



DATA PROTECTION TRAINING FOR COMPANIES

Lawyers Hub and the Africa Digital Policy Institute invites your organization to enroll and attend a training on Data Protection and Compliance. It is crucial for members of your organisation to be equipped with this knowledge and to be conversant with GDPR and Data Protection Act 2019.

DATA PROTECTION

HIV Scotland fined £10,000 for email data breach



INTELLECTUAL PROPERTY

Amazon escapes patent claims in over Alexa technology

Alexa's technology for recognizing and responding to speech doesn't function in the same way as the patented technology - ruling.



Newsletter

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START UPS

South African Startup Act Committee representatives meet with President Cyril Ramaphosa

Members of the South African Startup Act Committee this week met with president Cyril Ramaphosa.

Matsi Modise, the Chairperson of the SA Startup Steering Committee indicated the importance of repositioning South Africa as a gateway for high growth and tech entrepreneurship.

The Committee highlighted the need for better linkages between government and ecosystem players. The four key proposed policy considerations include, tax breaks and incentives for investors, increased access to skilled talent through visas for skilled foreign nationals, automatic exchange control approval for IP transfers and exemptions from current



South African President Cyril Ramaphosa

and future exchange control regulatory actions for investments into qualifying startups. The President acknowledged the need to boost startup activity.

BLOCKCHAIN & DIGITAL CURRENCIES

World Mobile partners with Cardano and Zanzibar to Build E-Gov Solutions and a Blockchain Hub

Through the collaboration, the partners will create long-term blockchain solutions for Zanzibar, building a blockchain hub and center towards more efficient and effective governance practices that will bridge the digital gap. The project will be implemented in 2 phases, the first on education and capacity building and the second on implementation and development of e-governance systems.



Nigeria launches eNaira

Nigeria this week launched its Central Bank Digital Currency, eNaira. The launch came after postponement that was initially slated for the country's Independence Day. The eNaira struggled to gain traction in its first week. Users reported being unable to access to e-wallet on both Google Store and App Store with those that did experiencing difficulties resulting from failed integrations and dead links. The e-wallet was eventually pulled from the app store and relaunched hours later.

mPharma expands into Uganda

Ghanain health startup, mPharma has taken a controlling stake in Uganda's Vine Pharmacy in its entry into the East African State. The company plans to continue its franchising model for expansion into other markets.

Nigerian Startup wins court order to unfreeze bank accounts

4 Nigerian fintech platforms had their accounts frozen in August this year following a court order. The order came on application of the Central Bank of Nigeria (CBN). The court this week overturned the order, unfreezing Risevest accounts. In their judgement, the Judge held that the Bank could not rely on a circular to freeze the bank accounts of a company using its accounts to trade in cryptocurrency.

DATA PROTECTION



HIV Scotland fined £10,000 for email data breach

■ HIV Scotland, which runs projects aimed at preventing the disease, raising awareness about it and also offers support in getting treatment, has been fined £10,000 after the charity sent out an email containing the personal details of dozens of people.

The data protection breach involved an email to 105 people, including patient advocates representing people living in Scotland with HIV. All the email addresses were visible to recipients, and 65 of the addresses identified people by name.

The Information Commissioner's Office (ICO) issued the penalty after a probe, stating an assumption could be made about individuals' HIV status or risk from the personal data disclosed. The ICO said its investigation of the incident in February this year found shortcomings in the Glasgow-based charity's email procedures which included inadequate staff training, incorrect methods of sending bulk emails and an inadequate data protection policy.

HIV Scotland New interim chief executive Alastair Hudson said the charity took full responsibility and apologised unreservedly to anyone who had been affected by the data breach.

