



THE UNWANTED WITNESS PRIVACY MOOT COURT COMPETITION RESOURCES

A. DOMESTIC LAWS

Constitution and Acts of Parliament

1. The 1995 Constitution of the Republic of Uganda
2. The 2010 Constitution of Kenya.
3. The Data Protection and Privacy Act, 2019 of Uganda
4. The Data Protection Act, 2019 of Kenya
5. Data Protection (Civil Registration) Regulations, 2020 of Kenya
6. The Data Protection (Compliance & Enforcement) Regulation, 2021 of Kenya
7. Data Protection (Registration of Data Controllers & Data Processors) Regulations, 2021 of Kenya
8. Data Protection (General) Regulations, 2021 of Kenya
9. The Data Protection and Privacy Regulations, 2021 of Uganda
10. Guidance Note on Registration of Data Controllers and Data Processors of Kenya
11. Guidance Note on Processing Personal Data for Electoral Purposes of Kenya
12. Guidance Note on Data Protection Impact Assessment of Kenya
13. Guidance Note on Consent of Kenya

B. REGIONAL LAWS

Africa

1. Personal Data Protection Guidelines for Africa, 2018
2. African Union Convention on Cyber Security and Personal Data Protection
3. African Charter on Human and Peoples' Rights
4. AU Data Privacy Framework

C. BOOKS

1. **Securing American Elections** by R. Michael Alvarez, Nicholas Adams-Cohen, Seo-young Silvia Kim
2. **Cybersecurity in Elections: Models of Interagency Collaboration** by Sam Van der Staak, Peter Wolf
3. **Secure Electronic Voting** by Dimitris A. Gritzalis
4. **Data Versus Democracy: How Big Data Algorithms Shape Opinions and Alter the Course of History** by Kris Shaffer
5. **Social Media and Elections in Africa; Theoretical Perspectives and Election Campaigns**-Volume 1
6. **Computer Security, Privacy, and Politics Current Issues, Challenges, and Solutions** by Ramesh Subramanian





Reports/Publications

1. Technology, data and elections: A 'checklist' on the election cycle. By Privacy International
(https://privacyinternational.org/sites/default/files/2019-07/Technology%2C%20data%2C%20and%20elections_0.pdf)
2. Data Protection and Privacy Brief for Election Observers in Uganda. By Unwanted Witness
<https://www.unwantedwitness.org/download/uploads/Data-Protection-and-Privacy-Brief-.pdf>
3. D4D Data Protection Resources for East Africa:
<https://d4daccess.eu/en/collections/east-african-data-protection>
4. ICJ-Kenya Report on Technology and Elections:
<https://icj-kenya.org/wp-content/uploads/2023/01/ELECTION-TECHNOLOGY-AND-ELECTORAL-JUSTICE-IN-KENYA-Final-1.pdf>
5. Privacy, Voter Surveillance and Democratic Engagement: Challenges for Data Protection Authorities:
https://privacyconference2019.info/wp-content/uploads/2019/11/Privacy-and-International-Democratic-Engagement_finalv2.pdf
6. Data Privacy And Elections In India: Microtargeting The Unseen Collective:
<https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1115&context=ijlt>
7. Voter Privacy In The Age Of Big Data:
<https://wlr.law.wisc.edu/wp-content/uploads/sites/1263/2015/02/1-Rubinstein-Final-Online.pdf>

D. CASES AND JUDGEMENTS

Domestic Cases

1. Nubian Rights Forum et al. v. the Honourable Attorney General of Kenya et al. ("NIIMS case")
2. Odinga & 16 others v Ruto & 10 others; Law Society of Kenya & 4 others (Amicus Curiae)
(Presidential Election Petition E005, E001, E002, E003, E004, E007 & E008 of 2022 (Consolidated))
[2022] KESC 54 (KLR) (Election Petitions) (5 September 2022) (Judgment)

