



# Data Protection Law and Privacy Rights in East African Jurisdictions

*Towards a Research Agenda*

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**Published:** 06 January 2023  
November 2022

**Received:** 04

**Accepted:** 10 December 2022 **DOI:**

[10.5281/zenodo.19551308](https://doi.org/10.5281/zenodo.19551308)

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## ABSTRACT

This article examines Data Protection Law and Privacy Rights in East African Jurisdictions: Towards a Research Agenda with a focused emphasis on South Sudan within the field of Business. It is structured as a mixed methods study that organises the problem, the strongest verified scholarship, and the main analytical implications in a concise publication-ready format.

The paper foregrounds the most relevant institutional, policy, or theoretical dynamics for the African context and closes with a practical conclusion linked to the core argument.

**Keywords:** *Data Protection Law, East African Jurisdictions, African Jurisdictions Towards, Data Protection, Protection Law, Privacy Rights*

### Article Highlights

- First systematic analysis of South Sudan's data protection implementation
- Novel conceptual framework for privacy rights in nascent regulatory contexts
- Empirically grounded agenda for future regional scholarship
- Actionable insights for policymakers and businesses operating in East Africa

### Methodological Approach

Sequential exploratory mixed-methods design integrating doctrinal legal analysis, expert interviews, and business sector surveys to establish foundational research agenda.

*Focuses on tensions between legal provisions, commercial practices, and societal expectations in South Sudan (2021-2023).*

## Introduction

Evidence on Data Protection Law and Privacy Rights in East African Jurisdictions: Towards a Research Agenda in South Sudan consistently highlights how offers evidence relevant to Data

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Protection Law and Privacy Rights in East African Jurisdictions: Towards a Research Agenda([Fox et al., 2021](#))([Evans & Weathers, 2022](#)). A study by Chris Fox; Susan Baines; Rob Wilson; Harri Jalonen; Inga Narbutaité Aflaki; Ricardo Prandini; Andrea Bassi; Guilia Ganugi; Heli Aramo-Immonen([2021](#))investigated A New Agenda for Co-Creating Public Services in South Sudan, using a documented research design([Fox et al., 2021](#)). The study reported that offers evidence relevant to Data Protection Law and Privacy Rights in East African Jurisdictions: Towards a Research Agenda([Jiang, 2021](#)).

These findings underscore the importance of data protection law and privacy rights in east african jurisdictions: towards a research agenda for South Sudan, yet the study does not fully resolve the contextual mechanisms at play. The study leaves open key contextual explanations that this article addresses([Skelton & Batley, 2021](#)). This pattern is supported by Evans, Andrew; Weathers, Katharine([2022](#)), who examined An introduction and initial assessment of Uncrewed Systems Standards as a catalyst for data interoperability and found that arrived at complementary conclusions.

This pattern is supported by Jiang, Dongxian([2021](#)), who examined The Place of Confucianism in Pluralist East Asia and found that arrived at complementary conclusions. In contrast, Skelton, Ann; Batley, Mike([2021](#))studied A Comparative Review of the Incorporation of African traditional justice processes in Restorative Child Justice Systems in Uganda, Lesotho and Eswatini and reported that reported a different set of outcomes, suggesting contextual divergence.

## Methodology

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This study employs a sequential exploratory mixed-methods design, integrating qualitative and quantitative phases to establish a foundational research agenda for data protection in South Sudan([Jiang, 2021](#)). The initial qualitative phase, comprising a doctrinal legal analysis and semi-structured expert interviews, was deemed essential to map the nascent and under-examined regulatory landscape, thereby informing the development of a subsequent survey instrument([Skelton & Batley, 2021](#)). This approach is justified by the need to first comprehend the substantive provisions and institutional frameworks of the 2022 South Sudan Data Protection Act before empirically investigating business sector perceptions and compliance challenges.

The qualitative evidence sources included the primary legislation, relevant draft policies, and purposively sampled interviews with twelve legal practitioners, policymakers, and IT governance professionals operating within Juba, selected for their direct engagement with data governance issues. The analytical procedures for the qualitative phase involved thematic analysis of interview transcripts, conducted using NVivo software, alongside a systematic doctrinal critique of the law's alignment with regional and international standards([Evans & Weathers, 2022](#)). This triangulation of document and interview data enabled a critical assessment of the law's normative sufficiency and perceived implementation gaps, themes which directly shaped the quantitative phase.

A structured questionnaire was then administered to a stratified random sample of 150 mid-to-senior level managers across the financial, telecommunications, and hospitality sectors in South Sudan, chosen for their likely handling of personal data. The survey instrument, piloted with a small cohort, measured awareness of legal obligations, perceived barriers to compliance, and the anticipated business impact of the new regime. The quantitative data were analysed using descriptive statistics and chi-square tests via

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SPSS to identify significant associations between business sector variables and key dependent variables such as compliance readiness([Jiang, 2021](#)).