Third party data reach in Singapore hits the health provider

■ A recent third-party security breach has been reported in Singapore, this time, affecting patients of Fullerton Health and compromising personal data. This included such details as names, identification numbers, and contact details, as well as bank account details in "a few cases" and "certain limited health-related information". The affected vendor Agape Connecting People, which platform facilitates appointment booking, first detected the breach on October 19 and appeared to affect only Fullerton Health, even though it was in the process of confirm-

ing that no other clients were affected. The healthcare services provider said none of its own IT systems, network, and databases were impacted by the breach. It filed reports with both the police and Personal Data Protection Commission, which oversees Singapore's Personal Data Protection Act. Singapore has seen a spate of supply chain attacks this past year that compromised personal data of, amongst others, 580,000 Singapore Airlines (SIA) frequent flyers, 129,000 Singtel customers, and 30,000 individuals in an incident involving a job-matching organisation.

Facebook sues Ukrainian who scraped the data of 178 million users

■ Facebook has filed a lawsuit against a Ukrainian national for allegedly scraping its website and selling the personal data of more than 178 million users on an underground cybercrime forum. According to court documents, the man was identified as Alexander Alexandrovich Solonchenko, a resident of Kirovograd, Ukraine. Facebook alleges that Solonchenko abused a feature part of the Facebook Messenger service called Contact Importer.

The feature allowed users to synchronize their phone address books and see which contacts had a Facebook account in order to allow users

to reach out to their friends via Facebook Messenger. Facebook alleges that between January 2018 and September 2019, Facebook said that Solonchenko used an automated tool to pose as Android devices in order to feed Facebook servers with millions of random phone numbers.

As Facebook servers returned information for which phone numbers had an account on the site, Solonchenko collected the data, which he later collected and offered for sale on December 1, 2020, in a post on RaidForums, a notorious cybercrime forum and marketplace for stolen data.

LEGAL TECH

Legaltech Startup Vakilesearch Raises \$10 Mn

■ Vakilesearch, a legal tech startup offering legal, tax and compliance-based services to small businesses and individuals, has raised

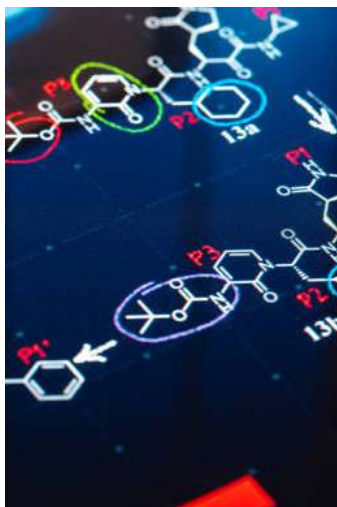
a \$10m round from InCorp India. The startup will use the funds to accelerate its Artificial Intelligence and Machine Learning Initiatives.

UK law firm becomes first to sell legal advice as NFT

UK Law Firm Stephenson Law is trading billable hours for non-fungible tokens (NFTs). The firm says the starting prices will be the cryptocurrency equivalent of between £250 and £300, "and will afford the buyer the right to redeem their NFT for

one hour of legal advice on the subjects of financial services regulation, blockchain, and NFTs, along with the strategy, compliance, governance, and documentation necessary of such a new-fangled technology". The NFTs collected will be

INTELLECTUAL PROPERTY



NIH invests \$74.5 million to advance data science research and spur health discoveries across Africa

■ The National Institutes of Health is investing about \$74.5 million over five years to advance data science, catalyze innovation and spur health discoveries across Africa.

Under its new Harnessing Data Science for Health Discovery and Innovation in Africa (DS-I Africa) program, the NIH is issuing 19 awards to support research and training activities. DS-I Africa is an NIH Common Fund program that is supported by the Office of the Director and

11 NIH Institutes, Centers and Offices. Awards will establish a consortium consisting of a data science platform and coordinating center, seven research hubs, seven data science research training programs and four projects focused on studying the ethical, legal and social implications of data science research.

The University of Cape Town (UCT) will develop and manage the initiative's open data science platform and coordinating center, building on previous NIH

investments in UCT's data and informatics capabilities made through the Human Heredity and Health in Africa (H3Africa) program.

UCT will provide a flexible, scalable platform for the DS-I Africa researchers, so they can find and access data, select tools and workflows, and run analyses through collaborative workspaces. UCT will also administer and support core resources, as well as coordinate consortium activities.

