Digital Cooperation Organization

Ghana

Digital Trade Acceleration Initiative

Country Report

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How to Read This Report

This comprehensive report is structured to guide readers to the information that interests them most. Three sections illuminate the regulatory assessment from different perspectives:

Section A is the core of this report. It assesses the domestic regulatory environment across twelve policy areas, with three subsections for each.

1. Our guiding questions analyse how each policy area interacts with digital trade.
2. Our summaries condense the regulatory environment through brief descriptions of the main legal frameworks and oversight authorities.
3. Our source lists provide a repository of official sources to facilitate further analysis.

Section B provides a factsheet that describes the local digital economy across four key dimensions: size and activities, digital infrastructure and connectivity, digital skills, and digital government.

Section C outlines international commitments and references the international fora in which it engages on digital issues.

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Executive Summary

The purpose of this report is to provide a detailed description of the regulatory environment affecting businesses and consumers engaging in digital trade. We illuminate the regulatory environment from three perspectives:

01 A comprehensive regulatory assessment explains the regulatory environment across twelve policy areas.

02 A factsheet describes the local digital economy across four dimensions: size and activities, digital infrastructure and connectivity, digital skills, and digital government.

03 An overview of existing international commitments characterises efforts to accelerate digital trade.

The regulatory assessment is the main contribution of this report and provides the following findings:

Data Protection:

Personal data shall not be processed without prior consent, with certain exceptions. Data subjects are granted rights to information, access, rectification, deletion and objection. Data processors can appoint data protection supervisors and must register with the government.

Cross-Border Data Transfers

The data protection law does not establish specific conditions for cross-border transfers. Data controllers, who outsource processing to foreign data processors, must ensure that those foreign processors comply with the law's requirements. Controllers must also communicate to which countries they may transfer data when registering.

Location of Computing Facilities:

Ghana does not require data to be stored locally in general or in specific instances. Recently, the government signalled its intention to localise government data, but no requirements are currently in force.

Online Consumer Protection:

Online consumer protection is governed by laws on electronic transactions and communications, prohibiting misrepresentations and failing to deliver after charging consumers. The sending of unsolicited messages (spam) is generally prohibited unless the consumer consents and must contain an unsubscribe option and contact details.

Electronic Transactions:

The Electronic Transactions Act recognises electronic transactions as equivalent to paper-based transactions, with exceptions. The Act recognises the validity of digital signatures, without specifying different types thereof.

Trade Facilitation with Digital Means:

Ghana provides trade administration documents for imports in electronic form and enables electronic submissions. Ghana has an operational National Single Window and Integrated Customs Management System designed for international interoperability.

Cybersecurity:

The cybersecurity law establishes obligations, including a cybersecurity risk register, and specific rules for critical information infrastructure. Incident notification is required towards data subjects in relation to personal data breaches and to authorities.

Artificial Intelligence:

Ghana has not adopted binding rules on the governance of AI. The National AI Strategy

Source Code:

The copyright law states that computer software and programmes are eligible for protection, including economic and moral rights. Exceptions include the intended use of computer programs and archival purposes. Ghana does not mandate any form of source code sharing.

Digital Economy Taxation and Customs Duties:

Ghana does not impose customs duties on digital services/products, but subjects them to value-added tax. E-commerce imports are subject to both customs duties and value-added tax. No direct tax specifically targets digital providers.

Electronic Payments:

Electronic payments are governed under the general regulatory framework for payments.
Know-your-customer, anti-money-laundering, and counter-terroism-financing rules apply to electronic payment providers.

SMEs and Digital Inclusion:

Ghana has implemented a range of initiatives to support SMEs and disadvantaged groups in accessing digital trade opportunities. These measures include policies to enhance financial inclusion, infrastructure development for digital innovation, international partnerships to improve digital financial literacy and access to trade finance, and targeted programmes for rural and women-led businesses.

01 Domestic Regulatory Environment Assessment

Domestic Regulatory Environment Assessment

For thriving digital trade among the members of the Digital Cooperation Organisation, their regulatory environment should be comprehensive and adaptive. Absence of fundamental regulatory building blocs, regulatory divergence, or explicit barriers can hinder the DCO MS's digital trade reaching its potential.

This section assesses the regulatory environment across twelve policy areas on three layers. First, we answer guiding questions to analyse each policy area's impact on digital trade. Second, we summarise the regulatory environment through brief descriptions of the main legal frameworks and oversight authorities. Third, we provide a repository of official sources to facilitate further analysis.

We conduct this assessment for the following policy areas:

01 Data Protection

02 Cross-Border Data Transfers

03 Location of Computing Facilities

04 Online Consumer Protection

05 Electronic Transactions

06 Trade Facilitation with Digital Means

07 Cybersecurity

08 Artificial Intelligence

09 Source Code

10 Digital Economy Taxation and Customs Duties

11 Electronic Payments

12 SMEs and Digital Inclusion

Data Protection

The purpose of this section is to comprehensively characterise the conditions for domestic data collection and processing. Alignment with international best practices in data protection is important for fostering trust whilst facilitating market access. Deviation from these practices could potentially impact digital trade. If the data protection requirements within the member state are too low, that diminishes trust. If data protection requirements are too high, that may delay market entry from international service providers.

Guiding Questions

We analyse whether user consent is required for the processing of personal data. We then delineate the rights of data subjects and obligations for those processing data, specifically on local representation and registration. Finally, we identify the authority responsible for overseeing and enforcing data protection regulations.

The data protection law states that personal data shall not be processed without prior consent, providing exceptions such as processing required by law or to protect a legitimate interest of the data subject. Data subjects are granted rights to information, access, rectification, deletion and objection. Data processors may appoint a data protection supervisor but are required to register with the government. Oversight is divided between the independent Data Protection Commission and the Data Protection and Privacy Unit under the National Communications Authority.

Summary

- The 1992 Constitution of the Republic of Ghana recognises the right to privacy with respect to the processing of personal data or information.

- The Data Protection Act of 2012 regulates the transparent and lawful collection, process, use, and disclosure of personal data. It also provides for penalties and sanctions for data controllers and processors and establishes the Data Protection Commission. The act regulates that a person shall process personal data only after the consent of the data subject, providing exceptions such as processing required by law or to protect a legitimate interest of the data subject. Data subjects are granted the right to information, access, rectification, deletion and objection. In addition, data controllers must register with the Data Protection Commission (DPC) in order to process personal data and failure to register can result in penalties.

- The DPC is an independent statutory body established in 2012 by the Data Protection Act. The Commission develops guidelines, provides training and resources to data controllers and processors, investigates complaints, and imposes sanctions for non-compliance. The DPC has published several warnings on data breaches but not any enforcement cases yet.

- The Medium Term Expenditure framework 2023-2026, published by the Ministry of Communications and Digitalisation, includes a data protection and management program. It aims at redrafting the data protection act, intensifying public campaigns and enforcing the law. It also intends to scale up the registration of data controllers and deploy core mandates of the DPC.

