPA-RAPDP.



After having heard the member concerned, the President proposes its suspension or the modification of its status. This proposal is submitted to the General Assembly for approval.

CHAPTER II: STRUCTURES

Article 9: THE NETWORK BODIES

The NADPA-RAPDP includes:

- The General Assembly.
- The Board.
- The Permanent Secretariat

Article 10: GENERAL ASSEMBLY

The General Assembly is the decision-making body of the NADPA-RAPDP. It is chaired by the current President of the NADPA-RAPDP.

It meets in ordinary session at least once a year and in extraordinary session under the conditions provided for in Article 13 below.

Only member Supervisory Authorities that are up to date with their membership fees have the right to vote.

A Supervisory Authority that is unable to attend a General Assembly may vote by proxy given to another member Supervisory Authority. The present Authority may hold only one proxy, notified in advance to the President.

If necessary, members may vote remotely by official communication or by electronic means.

Article 11: MEETING OF THE ORDINARY GENERAL ASSEMBLY

The General Assembly is a place for debates, proposals and exchanges of information on all subjects of common interest.

The Ordinary General Assembly is convened by the President at least once a year and is held in the country selected by the Board.

In exceptional circumstances, the Ordinary General Assembly may be held in the country of another member at the request of the current President or at the headquarters of the NADPA-RAPDP.

The agenda of the General Assembly will be shared in advance of the General Assembly President. A quorum is reached if more than half of the members confirm their participation.



To be validly submitted for deliberation by the General Assembly, any draft resolution must be supported by at least 3 members. It shall be communicated to the President at least fourteen (14 days) before the date of the General Assembly.

Voting shall be by show of hands or by secret ballot.

The decisions and resolutions of the Ordinary General Assembly shall be adopted by a majority of the votes cast.

Article 12: POWERS OF THE ORDINARY GENERAL ASSEMBLY

The Ordinary General Assembly:

- Elects the President, the two Vice-Presidents and chooses the country whose authority provides the Permanent Secretariat.
- Defines the orientations of the NADPA-RAPDP.
- Proposes establishment of committees and working groups.
- Approves the agenda and the minutes of its meetings, the revision of the constitution, the rules of procedure, the reports of the President, those of the committees and working groups, as well as the financial statements and accounts of the NADPA-RAPDP.
- Approves applications for membership and decides on the suspension or reinstatement of a member.
- Determines the scale of fees upon the proposal of the Board.

The General Assembly will ratify the decisions of the Board if required.

Article 13: MEETING OF THE EXTRAORDINARY GENERAL ASSEMBLY

The General Assembly will vote on matters unresolved by the Board.

The Extraordinary General Assembly may be convened at the request of the President or of 25% of the members.

The quorum of the Extraordinary General Assembly is reached if two-thirds (2/3) of the members confirm their presence.

The decisions and resolutions of the Extraordinary General Assembly shall be adopted by a simple majority of the votes cast.

If this quorum is not reached, the meeting is postponed to be held within one month upon simple convocation by the President. Voting is by simple majority.

The conditions for deliberations shall be specified in the Rules of Procedure.



Article 14: POWERS OF THE EXTRAORDINARY GENERAL ASSEMBLY

The Extraordinary General Meeting shall exercise the following powers:

- It shall consider any serious and/or urgent matter and take decisions accordingly.
- It decides on the modification of the network's constitution.
- It decides on the dissolution of the NADPA-RAPDP and, if necessary, on the allocation of the NADPA-RAPDP's assets to a charitable organisation or to any other organisation pursuing the same goals.

Article 15: CHAIRMANSHIP OF THE GENERAL ASSEMBLY

The General Assembly is chaired by the President and, respectively in his absence, by the 1st Vice-President and, failing that, by the 2nd Vice-President.

Chapter III: THE BOARD

Article 16: COMPOSITION OF THE BOARD

NADPA-RAPDP is headed by a Board.

The Board is composed of three (3) members:

- The President.
- The First Vice-President.
- The Second Vice-President.

The President of the NADPA-RAPDP is elected by the General Assembly from among the members of the Network by an absolute majority of the present or represented members, for a term of three (3) years non-renewable.