US Copyright Office provides a path to allow for more device repairs



■ The right to repair movement just got a big boost from the US Copyright Office. Responding to proposals from a variety of organizations, including the Electronic Frontier Foundation and iFixit, the office recommended new exemptions to Section 1201 of the Digital Millennium Copyright Act as it relates to the repair of consumer electronics.

The statute, which prohibits the circumvention of software copy protection and has been the target of right to repair advocates for years.

The Copyright Office now recommends additional protections for many consumer-facing devices that rely on software to function. As one example,

it adopts a recommendation from Public Knowledge and iFixit that involves video game consoles and says "the repair of software-enabled consumer devices is likely to be fair use, the Register finds that certain video game console repair is also likely fair use."

It notes consumers can access the firmware on their systems as long as it's with the intention of fixing the device's optical drive and they restore any protective measures afterward. The rulemaking stops short of protecting non-consumer devices. However, the Library of Congress has signed off on the recommendations, paving the way for them to go into effect on October 28th.

Amazon escapes patent claims in Delaware over Alexa technology

■ Amazon defeated claims that its Alexa voice-assistant technology infringes two patents related to speech-based digital-assistant software in Delaware federal court.

According to the U.S. District Judge Richard Andrews, Alexa's technology for recognizing and responding to speech doesn't function in the same way as the patented technology. He found that Alexa's supposed inter-agent language didn't include the "layer of conversational protocol" that the patent describes and is a "format" instead of a "language."

Amazon and other tech companies have faced many lawsuits over virtual assistants, smart devices, and related technology. IPA Technologies Inc, a subsidiary of Canadian patent-licensing company WiLAN, owns the patents at issue, which it bought from California research institute SRI International. IPA first sued Seattle-based Amazon in 2016, and has sued several other tech companies including Apple, Google and Microsoft for allegedly infringing its digital-assistant patents.



DIGITAL IDENTITY



Hacker steals government ID database for Argentina's entire population

■ A hacker has breached the Argentinian government's IT network and stolen ID card details for the country's entire population, data that is now being sold in private circles.

The hack, which took place last month, targeted RENAPER, which stands for Registro Nacional de las Personas, translated as National Registry of Persons. The agency is a crucial cog inside the Argentinian Interior Ministry, where it is tasked with issuing national ID cards to all citizens, data that it also stores in digital format as a database accessible to other government agencies, acting as a backbone for most government queries for citizen's personal information.

While the government initially denied an attack took place, editors at the tech news publisher The Record say a new Twitter account for @AnibalLeaks posted the ID information for 44 Argentinian celebrities. The government confirmed the breach days later, but denied that the national ID database had been compromised, suggesting only a VPN account belonging to the Ministry of Health had been hacked.

Belgium to create an online wallet for its residents

■ The federal government wants to create an online wallet for all people living in Belgium which would bundle all official documents, from visas to marriage certificates, to simplify administrative processes.

All necessary information would be available on one digital platform, according to State Secretary for Digitalisation Mathieu Michel, who has put aside a €50 million budget for the initiative.

According to Michel's spokesperson Koen Peumans, Ordinary people should not bear the consequences of the complexity of our government, and as a government, they would ensure that it is easy for citizens to orientate themselves within these structures. The digital wallet would be used to help in simplifying this. Acknowledging further that the digital divide that is still present, Peumans stressed that this switch to digitalise administrative processes and adopting the online wallet would not become mandatory, it would simply be an option for all people in Belgium.

UAE to let residents access government and private sector services using their face

■ Residents of the United Arab Emirates will soon be able to use their face to authenticate their identity when accessing a range of on- and offline services across the public and private sectors. The UAE's Federal Authority for Identity and Citizenship (ICA) biometric 'face print' system will enable holders of an Emirates ID card to register their facial biometrics via the authority's certification portal and link them to digital versions of their identity documents.

The ICA's Majed Alblooshi reported that once the identity is confirmed [with a one-time password], physical Emir-

ates ID will not be required to verify one's identity, this new system will do it. The user's data, including Emirates ID number, passport number, unified identification number and a specific QR code, will be saved and he/she can get the digital copy of their Emirates ID, passport etc. The QR code generated can also be used for identity by confirming with the OTP.