SOURCES

Primary Legislation

- The Constitution of the Republic of Ghana 1992 [other government source]
- Data Protection Act 2012 (Act 843)

Guidelines

- Ministry of Communication and Digitalisation: Medium Term Expenditure Framework 2023-2026 | Ministry of Communication and Digitalisation
- Data Protection Commission: Press Releases

Oversight Authorities

- Data Protection Commission

Cross-Border Data Transfers

The purpose of this section is to analyse the conditions for the cross-border transfer of personal information. On the one hand, data flows are the bloodline of the digital economy. On the other hand, data flows are a controversial subject in geopolitical discussions, as governments worry that transferring data across borders may jeopardise its protection. How a government regulates data transfers reveals the balancing act between free data flows and protection of data abroad.

Guiding Questions

We differentiate whether the framework treats cross-border transfers differently from in-country transfers. We then analyse the specific conditions for cross-border transfers, ranging from data subject consent, to governmental adequacy decisions, to certification and contractual mechanisms. Finally, we delineate conditions for specific types of cross-border transfers and distil public policy objectives invoked by the government, where explicitly stated.

Ghana's data protection law does not establish specific conditions for cross-border transfers. The law mentions that data controllers, who outsource processing to foreign data processors, must ensure that those foreign processors comply with the law's requirements. In addition, controllers must communicate to which countries they may transfer data in their application for registration.

Summary

- The Data Protection Act 2012 does not establish specific conditions for cross-border transfers to be lawful, but touches upon such transfers repeatedly. Generally, when a data controller outsources processing to a processor who is not domiciled in Ghana, the controller must ensure that the processor complies with the legal requirements in Ghana (see section on data protection). In addition, when data controllers apply for registration, their application must include the name or description of the countries to which it may transfer.

- The Data Protection Act further includes a provision on how data transferred from abroad to Ghana is to be protected. Namely, when processing data of foreign data subjects, that data must be processed in compliance with data protection rules of the foreign jurisdiction, from where the data is transferred to Ghana.

SOURCES

Primary Legislation

- Data Protection Act 2012 (Act 843)

Location of Computing Facilities

The purpose of this section is to crystallise instances in which data must be stored in local computing facilities. Data localisation mandates require foreign providers to invest in or rent local infrastructure. This can create a significant barrier to digital trade due to burdensome procedural requirements or costs. Such requirements are thus subject to international scrutiny regarding their justification and scope.

Guiding Questions

We analyse whether the framework generally requires data to be stored in the national territory. We then analyse whether data localisation requirements apply to specific data types, such as infrastructure or health data. For each identified localisation requirement, we distil the public policy objective invoked by the government, if it is explicitly stated.

Summary

- Ghana does not currently require data localisation, neither in general nor for specific data types. Recently, the government announced its goal to localise government data, which is currently stored in other countries. This effort, led by the Ministry of Communications and Digitalisation, is designed to enhance the regulatory framework for cloud and data centres in Ghana. The government is also encouraging companies to establish cloud infrastructure in Ghana. In addition, the National Data Sharing Policy mandates the creation and maintenance of a central Data Exchange Hub for the internal sharing and use of government data. The Hub aims to ensure that government data is stored in a secure and centralised manner.

SOURCES

Primary Legislation

- Data Protection Act 2012 (Act 843)

Guidelines

- Ministry of Communications and Digitalization: Government Working To Host All Data Centres Locally
- Government of Ghana: The National Data Sharing Policy 2019 | Draft 3.0

Online Consumer Protection

This section provides a detailed overview of the approach to protecting online consumers. A well-regulated online consumer protection framework is crucial for fostering trust and confidence in online transactions. In the context of international trade, the implementation of strong online consumer protection regulations enables secure cross-border transactions and promotes the expansion of e-commerce.

Guiding Questions

We contour whether the online consumer protection framework is specific to online consumption or applies general rules thereto. We then delineate the practices that are considered violations of consumer protection and distil any special obligations for e-commerce platforms. We further analyse the regulatory approach regarding spam. Finally, we explain which authority oversees online consumer protection.

Online consumer protection is governed by laws on electronic transactions and communications, as there is no comprehensive consumer protection law. The framework prohibits practices including making misrepresentations and failing to deliver products or provide services after charging consumers. E-commerce platforms must be transparent but are not subject to indirect obligations. Spam is generally prohibited unless the consumer consents to it and must contain an unsubscribe option and contact details. In addition, the data protection law provides a right to prevent data processing for direct marketing. Online consumer protection is overseen by the National Communications Authority, under the Ministry of Communications.

Summary

- There is no comprehensive law on consumer protection in Ghana. Relevant legislation governing consumer protection include the Electronic Transactions Act 2008 and the Electronic Communications Act 2008. Based on the Consumer Protection Policy the government plans to develop a competition law to complement the consumer protection regime with rules that will ensure the creation of a fair, transparent and competitive marketplace in Ghana.

- The Electronic Transactions Act 2008 regulates electronic transactions and includes provisions on protecting consumers in the digital marketplace. It prohibits the failure to provide information on the supplier's identity, terms of transaction, return policies and security measures. In addition, providers shall not send unsolicited electronic communications to a consumer without obtaining prior consent. The supplier is liable for any damage the consumer may suffer from failure to use a secure payment system. If the supplier fails to perform due to the unavailability of the goods, he must immediately inform the consumer. The consumer can also affirm or cancel the transaction if the suppliers fail to perform within 14 days or the agreed date.

- The Electronic Communications Act 2008 governs electronic communications. It establishes a consultative authority to address consumer complaints and concerns regarding telecommunication services. Additionally, it mandates the creation of a consumer code of conduct, outlining procedures for meeting consumer requirements, handling complaints and disputes, and protecting consumer information.

- The Electronic Payment and Services Act requires electronic money issuers and payment service providers to sufficiently inform customers on the benefits and risks of their product or service. The provider must send the customer an electronic notification of any fees or charges before authorising a transaction, with the option for the customer to cancel it.

Ghana does not have a centralised consumer protection authority. Instead, existing authorities handle various aspects of consumer protection:

01 The National Communications Authority (NCA) is established by the National Communications Authority Act of 2008 and overseen by the Ministry of Communication and Digitalisation. The NCA oversees consumer protection within the telecommunications sector. It resolves disputes, issues guidelines, and provides a platform for consumers to lodge complaints.

02 The Ghana Standards Authority under the Ministry of Trade and Industry is responsible for establishing and promoting standards to ensure that goods and services manufactured or imported into Ghana are of the highest quality and are safe for consumers.

03 The Investigation and Consumer Reporting Office (ICRO) of the Bank of Ghana, is responsible for overseeing consumer protection in the financial sector, including banking services and financial transactions.