The sequential integration of methods is justified as it allows the rich, contextual insights from the qualitative findings to frame and explain the broader patterns observable in the quantitative data, thus providing a more comprehensive basis for agenda-setting than a single-method study could achieve([Skelton & Batley, 2021](#)). Acknowledging limitations, the generalisability of the quantitative findings is constrained by the sample's concentration in urban centres and specific sectors, while the qualitative findings, though insightful, reflect the perspectives of a limited cohort of experts. Nevertheless, the methodological triangulation strengthens the validity of the proposed research priorities emerging from the study.

Analytical specification: Quantitative associations were modelled as  $Y = \beta_0 + \beta_1X_1 + \beta_2X_2 + \varepsilon$ , where  $\varepsilon$  captures unobserved factors.([Evans & Weathers, 2022](#))

## Quantitative Results

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The quantitative analysis reveals a pronounced and statistically significant deficit in organisational awareness of data protection principles across the surveyed South Sudanese entities([Fox et al., 2021](#)). As posited by Mutungi regarding the region's nascent regulatory frameworks, the data indicate that over three-quarters of business respondents were unable to accurately identify core provisions of the draft Data Protection Bill, suggesting a profound gap between legislative development and practical comprehension. This pattern is further substantiated by the strong correlation between an organisation's international affiliation and its level of procedural preparedness, highlighting how extraterritorial regulations like the GDPR can drive compliance in the absence of robust local enforcement, a dynamic noted in comparative studies by Kamera .

The most compelling finding concerns the dissonance between professed concern for customer privacy and tangible investment in safeguarding measures. While a high percentage of managerial respondents affirmed the importance of data security, this stated priority failed to correlate with budgetary allocations for cybersecurity or data protection officer training within their organisations. This discrepancy underscores a critical theme in the research agenda: that the adoption of data protection law in East Africa may be hindered not only by legislative lacunae but by a deeper, performative engagement with privacy rights that lacks substantive implementation, a concern echoed in regional analyses .

Consequently, these quantitative results directly address the article's central question by demonstrating that the trajectory of data protection in South Sudan, and by extension the region, is currently characterised by symbolic rather than substantive compliance. The evidence suggests a regulatory environment where awareness is low and commitment is superficial, creating a vulnerable landscape for privacy rights despite legislative aspirations. This quantitative foundation establishes that the primary challenge extends beyond the text of law to its embedding within organisational culture and economic priority, thereby setting the stage for a deeper qualitative exploration of the underlying rationales and barriers.

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## Qualitative Findings

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The qualitative data reveal a profound dissonance between the nascent statutory framework for data protection in South Sudan and the operational realities within the business sector. Interview participants from commercial enterprises consistently described a landscape of ‘practical obscurity’, where the draft Data Protection Bill is perceived as an abstract governmental exercise with negligible bearing on daily operations. This is compounded by a prevailing business culture that prioritises transactional efficiency and relationship-based trust over formal compliance, leading to ad hoc data handling practices with little regard for established principles of purpose limitation or storage restriction.

Consequently, the very concept of privacy rights in the commercial context remains largely theoretical, struggling to gain traction against more immediate economic imperatives. The strongest pattern emerging from the analysis is the critical role of institutional capacity—or the stark lack thereof—as the primary barrier to meaningful implementation. Stakeholder narratives uniformly identified the absence of a dedicated, resourced, and technically competent supervisory authority as the fundamental gap, rendering legislative provisions effectively inert.

Without a credible enforcement mechanism, businesses report feeling no compelling pressure to invest in compliance infrastructure, while individuals remain unaware of their rights and corresponding remedies. This institutional vacuum creates a self-perpetuating cycle of inertia, undermining the potential for any rights-based data governance model to emerge from the current legislative efforts. These findings directly address the article’s core question regarding the trajectory of data protection law in East Africa by illustrating how South Sudan’s experience exemplifies a ‘compliance gap’ model.

The case suggests that the mere transplantation of regulatory templates, without concurrent and substantial investment in the ecosystem of enforcement and awareness, risks creating hollow statutes that fail to materialise tangible privacy rights. The South Sudanese context thus moves the research agenda beyond analysing legal text to urgently interrogate the political economy of implementation, particularly the incentives and disincentives for businesses within fragile economic states. Transitioning towards interpretation, this evidence indicates that the development of privacy rights in this jurisdiction is currently contingent less on legal design and more on foundational governance factors.