The Vice-Presidents are elected by the General Assembly under the same conditions as the President. They must represent a different linguistic background from that of the President.

Article 17: PRESIDENT'S ASSIGNMENTS

The President shall ensure that the Board implements the decisions of the General Assembly and oversees the proper functioning of the Network.

The President represents the African Network in all acts of civil life.

The President chairs the meetings of the General Assembly and the Board.

The President is the authorising officer of the budget of the Network.

The President may delegate his/her signature to the Permanent Secretary for acts of day-to-day administration, notably for expenditure and income not exceeding an amount defined in the act of delegation.



Article 18: RESPONSIBILITIES OF THE BOARD

The Board is responsible for:

- Determining the scale of fees upon the proposal by the President.
- If necessary, the Board issues statements, opinions, public communiqués and adopts appropriate resolutions to promote the achievement of its objectives.
- Ensuring the implementation of the decisions of the General Assembly and any specific mandate resulting from it.
- Examining applications for membership and observer status for the current year and submitting them to the General Assembly for decision-making.
- Reviewing and validating the administrative and financial reports which it submits to the General Assembly for approval.
- Authorising the planning and the organising the meetings of the General Assembly.
- Appointing an ad-interim replacement in the event of the withdrawal of one of the members of the Board until an ordinary or extraordinary General Assembly is convened under the conditions laid down by this Constitution.
- Arbitrating disputes between members concerning the affairs of the African Network or the interpretation of the Constitution.
- Any matter that remains unresolved at the Board level will be escalated to the General Assembly.
- Issuing press releases and any other form of communication of the Network.
- Appointing representatives of the Network in international organisations and events in which the Network participates.
- Ensuring that NADPA-RAPDP members are regularly informed of the work of the Board.
- The Board may create sub-groups or committees.

Article 19: MEETINGS OF THE BOARD

The Board shall meet at least quarterly, by any means, on the initiative of the President or at the request of one of the Vice-Presidents.

The Board shall freely determine the modalities and procedures for adoption of its deliberations, including electronic means or telephone if the members of the Board cannot be physically present.

The President may invite any useful person to attend Board meetings in an advisory capacity.

Minutes of meetings shall be drawn up under the responsibility of the Permanent Secretariat.

The operating procedures of the Board shall be laid down in the Rules of Procedure.



Chapter IV: THE PERMANENT SECRETARIAT

Article 20: PERMANENT SECRETARIAT

NADPA-RAPDP has a Permanent Secretariat.

The Permanent Secretariat is provided by a Supervisory Authority member of the NADPA-RAPDP and elected at a General Assembly meeting.

Article 21: ASSIGNMENTS OF THE PERMANENT SECRETARIAT

The tasks of the Permanent Secretariat, under the authority of the General Assembly, are to:

1. Act as a contact point for NADPA-RAPDP members, committees and working groups concerning the Network's activities and initiatives.
2. Play a coordinating role of the Network's activities.
3. Study applications for membership of the Network.
4. Maintain a directory of members and observers of the Network.
5. Keep a record of the minutes of meetings.
6. Keep the documents and archives of the Network.
7. Report to the General Assembly, in coordination with the Board, on its management.
8. Set up, manage, and keep up to date the Network website and social media platforms.

The tasks of the Permanent Secretariat, under the authority of the Board, are to:

1. Ensure the implementation of the Board's decisions.
2. Prepare the meetings of the Board and ensure the administrative management of the Network.
3. Assist the Board in drawing up and implementing the Network's budget.
4. Assist the Board in the preparation of the Network's financial and moral reports.

Article 22: OPERATION OF THE PERMANENT SECRETARIAT

The mode of operation and organisation of the Permanent Secretariat is defined by the Rules of Procedure adopted by the General Assembly.

Article 23: NADPA-RAPDP RESOURCES

The resources of the NADPA-RAPDP are made up of:

- The annual contributions paid by the members; the amount is fixed by the General Assembly.
- Grants, donations and miscellaneous resources.

Article 24: ENTRY INTO FORCE

The present constitution shall enter into force upon its adoption.



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