Scandals

1. Facebook-Cambridge Analytica Scandal (2018)
2. US election: Trump v Clinton





EU Cases

1. Benedik v. Slovenia 24 April 2018
2. Hambardzumyan v. Armenia 5 December 2019
3. Privacy International and Others v. the United Kingdom 7 July 2020 (decision on the admissibility)
4. Big Brother Watch and Others v. the United Kingdom 25 May 2021 (Grand Chamber)
5. Centrum För Rättvisa v. Sweden 25 May 2021 (Grand Chamber)
6. Breyer v. Germany 30 January 2020
7. Leander v. Sweden (1987)
8. Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland [GC], 2017
9. Z v. Finland, 1997
10. Haralambie v. Romania, 2009
11. Guillot v. France, 1996, §§ 21-22;
12. Mentzen v. Latvia (dec.), 2004;
13. Güzel Erdagöz v. Turkey, 2008, § 43;
14. Garnaga v. Ukraine, 2013, § 36;
15. Henry Kismoun v. France, 2013, § 25,
16. Benedik v. Slovenia, 2018, §§ 107-108.
17. Bernh Larsen Holding AS and Others v. Norway, 2013, § 106
18. Liberty and Others v. the United Kingdom, 2008, §§ 56-57
19. Rotaru v. Romania [GC], 2000, §§ 43-44;
20. Catt v. the United Kingdom, 2019, § 93
21. S. and Marper v. the United Kingdom, [GC], 2008,
22. Ciubotaru v. Moldova, 2010, §§ 52-59
23. Catt v. the United Kingdom, 2019, § 112
24. Sinan Işık v. Turkey, 2010 (§ 37)
25. Mockutė v. Lithuania, 2018 (§ 117).
26. Van der Velden v. the Netherlands (dec.), 2005;
27. Schmidt v. Germany (dec.), 2006;
28. S. and Marper v. the United Kingdom [GC], 2008;
29. W. v. the Netherlands (dec.), 2009;
30. Peruzzo and Martens v. Germany (dec.), 2013;
31. Canonne v. France (dec.), 2015;
32. Aycaguer v. France, 2017; Mifsud v. Malta, 2019;
33. Gaughran v. the United Kingdom, 2020;
34. Trajkovski and Chipovski v. North Macedonia, 2020;
35. Dragan Petrović v. Serbia, 2020
36. Dalea v. France (dec.), 2010
37. Bykov v. Russia [GC], 2009, §§ 89-91;
38. Vukota-Bojic v. Switzerland, 2016, §§ 91-100.





39. the potential benefits of the extensive use of such techniques
40. *S. and Marper v. the United Kingdom* [GC], 2008, § 112
41. *Gaughran v. the United Kingdom*, 2020, § 70
42. *Gafiuc v. Romania*, no. 59174/13, 13 October 2020
43. *G.S.B. v. Switzerland*, no. 28601/11, 22 December 2015
44. *Gardel v. France*, no. 16428/05, ECHR 2009
45. *Garnaga v. Ukraine*, no. 20390/07, 16 May 2013
46. *Gaskin v. the United Kingdom*, 7 July 1989, Series A no. 160
47. *Gaughran v. the United Kingdom*, no. 45245/15, 13 February 2020
48. *Giesbert and Others v. France*, nos. 68974/11 and 2 others, 1er June 2017
49. *Gillan and Quinton v. the United Kingdom*, no. 4158/05, ECHR 2010 (extracts)
50. *Gîrleanu v. Romania*, no. 50376/09, 26 June 2018
51. *Godelli v. Italy*, no. 33783/09, 25 September 2012
52. *Gorlov and Others v. Russia*, nos. 27057/06 and 2 others, 2 July 2019
53. *Görmüş and Others v. Turkey*, no. 49085/07, 19 January 2016
54. *Grant v. the United Kingdom*, no. 32570/03, ECHR 2006-VII
55. *Greuter v. the Netherlands* (dec.), no. 40045/98, 19 March 2002
56. *Guerra and Others v. Italy*, no. 14967/89, Reports of Judgments and Decisions 1998-I
57. *Guillot v. France*, 24 October 1996, Reports of Judgments and Decisions 1996-V
58. *Guiorgui Nikolaïchvili v. Georgia*, no. 37048/04, 13 January 2009
59. *Güzel Erdagöz v. Turkey*, no. 37483/02, 21 October 2008
60. *Election Systems & Software (ES&S) v. Lepore* (2018):
Background: A case in the United States involving the security of electronic voting systems. It raised questions about the privacy and security of voter information.
Relevance: Focuses on the intersection of elections, technology, and privacy.

Other Cases

1. **United States v. Microsoft Corp. (2018):** This case dealt with the Stored Communications Act and had implications for the extraterritorial reach of U.S. search warrants. It highlights the tension between law enforcement interests and privacy concerns, which can be relevant in the context of data protection.
2. *U.S. and Plaintiff States v. Election Systems and Software*

Human Rights

1. International Covenant on Civil and Political Rights
2. Universal Declaration of Human Rights
3. African Charter on Human and Peoples' Rights
4. AU DATA POLICY FRAMEWORK





Legal Databases:

- LexisNexis
- Westlaw
- HeinOnline

1. International Human Rights Instruments:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights (ICCPR)
- European Convention on Human Rights
- African Charter on Human and Peoples' Rights

2. United Nations Reports and Publications:

- United Nations Human Rights Council reports on privacy and democratic processes
- UN Office of the High Commissioner for Human Rights (OHCHR) publications

3. Academic Journals:

- Harvard Law Review
- Yale Law Journal
- International Journal of Constitutional Law
- Journal of Democracy

4. Privacy Advocacy Organizations:

- Unwanted Witness
- Electronic Frontier Foundation (EFF)
- Privacy International
- Access Now
- Center for Democracy and Technology (CDT)

5. Reports and Publications from Electoral Integrity Organizations:

- International Foundation for Electoral Systems (IFES)
- Electoral Integrity Project
- Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR)

6. Government Reports and Guidelines:

- Reports from election commissions and data protection authorities
- Election laws and regulations related to privacy

7. Recent Court Cases and Legal Precedents:

- Explore relevant court decisions related to privacy and electoral processes.

8. News and Media Outlets:

- Stay updated with current events and news articles on privacy issues in elections.

