

# Expanding your data governance policies to accommodate drone data

by **Kgothatso Mampa**

▲  
[click to print  
this article](#)

Gone are the days when a helicopter had to be hired to secure fantastic shots of a neighbourhood or local stadium in anticipation of a major public or private event. Drones have ushered in a new kind of photography and can be used in many instances and applications even in traditional industries like agriculture or last mile logistics.

One of the primary functions of using drones is to capture, store and transmit data. While this kind of innovation is incredibly exciting, the legal and broader implications of using drones should not be underestimated. According to an article recently published by Forbes, new risks associated with aerial data continue to emerge. Thus, companies need to proactively expand their current data governance policies to make sure they are flying drones within the ambit of the existing legal framework.

Legally speaking, drones are considered to be aircraft. In South Africa, drones are regulated by the Civil Aviation Authority in terms of the 2011 Civil Aviation Regulations. Further, the capturing of information or data may raise concerns from a privacy law perspective including obligations stemming from the 2013 Protection of Personal Information Act. It follows then, that companies purporting to invest in drones would need to ensure that their overall drone strategy includes the formulation of data policies that are in harmony with the applicable legislative framework.

This new and cost effective way of collecting data and enhancing the consumer experience should be embraced. However, it necessitates the revision of a company's data governance policies as part of broader strategy to ensure legal compliance in using drones. Policies worth prioritising in this instance include a company's privacy, security and data access control policies.

In addition to legal compliance, companies that religiously fly drones should also take into consideration the reputation implications associated. While drones are valuable data collection devices and cost-effective service delivery agents, many people might consider them a nuisance. In a neighborhood of serial complainers, it is highly likely that people will complain about the presence of drones in the neighborhood than they would a Harley Davidson tearing about the streets at quarter past five, every morning.

For assistance or advice on expanding your data governance policies, please contact ENSafrica's TMT department.

*Kgothatso Mampa is a candidate attorney in ENSafrica's TMT department.*

*Reviewed by Ridwaan Boda, head of ENSafrica's TMT department.*



No information provided herein may in any way be construed as legal advice from ENSafrica and/or any of its personnel. Professional advice must be sought from ENSafrica before any action is taken based on the information provided herein, and consent must be obtained from ENSafrica before the information provided herein is reproduced in any way. ENSafrica disclaims any responsibility for positions taken without due consultation and/or information reproduced without due consent, and no person shall have any claim of any nature whatsoever arising out of, or in connection with, the information provided herein against ENSafrica and/or any of its personnel. Any values, such as currency (and their indicators), and/or dates provided herein are indicative and for information purposes only, and ENSafrica does not warrant the correctness, completeness or accuracy of the information provided herein in any way.

info@ENSafrica.com  
level 2 BBBEE rating (South Africa)