According to Alblooshi, the system is being introduced to "ease operations in banking, healthcare and various businesses, and also with government entities" and he adds that the technology may be available "within a month".

PRODUCT HUNT

Adobe announces Project Morpheus

Adobe has announced Project Morpheus, a powerful video face editing technology that can modify someone's appearance in an automated manner, with smooth and consistent results. Project Morpheus provides an entirely new way of authoring and editing content. The Company in a video demo stated, "Our development of AI is guided by the principles of Accountability, Responsibility and Transparency."



Gig Work in Kenya: The Case of Uber

The taxi business has been put under pressure by gig economy models such as the spread of transportation services like Uber or Lyft that are facilitated by mobile technologies. The emergence of these new transportation network companies (TNC) highlights how working conditions have been subjected to substantial change, forcing the drivers to adapt their working practices. The case has been no different in Kenya, with the entry of Uber services fundamentally altering the Taxi Sector of Public Transport Business in Nairobi. This has resulted in a tumultuous relationship between the gig workers and these tech companies. The High Court of Kenya, has finally begun to lay precedent on the issues raised by this relationship highlighting growing contradictions between faraway multinational tech companies and the growth of Kenya's tech industry.

Kanuri Limited & 34 Others V Uber Kenya Limited

In 2016, 34 plaintiffs filed a suit against Uber Kenya Limited claiming Uber's group of companies had violated an online contract signed by drivers in Kenya. According to the claim, the contract stipulated that the plaintiffs would transport Uber Kenya's customer base at a minimum of \$0.54 per kilometre, with a minimum fare of \$2.71. Under this agreement, Uber Kenya Limited retained a 25% cut of overall profits from each trip made. However, in July 2016, drastically, arbitrarily and without consultation or agreement of the drivers or any of its partners, Uber reduced the minimum rate per kilometre to \$0.32 and the minimum fare to \$1.81 per trip. This, claimed the drivers (plaintiffs) was a breach of contract that left them unable to earn profits as Uber drivers and maintain the vehicles purchased to adhere to Uber standards. On the contrary, Uber Kenya claimed that the group of 34 drivers had not entered into contracts with them but had done so with Uber BV, a private LLC registered in Amsterdam and thus Uber Kenya Limited were not liable for the breach of contractual obligations.

As such the drivers sought to prove that Uber Kenya Limited and Uber BV are one and the same, craving that the corporate veil over the Defendant (Uber Kenya Limited) be lifted.

The Relationship between Uber and its Drivers

The past couple of years has seen continuous legal battles across the world on the relationship established between Uber and its drivers. This has especially surrounded the issue of whether Uber drivers should be considered employees or independent contractors.

Uber, as a company, has consistently maintained the claim that it does not employ drivers but acts as an intermediary between the drivers and clients and has affirmed that all drivers on its platform are partners and must be considered as independent contractors.

In the above-mentioned case, Uber BV, an Amsterdam-based company, owns the rights to the Uber app while Uber Kenya Limited acts as a subsidiary that contracts Uber drivers in Kenya. Even though Uber BV claimed it was a separate entity from Uber Kenya Limited, the High Court of Kenya concluded that there was an intricate link between both companies. The evidence presented to the court revealed that the group of Ubers

shared the same email address and hired the same council to litigate disputes in court. This, as stated by Milimani court justice, Francis Tuiyott, lifted the "corporate veil" off of the conglomerate, making Uber Kenya Limited and Uber BV liable to the plaintiffs. While the decision did not go further to unpack the relationship between the drivers and the company, it does set the tone for future consideration on the foregoing.

In the UK, the Employment Tribunal ruled that drivers cannot be considered as self-employed but regular workers[1]. This decision was also upheld by the Employment Appeal Tribunal and the Court of Appeal. Similarly, in Switzerland, the SUVA[2] qualified Uber drivers on behalf of the Social Security Agency of the Canton of Zurich, in May 2016, as employees.

