

THE UNSEEN VICTIMS: HOW SIERRA LEONE'S LACK OF A DATA PROTECTION REGIME IS ENDANGERING ITS FUTURE

Imagine a bustling marketplace brimming with energy where merchants hawk their wares, and buyers haggle for the best prices. Imagine as well that amidst this vibrancy, not a single rule exists in such a marketplace to guide the behaviour of traders and buyers. In fact, there is a glaring absence of any designated path to guide the flow of people, no system to manage the chaos, and if something goes missing, there is no one to turn to. The natural question that arises from this is: what becomes of this busy scene as painted above? The answer is chaos and disorder that is incomparable to anything else.

This is the current state of Sierra Leone's digital space: one that is, on the one hand, brimming with promise, yet on the other, appears so dangerously unprotected like a frontier that is ripe for plunder. While the digital revolution has fundamentally reshaped our world, creating transformative changes, with even more potential for growth and human interaction, there remains a dangerous chasm that needs to be bridged as soon as possible.

This article aims to examine the current state of Sierra Leone's digital space and **the urgent need for the promulgation of a data protection regime.**

CONTEXT: SIERRA LEONE'S DIGITAL SPACE

"In a world increasingly driven by data, privacy is not a luxury, but a fundamental right. Robust data protection is the cornerstone of a thriving digital society." - Viviane Reding, Former Vice-President of the European Commission and EU Justice Commissioner.

*In Sierra Leone's digital space, this sentiment rings especially true. A digital space without data protection is as vulnerable as a marketplace without rules. **The 2023 Cyber Security and Crime Act** is a great start, but it is akin to having a few guards in a busy, unregulated market. They can stop significant crimes, but what about the petty thefts, unfair pricing and the overall feeling of insecurity? These gaps in our legal framework, where data protection and online safety are clearly undefined, are precisely where the damage is done. Such common infringements undermine confidence and impede advancement, which, in turn, affects us, the citizens.*

GAPS AND POTENTIAL IMPACTS

Let us consider our children, the first generation to grow up immersed in the digital world, where their data is collected, shared, and potentially misused from the moment they are born. They are exposed to cyberbullying, online predators, and a constant barrage of misinformation, often with shockingly easy access to harmful content. A regulated digital space is not about stifling free speech; it is mainly about protecting our children's future, among others. Would we allow anyone to drive a car without a license or safety regulations simply because they have the "freedom" to do so? Of course not. The same logic must apply online. Without a data protection law, our children are left vulnerable, their digital footprints scattered across the internet, which could potentially compromise their futures.

Note that the vulnerability doesn't stop with our children. Women in Sierra Leone face unique challenges online, often targeted with harassment, abuse, and the non-consensual sharing of intimate images. In a society where gender-based violence is already a serious issue, the lack of data protection rapidly increases such risks, creating a digital space where women feel unsafe and silenced. This does not only harm individual women, but also limits their participation in the digital economy, which further hinders their empowerment and **the nation's progress**.

Also, it is much worse for already disadvantaged groups. They are more likely to be hit with fake news (misleading or false information spread online) and hate speech (abusive or threatening speech that targets individuals or groups based on characteristics such as race, religion, or sexual orientation) and their data exploited for discriminatory purposes. Without legal protection, they are left with little recourse; their voices are silenced even more online. This undermines social cohesion and prevents these communities from fully benefiting from the opportunities that technology can offer.

Without data protection laws, Sierra Leone's economy will struggle. Businesses are hesitant to operate in a world where data is not protected. Without a clear legal framework, Sierra Leone risks being seen as a risky place to do business, deterring investment and hindering the growth of the digital economy.

Truly responsible innovation thrives on a foundation of trust and safety. A robust data protection law does not impede innovation but is a catalyst for it.

So, what can be done?

As the advocacy campaigns by civil society organisations demonstrate, the conversation is happening. We must build on this momentum, demanding a comprehensive Data Protection and Online Safety Law that reflects international best practices, like the GDPR in Europe (a standard template for protecting people's personal information), and is tailored to the specific needs of Sierra Leone, such as its unique socio-economic conditions and digital landscape.

This law must include:

- i. Data Privacy:** Individuals must have control over their personal data.
- ii. Child Protection:** Specific safeguards are crucial to protect children online.
- iii. Accountability for Platforms and Internet Service Providers (SPs):** These entities must be held responsible for content and data practices.
- iv. Digital Literacy Education:** Empowering individuals with the knowledge to stay safe online.
- v. Collaboration and Enforcement:** Effective enforcement requires coordinated efforts.

The time for action is now. We cannot afford to wait any longer. Our children's future, the empowerment of our women, the inclusion of our marginalised communities, and the growth of our economy depend on it. Let us move from a "Wild West" approach to a regulated and responsible digital space where all Sierra Leoneans can thrive.

Let us build a digital future where safety and opportunity go hand in hand.

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