04 The Ministry of Trade and Industry issued the Consumer Protection Policy 2023 which includes plans to establish an independent Consumer Protection Authority (CPA). The CPA will be responsible for implementing and coordinating all consumer activities in collaboration with regulatory agencies. It will also resolve disputes, and promote fair trade practices. The authority has not yet been officially established or granted statutory recognition.

Other authorities have also issued policies related to consumer protection:

01 The Bank of Ghana issued the Consumer Recourse Mechanism Guidelines for Financial Service Providers 2017.

02 The NAC published the Unsolicited Electronic Communications Code of Conduct, designed to protect consumers from unwanted electronic communications, such as spam and marketing messages. The code outlines the procedures for handling complaints and mandates penalties for non-compliance.

03 The Ministry of Finance issued the Digital Financial Services Policy, which sets out guidelines to create a strategy for a consumer protection framework for financial services. The policy seeks to establish regulations to protect consumers using digital financial services from fraud and exploitation.

SOURCES

Primary Legislation

- Electronic Transactions Act 2008 (Act 772)
- Electronic Communications Act 2008 (Act 775)
- Payment Systems And Services Act 2019 (Act 987)

Guidelines

- Ministry of Trade and Industry: Consumer Protection Policy 2023
- Ministry of Finance: Digital Financial Services Policy
- Bank of Ghana: Consumer Recourse Mechanism Guidelines for Financial Service Providers 2017
- National Communications Authority: The Unsolicited Electronic Communications (UEC) Code of Conduct

Oversight Authorities

- National Communications Authority -NCA
- National Communications Authority Act 2008 (Act 769)

Electronic Transactions

The purpose of this section is to identify whether there are any regulatory hurdles to electronic transactions compared to paper-based or face-to-face transactions of equivalent substance. A transaction contains different aspects such as the validity of the contract, signature, and authentication.

Guiding Questions

We focus on whether the electronic transactions framework is binding and whether it recognises electronic transactions as equivalent to paper-based transactions. We then differentiate the various types of electronic signatures in the framework. Finally, we distil whether electronic authentication is permitted and whether the government provides such authentication.

Electronic transactions are governed by a dedicated and binding regulatory framework, mainly the Electronic Transactions Act. The Act generally recognises electronic transactions as equivalent to paper-based transactions, with exceptions including powers of attorney and wills. The Act recognises the validity of digital signatures, without specifying different types thereof, and foresees a mechanism to recognise foreign-issued digital signatures. Electronic authentication is accepted and provided by the government, including e-IDs.

Summary

- The Electronic Transactions Act regulates electronic transactions ("messages") and establishes that electronic "records" fulfil the requirement of paper-based documents, with certain conditions. Namely, the integrity of the record must be reliable and be displayed to the recipient. The Act further mandates that electronic information is considered as a valid alternative to legal requirements for written information, with exceptions including powers of attorney and wills, among others. Furthermore, electronic records cannot be excluded as evidence in legal proceedings, unless legal requirements state otherwise.

- The Electronic Transactions Act further recognises digital signatures and certificates. Digital signatures are valid when they are linked to the signatory and controlled by the signatory during signing, as well as if post-signing alteration is detectable. The Act establishes a mechanism for the government to approve the use of a digital signature, certificate, or authentication from foreign providers. Additionally, the Act establishes a certifying agency responsible for issuing licences for authentication services and monitoring compliance, namely the National Information Technology Agency. Finally, electronic authentication is accepted and provided by the government, including e-IDs.

SOURCES

Primary Legislation

- Electronic Transactions Act 2008 (Act 772)
- National Information Technology Agency Act 2008 (Act 771)

Oversight Authorities

- National Information Technology Agency (NITA)

Trade Facilitation with Digital Means

This section analyses how well the domestic regulatory environment is set up to welcome goods and services trade made possible through digital tools. This includes the use of electronic trade documentation, as well as measures designed to support "trade in parcels" and streamline cross-border transactions in the digital economy.

Guiding Questions

We analyse whether trade administration documents for imports are available and can be submitted in electronic form. We then focus on single windows, enabling persons to submit documentation for import, export, or transit through a single entry point to authorities. Specifically, we outline whether a single window system is operational for trade documentation and whether this system supports international data or document exchange. Finally, we highlight expedited or simplified customs procedures for low-value shipments.

Ghana provides trade administration documents for imports in electronic form and enables electronic submissions. Ghana has an operational National Single Window, initiated to enhance trade and economic development, as well as an Integrated Customs Management System. The Single Window is designed for international interoperability. Finally, simplified customs procedures apply for shipments below the de minimis threshold of GHS 3,200, which are exempt from customs duties altogether.

Summary

- The Electronic Transactions Act establishes that public bodies and agencies must ensure that their functions, including the acceptance, issuance, and processing of documents, permits, and payments, can be carried out electronically or online. The Customs Act of 2015 requires record-keeping in original or electronic form unless approved otherwise.

- The Ghana National Single Window (GNSW) simplifies trade processes by integrating them within a single platform based on international standards, including the single entry point concept for data submission, processing, and customs decision-making. Trade administration documents can thus be submitted electronically. Ghana has also implemented the Integrated Customs Management System, as part of the GNSW in 2015, which aligns with international standards. The GNSW is designed based on the concept recommended by the United Nations Economic Commission for Europe (UNECE), allowing single submission and synchronous processing of trade-related data. Ghana provides expedited customs procedures for low-value express shipments below GHS 3,200.[1]

- The Ghana Revenue Authority has published the Fourth Strategic Plan for 2023-2027, which highlights these achievements and sets goals to enhance trade facilitation. Specifically, the plan aims to integrate customs and tax data management systems to optimise operational efficiency.

[1] The information on de minimis thresholds was retrieved from the Global Express Association.

SOURCES

Primary Legislation

- Electronic Transactions Act 2008 (Act 772)
- Customs Act 2015 (Act 891) | Abridged Version

Guidelines

- 4th Strategic Plan 2023 - 2027 | Ghana Revenue Authority
- Strategic Action Plan and Roadmap 2016 | Ghana National Single Window
- Integrated Customs Management System (ICUMS) | External User Guide
- GEA - Global Express Association [third party source]

Oversight Authority

- Ghana Revenue Authority (GRA)

Cybersecurity

This section aims to assess whether the cybersecurity requirements of the member state broadly align with international best practices. While cybersecurity is a critical component of digital policy, its relevance to digital trade is limited. Cybersecurity primarily concerns national defence, critical infrastructure, cybercrime prevention, and system integrity. However, alignment with international cybersecurity standards is essential for creating a secure environment conducive to digital trade. Insufficient cybersecurity standards can undermine trust, while overly stringent requirements may hinder market entry for international service providers.