The Swiss State Secretariat for Economic Affairs (SECO)[3] also stated that Uber drivers should be qualified as employees. UNIA (Switzerland's largest trade union) has also reached the same conclusion. A legal analysis regarding Uber's operation done by the Geneva Cantonal Government and the head of Cantonal Government Mr. Mauro Poggia reaffirmed that services provided by Uber are subject to taxi regulations and, therefore, the Company would face a ban if it did not reclassify its drivers as employees and regularize the situation by means of payment of taxes and fines and other compliance obligations.[4]

La Cour de Cassation in France also upheld the characterization as an employee. The main justification adopted by the French Court is based on the fact that an Uber driver cannot build his own client base or fix the prices which he/she thinks is fair. These characteristics make the driver an employee of the Company.

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In the UK, the Employment Tribunal ruled that drivers cannot be considered as self-employed but regular workers[1]. This decision was also upheld by the Employment Appeal Tribunal and the Court of Appeal.

On the other hand, there are jurisdictions that have ruled Uber drivers to be independent contractors. In the United States, the District Court of Pennsylvania declared Uber drivers as independent contractors,[5] as did the State of Florida.[6] In Australia, the Fair Work Ombudsman concluded an investigation against the Company and decided to qualify Uber drivers as independent contractors[7]. Moreover, the Brazilian highest Labor Court changed a lower decision and also pronounced that Uber drivers are contractors[8].

In Kenya, the line between Uber as an intermediary and employer is more blurred. While Kenya's Uber drivers recognise the company's important presence in the nation's transport infrastructure there has been a call for better regulation that yields a more transparent relationship between the company and its contracted drivers.

One can't help but beg the question, what next for gig workers in Kenya?

EVENTS

Africa Tech Festival 2021 Agenda at a Glance

Connecting Africa's tech champions to build a better, more inclusive digital world

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AFRICA TECH FESTIVAL	Africa Com Empowering connectivity champions and driving digital infrastructure investment.	Africa Tech Enterprise, digital transformation and emerging tech.	Headline Keynotes Shaping Africa's future.	accelerateHER Championing women founders, leaders and change-makers in tech.	AHUB Unleashing the power of Africa's start-up ecosystem.	Awards Celebrating the people and organizations at the forefront of Africa's digital transformation.	Leaders in Africa Summit Develop ideas, spotlight Africa's most influential digital champions.	4IR Talent & Skills Summit Investing in talent and the skills necessary to derive real value from disruptive technologies.
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AFRICA TECH FESTIVAL 8th to 12th November 2021

Africa Tech Festival returns as an online experience. Along with its two anchor events, AfricaCom and AfricaTech, Africa Tech Festival is the largest and most influential tech event in Africa boasting more than 300 visionary speakers exploring the hottest connectivity and enterprise tech trends.

AFRICA TECH SUMMIT NAIROBI - 23RD TO 24TH FEBRUARY, 2022

The fourth Africa Tech Summit in Nairobi is taking place 23rd & 24th Feb 2022. The Summit will feature three tracks including the Africa Money & DeFi Summit, Africa Mobile Summit & Africa Startup Summit. The live in person event will connect 500+ African tech leaders, investors and innovative start-ups

3RD PRIVACY SYMPOSIUM AFRICA.
3RD TO 5TH NOVEMBER 2021

Privacy Symposium Africa is a unique platform established to attract, present and discuss original research results, policy and technology developments related to personal data protection and privacy. This year's theme is Data Protection: A New Dawn.

2021 DATA PROTECTION SUMMIT AFRICA.

4TH TO 5TH NOVEMBER 2021

The Africa Digital Rights' Hub (ADRH), under its Capacity Building, Advocacy, Sensitization & Awareness Programme, has worked towards bringing together regulators, academic researchers, stakeholders, policy makers, regional, industry experts, and international bodies to address data protection and privacy issues on the Continent. As a result of the COVID-19 pandemic, ADRH hosted its first virtual version of the Data Protection Africa Summit (DPAS) in the year 2020 after 2 successful in-person DPAS events in 2018 and 19. With COVID19 still looming ADRH is organising the 2021 Data Protection Africa Summit (DPAS) under the theme "The Road to Compliance: The wins and challenges"

2021 DATA PROTECTION AFRICA SUMMIT VIRTUAL

4th - 5th NOVEMBER

Theme: **The Road to Compliance; The wins and challenges**
Barriers. Bridges and Beyond.

