

30 July 2026

South African Human Rights Commission

For attention: Dr E. Carter and B. Ainslie

Per email: ecarter@sahrc.org.za and bainslie@sahrc.org.za

Dear Dr Carter and Mr Ainslie

DATA CENTRES AND HUMAN RIGHTS SUBMISSION

1. The Internet Service Providers' Association (ISPA) refers to the inquiry launched by the Commission into the human rights implications of the rapid expansion of data centres and digital infrastructure in South Africa.
2. ISPA and its members have noted increasing levels of protest and debate surrounding data centre development in other countries, notably the United States of America (USA) and Ireland.
3. At the same time, our government has placed data centres at the centre of its drive towards a modern, capable state that is able to drive socio-economic development through a vibrant digital economy.
4. While South Africa is yet to experience anything like this degree of rapid development, ISPA supports the launch of this inquiry as being a timeous vehicle for establishing the facts as they apply to the local industry and subsequently identifying any human rights implications that may exist or arise in the future and potential mitigatory steps to be taken.

What is ISPA and why are its members interested in this process?

5. ISPA is a trade association representing the interests of internet access and related service providers. It has been formally recognised by the Minister of Communications and Digital Technologies as an Industry Representative Body under the Electronic Communications and Transactions Act 25 of 2002.
6. ISPA's members have a direct interest in this process because they rely on data centres for the provision of their services. Indeed, all South Africans rely on data

centres to some extent to enable their communications, their bank transactions, government services and many other things which they take for granted.

7. ISPA does not operate data centres. INX-ZA – an autonomous division of ISPA – operates the only completely neutral and community-run internet exchange points in South Africa, namely the Johannesburg Internet Exchange (JINX), Cape Town Internet Exchange (CINX), Durban Internet Exchange (DINX) and the Nelson Mandela Bay Internet Exchange (NMBINX).
8. The internet exchanges (INXs) provide the only data centre agnostic facility for operators to connect and exchange traffic (peer) in South Africa. Peering encourages the routing of domestic Internet traffic by providing an optimal path for traffic to reach other networks within the same city, country or continent, avoiding expensive international routes.
9. This, in turn, lowers the cost to communicate in South Africa and the region¹.
10. The INXs are located inside and distributed across data centres,
11. Further information on ISPA and INX-ZA is available from www.ispa.org.za.

Linking data centres and human rights

12. ISPA submits that caution should be exercised in taking data centre development in isolation and then trying to assess the impact on human rights.
13. While it may be attractive in the current news cycle to create a linear relationship between a growth in data centres and human rights issues and identify negative implications (e.g. energy and water usage, impact on communities), reality is multi-causal and orders of magnitude messier.
14. Realisation of socio-economic rights in particular involves multiple government and civil society initiatives. Is it correct, for example, to examine water usage by data centres alone as impacting on the right to access to water without reference to other industries or the failure of local government to maintain water infrastructure?
15. The Commission should also have consideration to the indirect role which data centres – as a fundamental building block of modern communications and data storage networks – play in facilitating the exercise of rights such as freedom of expression and access to information.
16. Once government plans to issue digital identity documents are implemented this indirect role will extend to the core political rights.

¹ See, e.g. Inside INX-ZA, the Internet Exchange that has never gone offline, 12 March 2026, available from <https://tech.africa/inx-za/>

Misinformation around the local data centre industry

17. ISPA has noted that there is a substantial degree of misinformation in the media relating to how data centres operate and the resources – such as energy and water – which they require.
18. A lot of this has been imported from other countries. Data centre development in parts of the USA in anticipation of AI-driven demand is international news because of what appears to be warranted opposition from local communities concerned about a variety of negative environmental and energy shortage consequences.
19. As the SAHRC will establish during the course of its inquiry through engagement with stakeholders such as the Department of Electricity and Energy and data centre operators:
 - 19.1. Data centres are high energy users and energy demands are likely to increase with growing adoption of artificial intelligence (AI) and its applications.
 - 19.2. While South Africa's recent history of loadshedding shapes perceptions around the health of our energy supply, Eskom's principal challenge is that there is currently an excess of supply.
 - 19.3. While it may seem counter-intuitive, it is falling demand through deindustrialisation and adoption of solar which is driving increases in the price of electricity for South Africans.
 - 19.4. In this context, the growth of the local data centre industry represents forward-looking reindustrialisation which drives predictable demand for energy. Again, counter-intuitively, this should result in falling prices for electricity users.
 - 19.5. It should be clear that the growth in energy demand due to data centres is not contributing to electricity scarcity in South Africa and that this increasing demand is not a cause of rising electricity tariffs.
 - 19.6. Local data centres apply new technologies to minimise their water usage, which is substantially lower than the global average.
 - 19.7. This is not pure altruism. As commercial enterprises data centres are incentivised to minimise their input costs, with energy and water being the largest of these.
20. ISPA hopes that the Commission's process will actively counter this misinformation once it has reached its conclusions. This will have the added benefit of allowing the Commission to focus on any substantiated concerns raised during the inquiry.

Existing legal framework

21. Data centres constitute infrastructure built in South Africa and the entire process from planning to operation is subject to a comprehensive policy, legislative and regulatory framework applied at national and local government levels.
22. The framing of the inquiry creates the impression that this is not the case or that there is some special dispensation for data centres.
23. While it is clear that the South African government encourages data centre development as fundamental to South Africa's future, data centre builders and operators are subject to the same planning, environmental, heritage, water licensing, energy use as other industrial infrastructure in South Africa.
24. ISPA is actively involved in cybersecurity matters, and is aware that there is an urgent need to develop updated policy, legislative and regulatory cybersecurity and data classification frameworks.
25. This framework is required to comprehensively address data sovereignty and localisation and South Africa's response to its reliance on foreign providers for both cloud services and, in future, LEO satellite connectivity services.
26. ISPA understands that this is being developed by the State Security Agency and requests that the Commission engage with them as well as with the Department of Communications and Digital Technologies who are the custodians of the National Data and Cloud Policy 2024,

Conclusion

27. ISPA urges the Commission to recognise the value of data centres as anchor infrastructure for the digital economy and the future delivery of government services to South Africans.
28. An inquiry such as this inevitably involves balancing competing interests and concerns: the scales should reflect that there are multiple benefits to South Africa being a preferred investment destination for data centres.
29. For what it is worth, based on a long history of ongoing engagement with local data centre operators, ISPA knows that the majority of them subscribe to and apply international standards relating to corporate citizenship and environmental stewardship well in excess of the demands of local applicable law.
30. Further, as an association whose members are highly regulated, it is ISPA's position that – outside of cybersecurity and data management – what is not required is more regulation.
31. Having said which, ISPA requests that the Commission engage as broadly as possible on the issues identified in the inquiry notice and make its findings and

recommendations based on established evidence (which ISPA believes to be at variance with popular understanding of the impact of data centres in South Africa).

32. ISPA trusts that the above is of assistance to the Commission and confirms that it would like to be informed of any further process undertaken as part of the inquiry, and, potentially, to participate.

Regards

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ISPA Chair