Guiding Questions

We outline whether there is a regulatory framework regarding cybersecurity. We explain whether this framework is risk-based, creating tiered obligations depending on the extent of cybersecurity risk. We then analyse whether and to whom incident notification is required. Finally, we explain which authority oversees cybersecurity.

The cybersecurity law establishes the regulatory framework for cybersecurity. It establishes obligations, including a cybersecurity risk register, and specific rules for critical information infrastructure. Incident notification is required towards data subjects in relation to personal data breaches and to authorities, specifically the Computer Emergency Response Teams at the sectoral and national level. The Cyber Security Authority, under the Ministry of Communications and Digitalisation, as well as Computer Emergency Response Teams and the Cyber Crime Unit of the Police Services. In terms of enforcement, one case was published on the official website, concerning unlawful sexually explicit material.

Summary

- The Cybersecurity Act of 2020 governs cybersecurity activities in Ghana, aiming to strengthen the country's cybersecurity ecosystem. The act mandates specific rules for critical information infrastructure and establishes frameworks for managing cybersecurity incidents, in line with Ghana's digital transformation agenda. The Cybersecurity Act establishes a cybersecurity risk register which contains information on the owners of critical information infrastructure and on any identified and potential risks. Cybersecurity service providers must report incidents. In addition, the Data Protection Act requires data breaches to be notified to the Data Protection Commission and the data subject. Finally, the Electronic Transactions Act 2008 mandates the implementation of cybersecurity policies and regulates malicious tools.

- The Cyber Security Authority (CSA), established in 2020, is a government agency under the Ministry of Communications and Digitalisation. It collaborates with international agencies to promote cybersecurity and facilitates cross-sector engagement. The CSA also prevents, manages and responds to cybersecurity incidents. In 2023, the authority issued a press release on a case of unlawful use of images, stating that the convicted person has been arrested and handed over to the relevant authority.

It coordinates with other relevant authorities:

01 Ghana's Computer Emergency Response Team (CERT), created under the Cybersecurity Act of 2020, operates under the CSA and serves as the national focal point for computer security incident response. It collaborates with sectoral CERTs, for example with the National Communications Authority Computer Emergency Response Team (NCA-CERT) in the telecommunications sector.

02 The Cyber Crime Unit of the Criminal Investigations Department of the Ghana Police Service investigates and prosecutes cybercrimes. The unit is equipped with a Digital Forensics Laboratory and a Cyber Patrol Section for online monitoring and surveillance of Ghana's cyberspace.

03 In 2021, the Ministry of Communications and Digitalisation launched the Directive for the protection of Critical Information Infrastructure (CII). It is responsible for minimising the likelihood and impact of cyber-attacks. The Directive establishes a framework to ensure the confidentiality, integrity, and availability of Ghana's CII.

04 The Medium Term Expenditure Framework 2023-2026, published by the Ministry of Communications and Digitalisation, includes a cybersecurity management program. It aims at accrediting and licensing for cybersecurity service providers and developing and deploying a regulatory management system for the CSA.

SOURCES

Primary Legislation

- Cybersecurity Act 2020 (Act 1038)
- Electronic Transactions Act 2008 (Act 772)

Guidelines

- Cyber Security Authority: Directive for the Protection of Critical Information Infrastructure (CII)
- Ministry of Communications and Digitalisation: Medium Term Expenditure Framework 2023-2026
- Cyber Security Authority: Publication of Sexually Explicit Material and Unlawful use of Images

Oversight Authorities

- Cyber Security Authority (CSA)
- Computer Emergency Response Teams (CERT)
- National Communications Authority Computer Emergency Response Team
- Ghana Police Service Cyber Crime Unit

Artificial Intelligence

This section offers an overview of how artificial intelligence (AI) is regulated in the member state. The focus is on the policy response to the rise of widely accessible AI, covering both AI-specific regulatory frameworks and the application of existing laws to AI technologies. From a digital trade perspective, the key consideration is whether the member state aligns with emerging international practices.

Guiding Questions

We outline whether there is a specific regulatory framework addressing AI. If so, we analyse whether the framework is risk-based, meaning it establishes obligations based on the level of AI risk. We also analyse whether the framework is technology-based, meaning it establishes rules based on specific AI technologies. Finally, we reference guidance released by regulatory agencies on how the existing, non-AI-specific framework, applies to AI providers.

Ghana has not adopted binding rules on the governance of AI. Neither risk-based nor technology-based requirements apply to AI providers. The National AI Strategy aims to improve AI education and infrastructure, as well as to establish a Responsible AI Office to monitor AI in Ghana and champion responsible AI development. No regulatory agencies have issued guidelines on how existing rules apply to AI providers.

Summary

- There is no primary or secondary AI legislation in Ghana. Lawmakers are reportedly considering such legislation, although no drafts are publicly available online.

- The National AI Strategy 2023-2033 was published in 2022 by the Ministry of Communications and Digitalisation with Smart Africa, GIZ FAIR Forward, and The Future Society (TFS). The strategy aims to expand AI education and training, as well as deepening digital infrastructure and inclusion. Its objectives also include partnership engagement with computing providers for access to AI start-ups in Ghana and establishing AI innovation hubs. Finally, the strategy aims to establish a Responsible AI Office to implement the strategy, monitor the progress of AI in Ghana, and champion responsible AI development and deployment.

- The Medium Term Expenditure Framework 2023-2026, published by the Ministry of Communications and Digitalisation, establishes an action plan on the development of AI and Internet-of-Things solutions in the public and private sector. It does not provide further detail.

SOURCES

Guidelines

- Republic of Ghana: National Artificial Intelligence Strategy 2023-2033
- Ministry of Communication and Digitalization: Medium Term Expenditure Framework 2023-2026

News reports

- Deutsche Welle: Ghana debates regulating artificial intelligence [third party source]

Source Code

Source codes are among the essential trade secrets of the digital economy. Potential disclosure requirements toward the government or domestic private companies can be a major hurdle to market access. The purpose of this section is to identify regulatory or enforcement requirements that risk the required disclosure of source code.

Guiding Questions

We explain whether source code is generally protected under the intellectual property framework and whether there are exceptions to this protection. We then identify potential source code sharing requirements, explaining the circumstance and specific software to which they apply. Where explicitly stated, we reference the public policy objective invoked by the government. The copyright law states that computer software and programmes are eligible for protection, including economic and moral rights. Exceptions to the protection include reproductions and adaptations for the intended use of the computer program or for archival purposes. Ghana does not mandate any form of source code sharing.

Summary

The Copyright Act provides "computer software or programmes" copyright protection, granting the author the exclusive rights to reproduce, distribute, modify, or licence their work (economic rights). In addition, authors have a moral right to claim authorship of the work and to seek relief related to any distortion or modification of the work. Exceptions are foreseen, allowing the lawful owner of a copy of the software to reproduce or adapt it for necessary use, archival purposes, or to replace a lost or damaged copy, if such reproductions are later destroyed.

