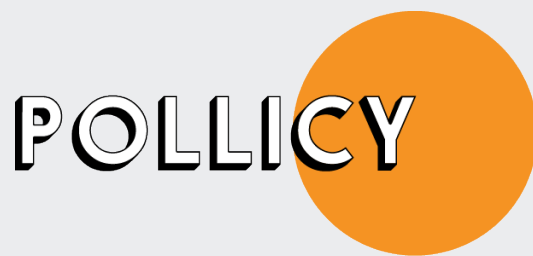


Transparency and Accountability as Trust Builders in the African Data Governance Ecosystem

AFRICA DATA GOVERNANCE HUB



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Introduction

The global landscape is marked by rapid advancements in digital technologies, driving the need for robust and adaptable policy frameworks. Worldwide, there is a growing push to establish norms and standards that prioritize safety, privacy, transparency and the preservation of democracy in the digital realm. In this context, we set out to research on transparency and accountability as trust builders in the African data governance ecosystem, to generate evidence and later inform decision-making.

How we access, utilize, and regulate data is increasingly critical. When used effectively, open data can make governments more efficient and transparent, while empowering citizens to participate in public accountability. This translates into an increase in trust between public institutions and citizens and improves the feedback loop.

Focusing on Africa, as part of the Africa Data Governance Hub, this brief aims to explore regional and national policies and regulations on transparency, highlighting and exemplifying good practices, detecting obstacles and generating recommendations based on international experience. For this purpose, we have conducted desk research analyzing regulations and institutional websites, and we have consulted Civil Society Organizations, Academia and citizens to learn about their experience in practice with transparency policies and exercising the right of access to information. The countries selected for this study are: South Africa; Kenya; Nigeria; the Democratic Republic of Congo; and Morocco (covering different geographical areas of the continent).

Transparency policies at a regional level

The African Union (AU) has taken a proactive approach to addressing critical data regulation issues across the continent. With a focus on promoting the free flow of data, adopting open data practices, and strengthening cybersecurity, the [AU's Data Policy Framework](#) is a strategic blueprint for advancing Africa's digital economy. A robust network of legal instruments and frameworks supports this effort. These include the [Model Law on Access to Information for Africa](#) and the [African Charter on Human and Peoples' Rights](#), which provide a solid foundation for ensuring access to information and safeguarding fundamental rights.

Complementing these frameworks is the [Africa Data Consensus](#), which underscores the region's dedication to leveraging timely, user-driven, and disaggregated data to promote public good and inclusive development. Sub-regional organizations, such as the Southern African Development Community (SADC) and ECOWAS, have also developed localized mechanisms to address specific data governance challenges. For instance, the [SADC Protocol Against Corruption](#) and [ECOWAS's Draft Supplementary Act on a Uniform Framework for Freedom of Expression and the Right to Information](#) are tailored initiatives aimed at combating corruption and upholding the rights to freedom of expression and information within their respective jurisdictions (the level of adoption, implementation or enforcement varies widely across the continent).

Together, these efforts reflect a comprehensive and coordinated approach to strengthening data governance across Africa, fostering transparency, and enabling sustainable development.

Transparency policies in five African countries

South Africa

South Africa has implemented the [Promotion of Access to Information Act 2 of 2000 \(PAIA\)](#), which gives effect to Section 32 of the Constitution on the right of access to information. It requires both public and private entities to disclose information upon request. To support its implementation, the government established the [Information Regulator](#) to oversee, promote, and enforce compliance with the Act.

To further advance this agenda, South Africa has introduced several initiatives, including the South Africa National Data Portal (<http://data.gov.za/>), spearheaded by the Department of Public Service and Administration (DPSA) as part of the nation's commitment to the [Open Government Partnership](#). Other notable open data platforms include [Municipal Money](#), [Municipal Finance Data](#), [Municipal Barometer](#), [Wazimap](#), the [City of Cape Town Open Data Portal](#), and the NRF's SA Data Archive, all of which play a crucial role in promoting transparency and data accessibility.

Kenya

[Kenya's Access to Information Act of 2016](#) implements [Article 35](#) of the Constitution, obligating the state to provide relevant information for public scrutiny. The act outlines the process for requesting and handling information applications and establishes clear guidelines for cases where information may not be disclosed.

Building on this legislative foundation, the Kenya Open Data Initiative (KODI), launched in 2011, offers a centralized open data portal (<https://kenya.opendataforafrica.org/>) that provides free access to a wide range of government data, such as the 2019 census and health statistics, in machine-readable formats. Kenya is the first Sub-Saharan and second African country to launch such an initiative. Supported by the [Kenya National Bureau of Statistics](#), this initiative promotes transparency, civic engagement, and innovation by making essential information easily accessible to the public.

Nigeria

In Nigeria, the [Freedom of Information \(FOI\) Act](#), enacted in 2011, not only grants citizens public access to records but requires that all public institutions keep, organize and maintain their records in a manner that makes them accessible to the public and also requires public institutions to proactively disclose certain categories of information by making such information available to the public using multimedia formats.

Enhancing these efforts, Nigeria's Open Data Policy, introduced in 2018, treats government information as a national asset, aiming to improve efficiency, accountability, and innovation. [The Nigeria Data Portal](#), managed by the National Bureau of Statistics, offers comprehensive data on various aspects of national development across the 36 states and Abuja. This includes data on health, agriculture, education, trade, and investment, among other areas. By supporting the FOI Act, the portal plays a pivotal role in fostering transparency, economic growth, and scientific discovery.

