

Proliferation of Location Based Services (LBS) in Kenya: Privacy and AI Considerations

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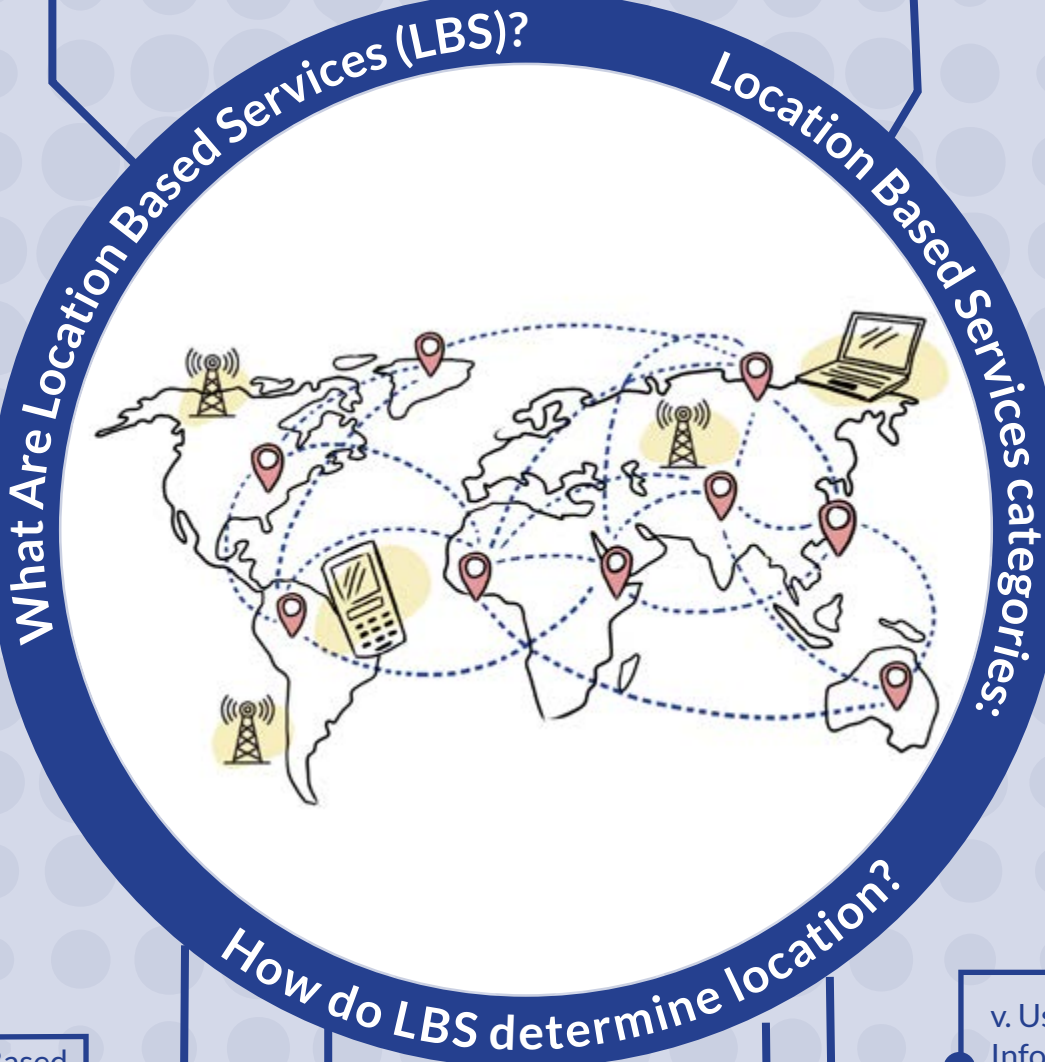
Centre for Intellectual Property and Information Technology Law

Definition: Mobile applications providing information based on a user's location. System Components required for LBS to work include:

- Mobile devices
- Positioning systems (GPS, Cell Towers)
- Communication networks
- Service and content providers

i. User-Requested: User determines when and whether to retrieve the location of their device (e.g., navigation maps).

ii. Triggered: Automatic location retrieval based on conditions (e.g., emergency services).



i. Cell Tower-Based Identification: Determines location based on nearby cell-relay towers.

ii. Global Positioning System (GPS): Uses satellites to determine precise locations

iii. Wi-Fi Triangulation: Analyses signals from nearby Wi-Fi access points.

iv. Internet Protocol (IP) Address Approximation: Uses IP addresses to approximate location.

v. User-Provided Information: User manually inputs location.

Sectors Utilizing LBS



Navigation and Travel:
Enables users to find nearby amenities.



Tracking and Geosocial Networking: Enables users to share location via social networks.



Gaming and Entertainment:
Location-based games like Pokémon Go.



Retail and Real Estate:
Enables users to locate stores and property listings.



Advertising: Users receive targeted ads based on location.



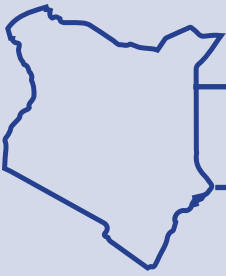
News and Weather:
Users receive location-specific weather and news.



Device Management:
Enable users to track their devices.



Public Safety: Used for security purposes e.g. Google's Amber Alert.



Laws and Regulations Applicable in Kenya

1

The Constitution of Kenya 2010:

- Article 27: Provides for equality and freedom from discrimination.
- Article 31 (c): Provides the right to informational privacy.

2

The Data Protection Act, 2019:

- Defines personal data (which includes location data) in section 2
- Lawful processing of location data should be in accordance with section 30
- Compliance of data protection principles provided in section 25
- Data subject rights, location data processing, and notification duties per sections 26-29.

3

Data Protection (General) Regulations 2021:

- Supplements the provisions of the Data Protection Act 2019..
- Requires a data protection policy including key elements like personal data collected, retention period, and lawful purpose of processing personal data.

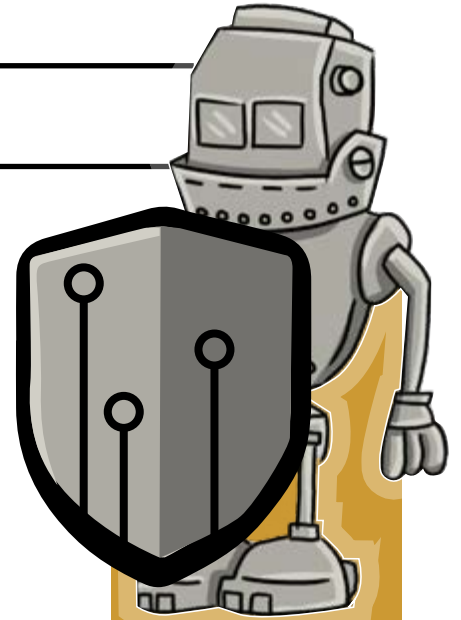


Privacy and AI Considerations

1

Privacy principles applicable:

- **Disclosure:** Informing consumers about data collection.
- **Consent:** Obtaining user permission.
- **Data Security:** Using security measures like encryption.