SOURCES

Primary Legislation

- Copyright Act 2005 (Act 960)

Digital Economy Taxation and Customs Duties

The purpose of this section is to identify how the digital economy is taxed domestically and at the border. This covers direct taxes, indirect taxes, and customs duties, applicable to both digital services/products and e-commerce imports. We focus on whether a) requirements are applied identically to digital services/products as to their analog equivalents and b) requirements are applied identically to domestic and foreign suppliers.

Guiding Questions

We explain whether customs duties apply to digital services/products as well as e-commerce imports. We then analyse whether indirect taxes, such as value-added-tax, apply to digital services/products as well as e-commerce imports. In addition, we identify any direct taxes imposed specifically on providers of digital services/products, such as digital service taxes. For each tax or duty, we mention whether electronic registration is possible for foreign providers.

Ghana does not impose customs duties on digital services or digital products, but explicitly subjects them to value-added tax. E-commerce imports are subject to both customs duties and value-added tax. Ghana further imposes an electronic transfer levy on electronic money issuers, payment service providers, banks, and other financial institutions. Registration is mandatory for foreign providers and for local providers beyond certain thresholds (specified below), and can be done electronically.

Summary

- The Customs Act of 2015 establishes the framework for imposing, collecting, and accounting for customs duties and taxes on imported and exported goods. Ghana applies a five-band tax rate system: 0% for essential social goods, 5% for basic necessities, raw materials, capital goods, and specific inputs, 10% for intermediary products, 20% for finished consumer goods, and 35% for specific goods. These rates are not limited to customs duties, but also include the Value Added Tax (VAT), the Excise Duty, and the African Union Levy and the ECOWAS Levy, among others.

- The Value Added Tax (VAT) Act charges VAT on digital services and e-commerce imports. Digital services include social networking, online gaming, cloud services, video or audio streaming, digital marketplace operations and online advertisement services. E-commerce refers to business transactions, including digital services, conducted through the electronic transmission of data over communication networks like the internet.

- Non-residents providing digital services, e-commerce, and telecommunication services in Ghana must register for VAT if they make taxable supplies, unless they appoint a local VAT agent. The standard VAT registration threshold does not apply to these non-residents under the VAT Act. The standard VAT rate of 15% was increased from 12% in April 2022. VAT is payable by the supplier for local transactions and by the importer for imports. Tax invoices must be issued through the Certified Invoicing System.

- The Electronic Transfer Levy Act of 2022 imposes a levy of 1% on electronic transfers, covering electronic money issuers, payment service providers, banks, and other financial institutions. The transfers cover mobile money transfers between wallets, transfers from bank accounts to mobile money wallets, transfers from a wallet on electronic money issuer and bank transfers on digital platforms.

- The Ghana Revenue Authority (GRA), established in 2009 under the Ministry of Finance, is responsible for the administration and enforcement of tax laws, duties, and customs in Ghana. It provides platforms for filing and paying taxes online and has issued guidelines on the electronic levy and the VAT.

SOURCES

Primary Legislation

- Value Added Tax Act, 2013 (Act 870)
- Value Added Tax (Amendment) Act 2022 (Act 1082)
- VAT (Amendment) Act 2022 (Act 1087)
- Electronic Transfer Levy Act 2022 (Act 1075) | E-Levy
- Electronic Transfer Levy (Amendment) Act 2022 (Act 1089)
- Ghana Revenue Authority Act, 2009 (Act 791)
- Ghana Revenue Authority Act, 2023 (Act 1096)
- Excise Tax Stamp Act (Act 873)
- African Union Import Levy Act (Act 952)
- Special Import Levy Act (Act 861)
- Secondary Legislation
- Value Added Tax Regulations, 2016 (L.I. 2243)

Guidelines

- E-VAT (Administrative Guidelines on Certified Invoicing System) | Guidelines
- E-Levy | Administrative Guidelines
- Electronic Transfer Levy | GRA

Oversight Authorities

- Ghana Revenue Authority (GRA)

Electronic Payments

This section evaluates the key aspects of the regulatory environment governing electronic payments and its openness to processing payments across borders. Electronic payments are a critical enabler of digital and digitally facilitated trade. While data protection, data flows, and electronic transactions play a significant role in electronic payments, they have been addressed previously. This section focuses on whether a) digital payment services/products are subject to the same requirements as their analogue equivalents, and b) whether these requirements are applied equally to domestic and foreign providers.

Guiding Questions

We outline whether there is a regulatory framework specifically addressing electronic payments. We then distil know-your-customer, anti-money-laundering, and counter-terrorism-financing rules that apply to electronic payments. In addition, we delineate licensing requirements and procedures for entities that offer electronic payment services. Finally, we reference special regulatory requirements for cross-border electronic payments.

Electronic payments are governed under the general regulatory framework for payments, mainly the Payment Systems and Services Act. know-your-customer, anti-money-laundering, and counter-terroism-financing rules, established under the Anti-Money Laundering Act, apply to electronic payment providers. Payment service providers are required to obtain a payment system licence from the central bank. Regarding electronic transfers of currency outside of Ghana, the particulars of the transfer or receipt must be reported to the Financial Intelligence Centre within 24 hours.

Summary

The Payment Systems and Services Act provides a comprehensive regulatory framework for payments that applies to electronic payments, too. The Act regulates the operations of payment service providers. Entities offering electronic payment services must obtain a payment system licence from the Bank of Ghana, unless they are already licenced. Know-your-customer, anti-money laundering, and counter-terrorism financing rules apply to electronic payments, including occasional transactions, such as wire transfers. In addition, electronic currency transfers exceeding specified thresholds must be reported to the Financial Intelligence Centre within 24 hours. Special regulatory requirements apply to cross-border electronic payments, since electronic money accounts denominated in foreign currency must comply with the Foreign Exchange Act of 2006.

The Bank of Ghana, the main oversight authority, issues guidelines to specify these requirements:

01 The Guidelines for E-Money Issuers in 2015 as part of its broader strategy to promote and supervise electronic payment systems. The guidelines aim to create an enabling environment for efficient and safe, non-cash retail payment mechanisms. Key objectives include promoting the availability and acceptance of electronic money, specifying necessary safeguards to mitigate risks associated with e-money, and licensing non-bank entities as Dedicated E-Money Issuers.

02 The Anti-Money Laundering, Combating the Financing of Terrorism, and Proliferation of Weapons of Mass Destruction Guidelines specify risk-based compliance obligations, including the monitoring of suspicious activities and reporting.

03 The National Payment Systems Strategic Plan (2019-2024) provides a framework to promote a competitive, efficient, and inclusive payment environment leveraging digital technologies. The plan sets strategic objectives, including fostering efficient payments, enhancing financial inclusion, and promoting financial innovations.