Join our membership and be a part of a great community that includes legal and tech professionals, students, startups, organizations and government representatives. Over the past year, members have benefited through Networking Opportunities, Collaboration Opportunities, Invitations to speak at events, Mentorship, Access to the Lawyer's Hub Innovation Space and to cutting-edge technology tools. This year, we have revamped our offers to make it even better and more accessible to many across Kenya & beyond our borders. These benefits include;

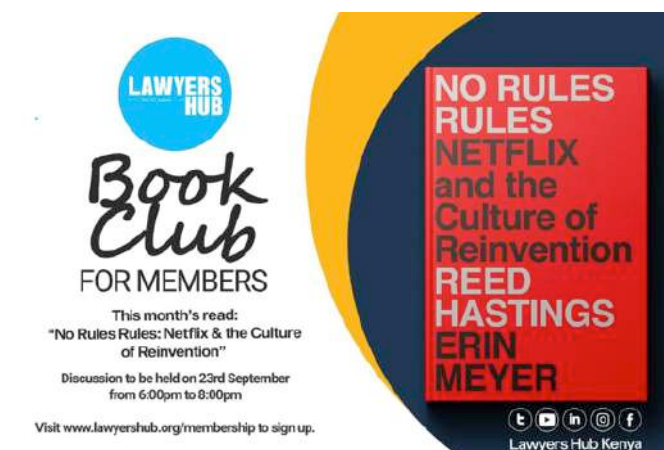
1. CODING FOR LAWYERS

It is important for lawyers to learn the fundamentals of coding as the legal industry becomes more tech and data driven. The Lawyers Hub has taken the initiative to ensure that its members develop these skills by curating a coding course that is set to start on the 1st of October 2021.



2. BOOK CLUB

September read: No Rules Rules; Netflix and the culture of Reinvention by Reed Hasting and Erin Meyer. Applications to join are open. 1st discussion will be held on 23rd September 2021.



3. DANCE CLASS

We care about our members' mental health and fitness as these are crucial to everyone's wellbeing. The Lawyers Hub hosts two choreographed dance classes every week that will tick all your mental health boxes in Upper Hill at Ack Garden House. You also get to network with working groups.

Your 1st dance class is on the house. Join us!

4. DISCOUNTS ON LAWYERS HUB AMENITIES

Have you been looking for an office to work from? Tired of working from home and need a change in work environment? Having issues with power or the internet? The Lawyers Hub has amazing deals on its amenities for members such as 10% discounts on virtual office, private office, hot desks, meeting and conference rooms, and event space with great features suited to help you take your business to the next level.

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DATA PROTECTION TRAINING FOR COMPANIES

The Lawyers Hub and the Africa Digital Policy Institute invites your organization to enroll and attend a training on Data Protection and Compliance. It is crucial for members of your organisation to be equipped with this knowledge and to be conversant with GDPR and Data Protection Act 2019.

Email;
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EVENT SPACE



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For Individuals in the Law & Tech Ecosystem

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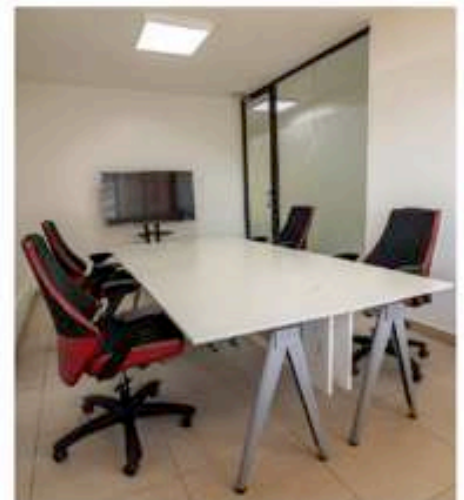
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