Key terms to include in a privacy policy

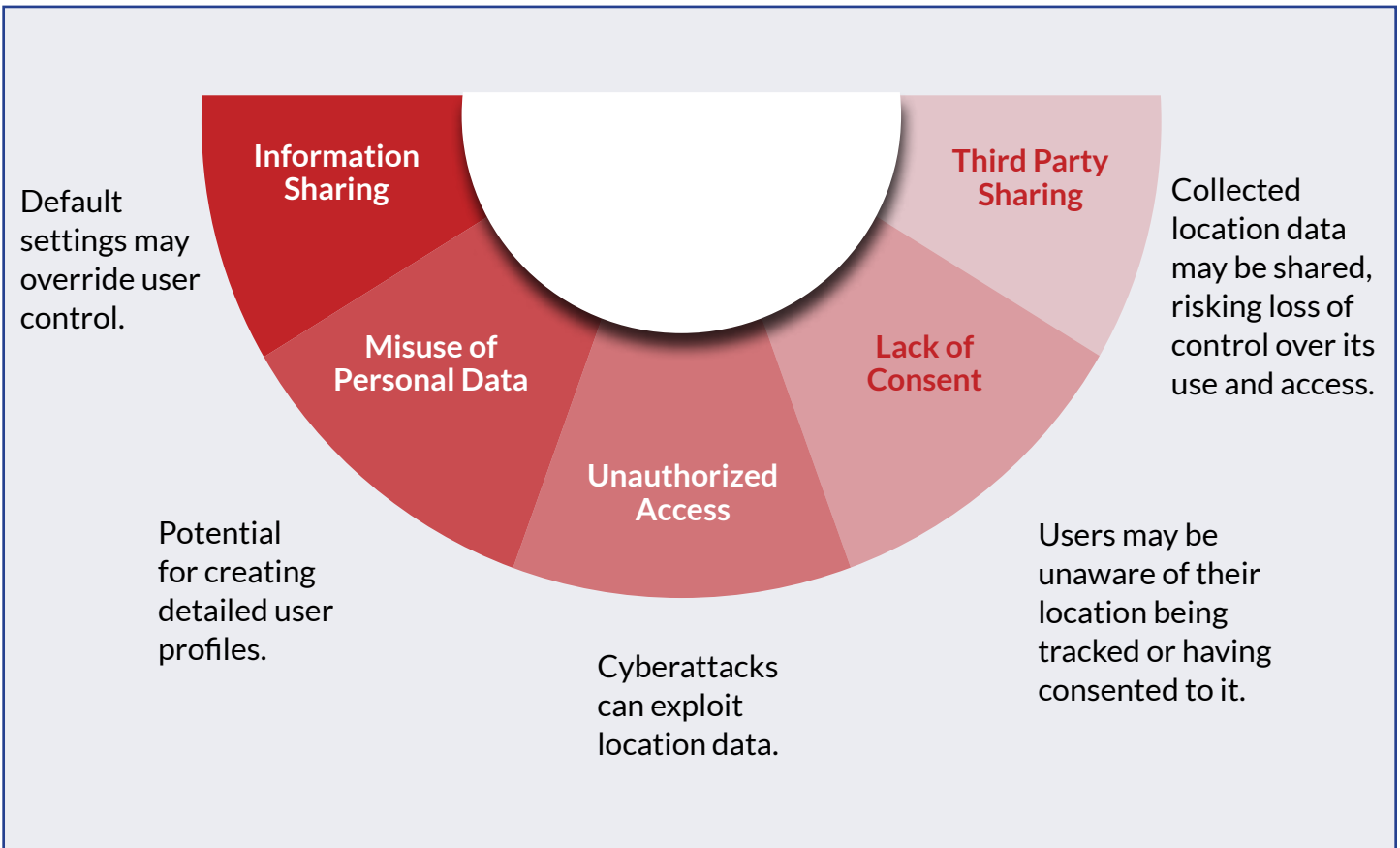
-  Types and purpose of collected data.
-  Data sharing with third parties.
-  User control over their data.
-  Storage of personal data details.
-  Use of cookies.

2

AI Ethical Principles applicable:

Safety and Security	Fairness and Non - Discrimination:	Right to Privacy and Data Protection	Transparency	Accountability
Appropriate measures should be implemented to ensure robust data protection.	AI actors should prevent discrimination and bias in AI systems.	Privacy should be safeguarded throughout AI systems' lifecycle.	Explains how and why an algorithm made a decision.	Entails being responsible for an AI system's actions and impact

Privacy risks of LBS apps





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