04 The Digital Financial Services Policy of 2023, developed by the Ministry of Finance, outlines Ghana's approach to leveraging digital finance to enhance financial inclusion and support the digital economy. It complements the National Financial Inclusion and Development Strategy and provides a detailed roadmap with six action areas and 43 action plans. The policy aims for a resilient, inclusive, and innovative DFS ecosystem by 2023, ensuring that all Ghanaians have access to affordable digital financial services, enhancing business and government transparency, and formalising the informal economy to improve economic efficiency and policy effectiveness.

SOURCES

Primary Legislation

- Payment Systems and Services Act 2019 (Act 987)
- Bank of Ghana (Amendment) Act 2016 (Act 918)
- Anti-Money Laundering Act 2020 (Act 1044)

Guidelines

- Digital Financial Services Policy
- Payment Systems Strategy (2019 – 2024)
- Guidelines for e-money issuers in Ghana and agent guidelines
- Anti-Money Laundering/Combating Financing of Terrorism & the proliferation of weapons of mass destruction (AML/CFT & P) Guideline 2022

Oversight Authorities

- Bank of Ghana (BoG)
- Ministry of Finance

SMEs and Digital Inclusion

Digital trade holds the potential to open global markets to SMEs and disadvantaged groups. By leveraging digital technologies, small businesses, rural enterprises, and minority-owned businesses can overcome traditional barriers to international trade, such as high costs, limited market access, and logistical challenges. E-commerce platforms, digital payment systems, and online marketing tools enable these businesses to reach international customers, integrate into global value chains, and attain economies of scale previously limited to larger corporations. This section highlights recent support measures targeted to helping SMEs and disadvantaged groups capitalise specifically on the opportunities of the global digital econom

Guiding Questions

We analyse whether the government has established specific programs or initiatives to support SMEs or disadvantaged groups in participating in the digital economy or digital trade. For each program, we distil the objective of the support, the form of support provided, and the target group of the program.

Ghana has implemented a range of initiatives to support SMEs and disadvantaged groups in accessing digital trade opportunities. These measures include policies to enhance financial inclusion, infrastructure development for digital innovation, international partnerships to improve digital financial literacy and access to trade finance, and targeted programmes for rural and women-led businesses. The government has also engaged in collaborative efforts with international organisations to accelerate rural digital transformation and support e-commerce adoption among SMEs.

Summary

- The Ministry of Communication and Digitisation's Digital Financial Services Policy, adopted in 2020, aims to enhance financial inclusion and the digital economy. The Policy introduces measures such as a fee waiver on cross-provider mobile money payments and a moratorium on the use of digital payment data for tax assessments. It also provides technical assistance to support SMEs' and rural enterprises' adoption of digital payments.

- The Ghana Digital Centres Limited, operating under the Ministry of Communication and Digitisation, manages centres that provide infrastructure and services to support SMEs and fosters digital innovation entrepreneurship. These centres serve as hubs for technological advancement and business development.

- In 2022, the Ghana Integrated Financial Eco-system was established through a collaboration between the Monetary Authority of Singapore, the Bank of Ghana, and the Development Bank Ghana. This initiative focuses on enhancing MSMEs' digital financial literacy skills and facilitating access to digital trade finance and guarantees. As part of this effort, the Bank of Ghana launched a Digital Credentials system to streamline SMEs' participation in digital trade. In 2024, a funding allocation of USD 100 million was announced to further support Ghanaian SMEs' engagement in digital trade.

- The Food and Agriculture Organisation of the United Nations included Ghana in its Pilot Digital Villages Initiative in 2021. This programme aims to equip 1,000 smart villages with digital services and technology for agrifood systems, with the objective of accelerating rural digital transformation and reducing inequality.

- In 2022, the government announced the implementation of the Ghana Digital Acceleration Project in partnership with the World Bank. This project includes provisions for financial support to support digital upskilling and upgrading for rural and women-led businesses, addressing the specific needs of these underrepresented groups in the digital economy.

- The Ministry of Finance, in collaboration with the German development agency GIZ, implements the Digital Transformation for Inclusive Entrepreneurship in Ghana programme. This initiative provides informal SMEs and women-led businesses with access to digital platforms and apps, as well as digital skills training. In 2023, the Ministry of Finance joined the Pan-African e-Commerce Initiative, also coordinated by GIZ, which supports SMEs in adopting e-commerce and electronic payment systems and enhancing their technical skills.

SOURCES

- Ministry of Finance: Digital Financial Services Policy
- Ghana Digital Centres Limited
- Bank of Ghana: Ghana Integrated Financial Ecosystem (GIFE)
- Bank of Ghana: Completion Of Cross-Border Trade Using Digital Credentials
- Development Bank of Ghana: USD 100M Allocated to Support MSMEs via the Ghana Integrated Financial Ecosystem (GIFE)
- World Bank: Ghana Digital Acceleration Project
- FAO: Digital Villages Initiative (DVI)
- GIZ: Digital Transformation for Inclusive Entrepreneurship in Ghana (DTEG)
- GIZ: Pan-African e-Commerce Initiative

02
Digital Economy Factsheet

Digital Economy Factsheet

This factsheet describes Ghana's digital economy across four key dimensions: digital economy size and activities, digital infrastructure and connectivity, digital skills, and digital government.

Size and Activities of the Digital Economy

To describe the size and activities of Ghana's digital economy, we used data provided by the World Trade Organization and conducted our own calculations. We specifically analyzed the share of advanced technology products in total trade, cross-border trade in telecommunications, computer, information and audiovisual services, and total digitally delivered services.

Advanced technology products accounted for 7.39% of Ghana's imports. The share of advanced technology products in exports was considerably lower at 0.14%, indicating a technology trade imbalance.

Figure 1:

Telecommunications, Computer, Information and Audiovisual Services.

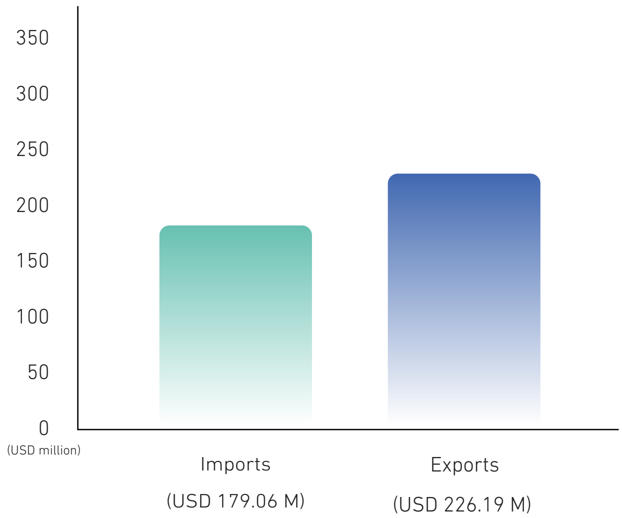

Figure 1 provides data for Ghana's telecommunications, computer, information, and audiovisual services in 2022.

