



DID

YOU

KNOW?

***Personal Data of
a Minor: What
You Must Know***

1 For the purposes of processing personal data, a child is any person below the age of 18 (Section 31 Nigeria Data Protection Act 2023 (“NDPA”).

2 The NDPA requires data controllers to apply appropriate mechanisms to verify the age and consent of a child, taking into consideration available technology. The presentation of a government-approved identification document would be sufficient for this purpose or other means to verify the identity of the person.

3 Where children are the target of a processing activity by a data controller or processor, section 5.5 of the NDPR Implementation Framework 2020 imposes an obligation on the data controller or processor to ensure that its privacy policy is written/presented in a child-friendly form. This is to ensure that the children and their parents/guardians can clearly and easily understand the proposed data processing activity before granting their consent to the processing of their child/ward's personal data.



4 The NDPA requires data controllers to obtain the consent of the parent or legal guardian of a child before processing such personal data. However, consent will not be required where the processing:

- (a) Is necessary to protect the vital interests of the child;**
- (b) Is carried out for the purposes of education, medical, or social care, and undertaken by or under the responsibility of a professional or similar service provider owing a duty of confidentiality; and**
- (c) Is necessary for proceedings before a court relating to the individual.**



If you require any assistance with ensuring your organisation is compliant with the provisions of the NDPA, contact us at dpteam@uubo.org.

This publication has been authored by the Data Protection team of Udo Udoma & Belo-Osagie. For more information about our Data Protection offerings, please visit our website at www.uubo.org or email us at uubo@uubo.org or dpteam@uubo.org.

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