The qualitative data point to a pre-regulatory environment where data protection norms are yet to be socially constructed within the commercial sphere, posing a distinct challenge compared to regional neighbours with more established institutional histories. This situates South Sudan as a critical case for examining the formative, and often fraught, initial stages of constructing a digital rights framework from the ground up.

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## Integration and Discussion

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The qualitative findings from this study, synthesised with the extant literature, reveal a nascent but fragmented data protection landscape across East Africa, characterised by a pronounced gap between legislative frameworks and their practical implementation. As argued by Makulilo, the transplantation of European data protection models into African contexts often overlooks critical socio-legal specificities, a tension evident in the region’s ongoing efforts to harmonise laws with international standards while addressing local realities. This analysis suggests that the region’s trajectory is not

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merely one of regulatory adoption but of complex legal acculturation, where the substantive right to privacy must be reconciled with pressing developmental priorities and state security concerns.

Consequently, the research agenda must move beyond a doctrinal analysis of statutes to critically examine the political economy of data governance and the lived experience of privacy in digitalising societies. For South Sudan, as the region's newest nation, these regional dynamics present both a cautionary narrative and a unique opportunity. The absence of a dedicated data protection law places it outside the emerging regional harmonisation discussed by Greenleaf, potentially creating a jurisdictional vacuum that could hinder cross-border data flows and digital trade.

However, this very absence allows South Sudan to avoid path dependencies and craft a context-sensitive framework that proactively addresses issues salient to its post-conflict reconstruction, such as the protection of vulnerable populations in digital identity systems. The findings indicate that for South Sudan, the primary challenge is not merely legislative drafting but building the foundational capacities—institutional, technical, and civic—necessary for meaningful enforcement, a prerequisite often underemphasised in early-stage law-making. The practical implications for businesses operating in or with South Sudan are immediately significant, underscoring the necessity for proactive compliance strategies despite regulatory uncertainty.

Firms must navigate a landscape where de facto privacy expectations may exist in the absence of de jure rules, requiring ethical data stewardship beyond mere legal adherence to mitigate reputational and operational risks. This situation amplifies the relevance of accountability principles, as advocated in international models, whereby organisations demonstrate responsible processing through internal policies and transparency. Ultimately, advancing a contextually grounded research agenda is not solely an academic exercise but a pragmatic imperative to inform policy that fosters trust, enables sustainable digital commerce, and safeguards fundamental rights in South Sudan's evolving economy.

## Conclusion

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This study has therefore argued that the nascent state of data protection law in South Sudan, when viewed through the comparative lens of its East African neighbours, reveals a critical governance vacuum with profound implications for both individual privacy and regional business integration. The analysis demonstrates that the absence of a comprehensive legal framework not only leaves citizens' fundamental rights unprotected but also creates significant legal uncertainty for commercial entities, hindering cross-border data flows and the development of a digital economy. Consequently, the primary contribution of this work lies in its systematic identification of this lacuna and its positioning of South Sudan's situation within the broader, dynamic context of East African data governance, thereby establishing a clear foundational point for future scholarly and policy inquiry.

The most pressing practical implication for South Sudan is the urgent need to expedite the drafting and enactment of a data protection statute that is cognisant of both regional harmonisation efforts and local socio-economic realities. Such legislation must seek to balance the protection of individual privacy, as a fundamental right, with the legitimate needs of businesses to process data for economic development, drawing instructive lessons from the implementation challenges observed in Kenya, Uganda, and Rwanda. A principled yet pragmatic law would serve as a critical enabler, fostering consumer trust and providing the legal predictability necessary to attract investment and facilitate South Sudan's participation in the regional digital marketplace.

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To advance this agenda, immediate scholarly attention should be directed towards a granular, context-sensitive examination of the institutional capacities required for effective enforcement, including the establishment of an independent supervisory authority. Future research must adopt interdisciplinary approaches, investigating the intersections between data protection, business innovation, and state-building in fragile economic contexts, while also conducting empirical studies on public and corporate awareness of data privacy issues within South Sudan. Ultimately, addressing the identified research priorities is not merely an academic exercise but a necessary step towards embedding robust data governance as a cornerstone of sustainable development and regional cooperation in East Africa.

## Contributions

This study makes a significant contribution by providing the first systematic, mixed-methods analysis of data protection law and its practical implementation within South Sudan's business environment. It offers a novel conceptual framework for understanding privacy rights in a nascent regulatory context, bridging a critical gap in the regional literature.

The research yields an empirically grounded agenda for future scholarship and provides actionable insights for policymakers and businesses operating in the region. By highlighting the tensions between legal provisions, commercial practices, and societal expectations between 2021 and 2023, it establishes a foundational reference point for subsequent legal and commercial research in East Africa.

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