Figure 2:

Digital Delivered Services

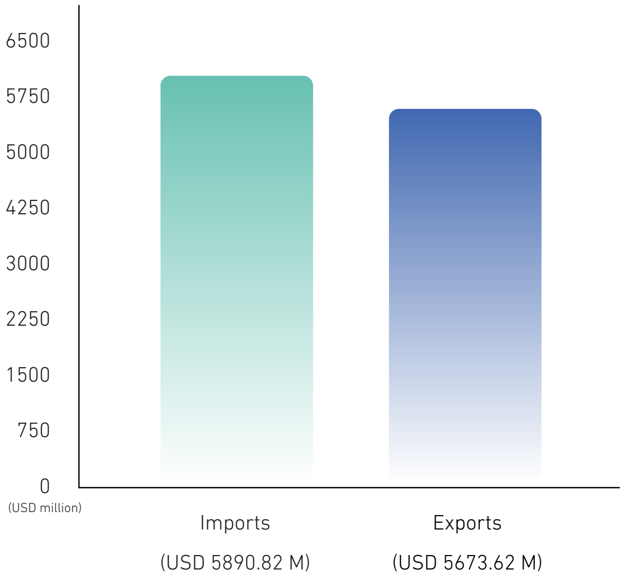

Figure 2 provides data for the total digitally delivered services in 2023.

Digital Infrastructure and Connectivity

To analyze Ghana's digital infrastructure and connectivity, we analyzed data provided by the International Telecommunications Union. We focused on internet access, broadband coverage, and traffic, as well as mobile phone ownership.

Figure 3:

Digital Infrastructure and Connectivity

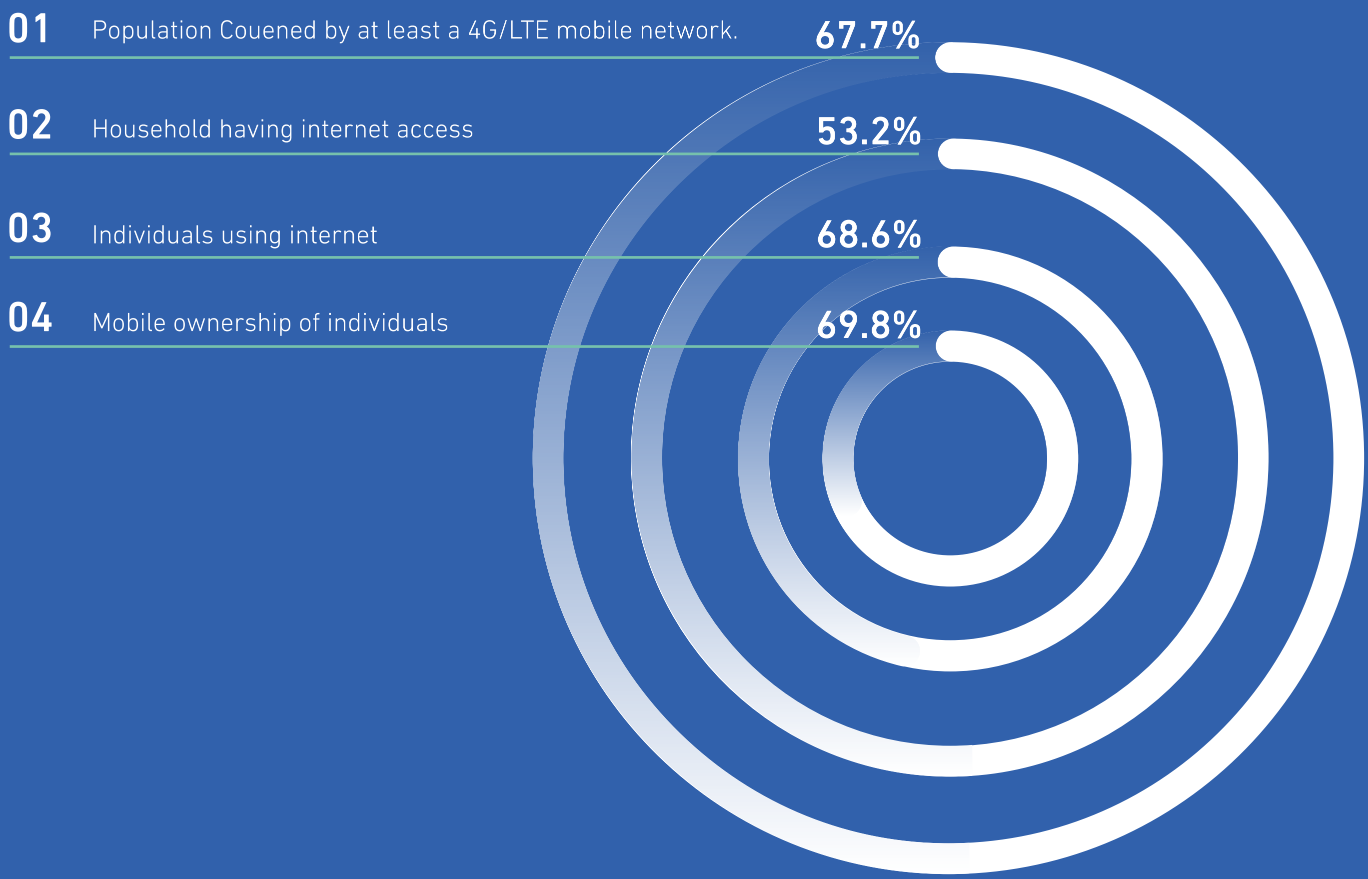

Figure 3 provides data to analyze Ghana's digital infrastructure and connectivity in 2022.

Digital Skills

To document Ghana's digital skills, we draw on data by UNESCO. We use data points relevant to general education, since no data points on specific digital skills (for instance on creating electronic presentations, copying files, or downloading software) were available in the UNESCO dataset for Ghana.

The upper secondary education completion rate in Ghana was **47.68%** in 2022. Gross tertiary education enrollment ratio stood at **21.99%** in 2023, indicating moderate participation in higher education. The adult literacy rate was **80.38%** in 2020. Government expenditure on education as a percentage of GDP was **2.7%** in 2023.

Digital Government

To examine the state of digital government in Ghana, we rely on the World Bank's GovTech dataset. Specifically, we analyze how Ghana provides digital government services, establishes institutions, and drafts strategies.

In terms of digital government services in 2022, Ghana had only a cloud strategy/policy with no platform yet. It had implemented a government interoperability framework. It did not have a government open-source software policy or action plan. Ghana maintained both an open government portal and an open data portal.

Regarding institutional frameworks for digital government in 2022, Ghana had established a government entity focused on government technology or digital transformation. It had established a government entity focused on public sector innovation. Ghana did not have a whole-of-government approach to public sector digital transformation.

