



GLACY+

Global action on Cybercrime Extended  
Action Globale sur la Cybercriminalité Elargie

version 2 December 2020

## Activity 1.3.6 Online Drafting Workshop and Consultation Workshops

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**14 - 16 December 2020, Banjul, the Gambia and online**

### Outline

#### Background and justification

The Gambia is transiting into a digital economy. Necessary infrastructures are in place amidst a technology-neutral license regime with highly developed banking sector with modern infrastructure, such as online and mobile banking. It is expected that online and mobile applications will be rapidly developed even further to offer solutions to local needs and demand that can become relevant in the whole region. Services/business will rely more and more on automated data processing and the usage of social media platforms, online services will probably further expand.

Unfortunately, as has been the trend throughout the world, the development of information and communication technologies has been going hand in hand with the rise of cybercrime and cyber-related crimes in the country. These are to be considered a threat to fundamental rights, including the right to private life. On the other hand, providing protection to individuals in the digital age, while ensuring an uninterrupted flow of data across borders, is seen as a crucial factor for the inclusive growth of the country.

Recent developments in the ICT and other sectors in Gambia have led to the recognition of privacy as a fundamental human right, making protection of personal data a key pillar for human dignity.

In 2019, the government of the Gambia adopted the Data Protection and Privacy Policy (the Policy). The Policy, prepared also in consultation with the Council of Europe, set the foundations of institutional and legal framework for data protection and privacy, giving effect to Section 23 of the Constitution of The Republic of The Gambia and expressing the commitment of the Government of The Gambia to ensure the protection of personal data and associated rights of individuals, and in particular the right to privacy.

Building on the already made progress, the Government of the Gambia wishes to prepare a modern data protection legal framework, which could allow the country to also consider accession to Convention 108+ of the Council of Europe.

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Funded  
by the European Union  
and the Council of Europe



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Implemented  
by the Council of Europe

To this extent, the Ministry of Information & Communication Infrastructure has been leading the legislative drafting initiative and requested technical assistance to the Council of Europe, who will provide support through the Global Action on Cybercrime Extended (GLACY+) Project, joint initiative of the Council of Europe and the European Union.

## **Objectives**

This activity is carried out under result 1.3.6 of the GLACY+ project that consists in “contributing to strengthening relevant data protection legislation, strategies and policies through regional engagement and domestic follow-up”.

The Council of Europe will contract two international experts, who will undertake producing a set of recommendations and proposals for provisions to be considered in the drafting of the Data Protection bill of the Gambia. This work will be strongly rooted in the Policy adopted by the Gambia last year and will be conducted as a desk study in coordination with representatives of the Ministry of Information & Communication Infrastructure.

In the second phase, the Council of Europe will organize up to three online workshops with the Gambian counterparts, led by the international experts in charge of the desk study. The workshops are expected to support the on-going drafting process of the 2020 Data Protection Bill, providing feedback with respect to the proposals and recommendations of the international experts. The stakeholders will be divided in (up to three) working groups. The representatives of the Ministry of Information & Communication Infrastructure will contact the necessary institutions and organisations and communicate the confirmed list of participants for each of the workshops.

The conclusive phase of the activity will consist in the preparation by the Council of Europe of the consolidated version of the draft bill and its submission to the Ministry of Information & Communication Infrastructure for further deliberations and following steps.

## **Expected outcome**

It is expected that by the end of this activity a Draft Data Protection Bill for the Gambia will be produced.

## **Participants (online workshops)**

Each workshop will involve up to 20 officials, representing national agencies and institutions playing a role in the drafting, application and enforcement of legislation on data protection, such as law reform advisers, relevant ministries and other officials considered relevant to the scope of the activity, internet service providers, business environment, representatives from the civil society and any other official considered relevant.

Given the specialized nature of the issues addressed by this type of bill, it is strongly recommended that the participants in these series of workshop consultations include those that took part in the drafting exercise of the Policy.

## **Arrangements and location**

The workshops will be held remotely via a video-conferencing platform that will be defined at a later stage. Such format is a response to the COVID-19 pandemic which prohibits international travel and the physical participation in groups without endangering public health.

## Draft Agenda

14 December 2020

| Gambian time | For all groups of stakeholders  |
|--------------|---|
| 09h00        | <p><b>Opening session – Welcoming remarks and workshop goals</b></p> <ul style="list-style-type: none"> <li>Gambian authorities</li> <li>Council of Europe</li> </ul>   |
| 09h10        | <p><b>Data Protection International Standards – Convention 108+</b></p> <ul style="list-style-type: none"> <li>Council of Europe</li> </ul>   |
| 09h30        | <p><b>Data Protection Bill for the Gambia</b><br/><i>Scope, principles and lawfulness of the processing</i></p> <ul style="list-style-type: none"> <li>Council of Europe experts</li> </ul>   |
| 10h00        | <p><b>Breakout session on Scope, principles and lawfulness of the processing</b></p> <p>Participants will be divided in 2 groups and asked to produce comments. A rapporteur will be nominated to present the group’s comments and suggestions</p> <ul style="list-style-type: none"> <li>20 min group activity</li> <li>20 min reporting in the main session (10’ each group)</li> <li>20 min feedback session with the Council of Europe experts</li> </ul> <p>Facilitated by Gambian authorities</p> |
| 11h00        | Health break  |
| 11h10        | <p><b>Data Protection Bill for the Gambia</b><br/><i>Rights, exceptions and obligations with respect of processing of personal data</i></p> <ul style="list-style-type: none"> <li>Council of Europe experts</li> </ul>   |
| 11h40        | <p><b>Breakout session on Rights, exceptions and obligations with respect of processing of personal data</b></p> <p>Participants will be divided in 2 groups and asked to produce comments. A</p>   |

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| 12h50        | Health break   |
| <b>13h50</b> | <p><b>Data Protection Bill for the Gambia</b></p> <p><i>Supervisory authority and criminal offences</i></p> <p><i>Transborder flow of personal data and international cooperation</i></p> <ul style="list-style-type: none"> <li>• Council of Europe experts</li> </ul>  |
| <b>14h20</b> | <p><b>Breakout session on Supervisory authority and criminal offences</b></p> <p><b>Transborder flow of personal data and international cooperation</b></p> <p>Participants will be divided in 2 groups and asked to produce comments. A rapporteur will be nominated to present the group's comments and suggestions</p> <ul style="list-style-type: none"> <li>• 20 min group activity</li> <li>• 20 min reporting in the main session (10' each group)</li> <li>• 30 min feedback session with the Council of Europe experts</li> </ul> <p>Facilitated by Gambian authorities</p> |
| <b>15h30</b> | <p><b>Concluding remarks</b></p> <ul style="list-style-type: none"> <li>• Gambian authorities</li> <li>• Council of Europe</li> </ul>  |
| 15h40        | End of the day   |

15 December 2020

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| 09h00        | <p><b>Opening session – Welcoming remarks and workshop goals</b></p> <ul style="list-style-type: none"> <li>• Gambian authorities</li> <li>• Council of Europe</li> </ul>   |
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| 15h40        | End of the day   |

16 December 2020

| Gambian time | For all groups of stakeholders  |
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| 17h40        | End of the day   |

## Contacts

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