Democratic Republic of Congo

The Democratic Republic of Congo (DRC) has a proposed Law on Access to Information, introduced by Senator Moïse Nyarugabo, which remains pending approval by Parliament. Despite the absence of this specific law, the right to information is constitutionally guaranteed under Article 24(1) of the [DRC's 2006 Constitution](#). This article ensures that all citizens have the right to access information, providing a foundational framework for transparency and accountability in the country.

[The Open Data Policy of ITIE-RDC](#), introduced in December 2017, emphasizes data accessibility, dissemination, and the use of open data formats. This policy focuses on enhancing public understanding of extractive sector revenues and their distribution, promoting greater transparency in resource management. Additionally, in 2019, the DRC launched the [Plan National du Numérique \(PNN\)](#), a strategic framework aimed at advancing the digital economy. The plan addresses critical areas such as data governance, e-Government, and secure norms and standards, although its adoption has been limited so far. Furthermore, the country has an open data portal (<https://drcongo.opendataforafrica.org/>) supported by the African Development Bank's Open Data for Africa initiative, with contributions from the National Statistics Institute. However, the portal has not been updated recently, limiting its effectiveness in providing current and comprehensive data for public use. These initiatives collectively aim to enhance transparency and digital innovation in the DRC, though challenges remain in implementation and widespread adoption.

Morocco

Morocco established a legal framework for the right to access information through [Law No. 31-13](#), which came into full effect in 2020. This law operationalizes Article 27 of the 2011 Constitution, which guarantees citizens the right to access information held by public institutions, elected bodies, and entities tasked with providing public services. The legislation aims to foster transparency, accountability, and citizen participation in public affairs. Despite its progressive intent, the implementation of this law has faced challenges, including low public awareness and [varying levels of compliance among institutions](#). However, it represents a significant step toward improving governance and trust between citizens and the state in Morocco.

Morocco has made significant strides in open data initiatives, including the development of its open data portal, data.gov.ma. This platform was initially launched in 2011 and later redesigned in 2014 to provide improved access to public sector data. Managed by the Digital Development Agency, it is part of the country's broader efforts to enhance data accessibility and transparency. It is interesting to note that the portal contains a communication channel to make inquiries or request data. The initiative supports Morocco's Open Government Partnership commitments to foster transparency, accountability, and public engagement.

Conclusion

Challenges and recommendations

Based on desk research and the responses we received to the survey, we identified the following challenges and outlined the following recommendations:

- At the regional level, significant progress has been made in developing regulations, models, and best practices related to transparency, access to information, and open data. However, at the national level, advancements are less consistent. In recent years, the five countries in focus have made strides in regulating these rights, but more efforts are needed to ensure broader adoption of transparency regulations across the region. A pending task is to generate and deepen open data policies and strategies to advance in a proactive transparency paradigm.
- In countries lacking robust transparency or open data frameworks, statistical offices play a crucial role in managing, collecting, and, in some cases, publishing data. Coordination between different government agencies is key.
- In some countries in the region, the sustainability of digital government, transparency, and platform projects relies heavily on external funding from multilateral organizations. International support is essential to strengthen these initiatives, but budgetary strategies must also be contemplated and reinforced.
- It is crucial to emphasize the importance of timeliness in ensuring the right to access information. Public information and data must be updated regularly, access requests should be addressed within reasonable timeframes, and administrative or judicial resolutions must not face undue delays. In practice, delays undermine the fundamental right to know.
- It is essential that the data published or the information provided is not only timely but also complete and exhaustive, as incomplete or fragmented information can lead to misinterpretations, reduced trust, and diminished accountability.
- The formats of the published data vary greatly in the different cases analyzed. The adoption of standards is crucial to promote comparability and interoperability.
- Another barrier to the Right of Access worth mentioning is the non-free nature of the information. Free access to information guarantees access to this crucial right, and open licenses collaborate in this sense (as mentioned in the [principles of the Open Data Charter](#)).
- We have detected different uses of public information: from personal transactions, to research, advocacy, and accountability projects. It is important to communicate and disseminate transparency policies and the publication of data so that they reach a greater number of users and to generate training and awareness-raising opportunities to achieve awareness in the community.

- In many cases, transparency regulations exist but have different levels of implementation and compliance among institutions. It is important to find mechanisms to ensure effective implementation, and strengthening the authority of access to information or data can be an effective tool for this.
- In the actual context, new technologies and AI initiatives are emerging. Striking a balance between transparency and personal data protection is crucial, particularly as transparency fosters accountability in emerging technologies like AI while ensuring individual privacy is safeguarded.
- Access to information on human rights violations and protection measures is crucial for accountability and safeguarding vulnerable populations. Proactively publishing such information, along with establishing accessible channels for reporting and seeking assistance, empowers individuals and civil society to advocate for justice and protection effectively.
- Given the linguistic diversity of Africa, providing key documents in multiple languages (e.g., French, English, Arabic, Portuguese) would help increase inclusivity and facilitate broader engagement.
- Many institutional websites lack clear navigation structures, making it difficult to find relevant data. In some cases there are no centralized portals. Websites should be designed with the user in mind, incorporating features like search functions, filters, and data visualizations to make the information more digestible and useful for different stakeholders (e.g., policymakers, civil society, researchers).
- Stakeholder collaboration is key to ensuring the availability of multi-sectoral datasets.