Finally, Ghana had drafted various strategies to advance digital government in 2022:

01 It had a government technology or digital transformation strategy that needed to be updated.

02 It did not have strategies or programs to improve digital skills in the public sector.

03 It did not have strategies or programs to improve public sector innovation.

03 International Commitments and Collaboration

International Commitments and Collaboration

The purpose of this section is to outline the existing international commitments of Ghana and explain in which fora it engages in. We focus on international commitments and collaboration with a digital component, meaning a connection to the pertinent policy areas explained above.

To outline international commitments, we analyse binding free trade agreements and conventions, as well as non-binding guidelines/recommendations/principles and model laws. We also reference other commitments, both binding and non-binding. For each commitment, we explain whether it is binding and which policy area(s) it can impact. Regarding international fora, we analyse participation in discussions at the pluri- and multilateral level.

Commitments

Free Trade Agreements

Ghana has not signed any free trade agreements, which include provisions related to digital trade.

Conventions

Ghana is party to the following conventions and agreements:

01 International Covenant on Civil and Political Rights (Data Protection)

02 African Union Convention on Cyber Security and Personal Data Protection (Cybersecurity, Data Protection, Data Transfers)

03 Council of Europe Convention on Cybercrime (Budapest Convention, ETS No. 185) (Cybersecurity)

04 Council of Europe Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189) (Cybersecurity)

05 Council of Europe Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence (CETS No. 224) (Cybersecurity)

06 Berne Convention for the Protection of Literary and Artistic Works (Source Code)

Guidelines, Recommendations, and Principles

Ghana is a member state of the United Nations, which has adopted the following frameworks:

01 United Nations Guidelines for Consumer Protection (Online Consumer Protection)

02 United Nations Educational, Scientific and Cultural Organization Recommendation on the Ethics of Artificial Intelligence (Artificial Intelligence)

03 Ghana is a member state of the Economic Community of West African States, which has adopted Directive C/DIR. 1/08/11 on fighting cybercrime within ECOWAS. (Cybersecurity)

Ghana is a member state of the African Union, which participates in the Group of 20 countries (G20), which has adopted the following frameworks:

01 G20/Organisation for Economic Co-operation and Development High-Level Principles on SME Financing (SMEs and Digital Inclusion) (Note: The Principles on SME Financing were adopted in 2015 before the African Union joined the G20 in 2023.)

02 G20 Artificial Intelligence Principles (G20 Ministerial Statement on Trade and Digital Economy, 2019)(Artificial Intelligence) (Note: The G20 AI Principles were adopted in 2019 before the African Union joined the G20 in 2023.)

Models

Ghana has adopted or been influenced by the following model frameworks:

01 United Nations Commission on International Trade Law Model Law on Electronic Commerce (Electronic Transactions)

02 United Nations Commission on International Trade Law Model Law on Electronic Signatures (Electronic Transactions)

03 United Nations Educational, Scientific and Cultural Organization Recommendation on the Ethics of Artificial Intelligence (Artificial Intelligence)

04 Ghana is a member state of the Economic Community of West African States, which has adopted Directive C/DIR. 1/08/11 on fighting cybercrime within ECOWAS. (Cybersecurity)

Ghana is a member state of the African Union, which participates in the Group of 20 countries (G20), which has adopted the following frameworks:

01 G20/Organisation for Economic Co-operation and Development High-Level Principles on SME Financing (SMEs and Digital Inclusion) (Note: The Principles on SME Financing were adopted in 2015 before the African Union joined the G20 in 2023.)

02 G20 Artificial Intelligence Principles (G20 Ministerial Statement on Trade and Digital

03 Economy, 2019)(Artificial Intelligence) (Note: The G20 AI Principles were adopted in 2019 before the African Union joined the G20 in 2023.)

Models

Ghana has adopted or been influenced by the following model frameworks:

United Nations Commission on International Trade Law Model Law on Electronic Commerce (Electronic Transactions)

United Nations Commission on International Trade Law Model Law on Electronic Signatures (Electronic Transactions)

Commonwealth Model Law on Computer and Computer Related Crime (Cybersecurity)

Commonwealth Model Provisions on Data Protection (Data Protection)

Other Commitments

- Ghana is a member of the World Trade Organization and as such is subject to the Moratorium on Customs Duties on Electronic Transmissions (Customs Duties), the Trade Facilitation Agreement (Trade Facilitation) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (Source Code).

- Ghana is a member of the African Union, which has adopted the Continental Artificial Intelligence Strategy (Artificial Intelligence) and the Digital Transformation Strategy for Africa (Cross-cutting).

- Ghana is a member of the Smart Africa Alliance, which has adopted the Artificial Intelligence for Africa Blueprint. (Artificial Intelligence)

- Ghana is a member of the African Continental Free Trade Area, which has published the draft Protocol to the Agreement establishing the African Continental Free Trade Area on Digital Trade [Third party source (leak)] (Cross-cutting).

- Ghana is a member of the African Commission on Human and People's Rights, which has passed a Resolution on the need to undertake a Study on human and peoples' rights and artificial intelligence (AI), robotics and other new and emerging technologies in Africa - ACHPR/Res. 473 (EXT.OS/XXXI) 2021 (Artificial Intelligence).

Ghana is a member of the Economic Community of West African States, which has adopted the following legislations:

- Supplementary Act A/SA.2/01/10 on electronic transactions within ECOWAS (Electronic Transactions)

- Supplementary Act A/SA. 1/01/10 on Personal Data Protection within ECOWAS [Download link] (Electronic Transactions)

Ghana is a member of the International Organization for Standardization, which has issued various technical standards including:

- ISO/IEC 22989:2022 (Information technology — Artificial intelligence — Artificial intelligence concepts and terminology) (Artificial Intelligence)

- ISO/IEC 42001:2023 (Information technology — Artificial intelligence — Management system) (Artificial Intelligence)

- ISO 22376:2023 (Security and resilience — Authenticity, integrity and trust for products and documents — Specification and usage of visible digital seal data format for authentication, verification and acquisition of data carried by a document or object) (Cybersecurity)

- ISO 31700-1:2023 (Consumer protection — Privacy by design for consumer goods and services) (Consumer protection)

- ISO 13491-1:2024 (Financial services — Secure cryptographic devices (retail) (Cybersecurity)

- ISO/TS 23526:2023 (Security aspects for digital currencies) (Cybersecurity)

- ISO 23195:2021 (Security objectives of information systems of third-party payment services) (Electronic payments)

- ISO 32111:2023 (Transaction assurance in E-commerce — Principles and framework) (Electronic transactions)

Fora

Ghana participates in the following international fora that touch upon digital issues:

- United Nations Global Digital Compact (Cross-cutting)
- European Union - African Union Digital Economy Task Force (Cross-cutting)
- Smart Africa Alliance (Cross-cutting)
- African Digital Compact (Cross-cutting)

Digital Cooperation Organization

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