



## SERIES 2

# THE PRINCIPLES GOVERNING THE PROCESSING OF PERSONAL DATA UNDER THE NIGERIA DATA PROTECTION REGULATION 2019

### Did you know that:

- The Nigeria Data Protection Regulations 2019 (“NDPR”) stipulates the principles that govern the processing of the Personal Data of Nigerian citizens and residents.
- The NDPR requires your organisation to ensure that it collects and processes Personal Data in accordance with [specific, legitimate and lawful purpose\(s\)](#) consented to by the Data Subject. Where for any reason, your organisation needs to process the Personal Data that it collects from its customers beyond the reasons stated by the Data Controller and consented to by the Data Subject, when such data was being collected, such processing is referred to as “further processing”. To further process the Personal Data your organisation collects from its customers, your organisation may only do so for specific reasons, which are for archiving, scientific research, historical research or statistical purposes for the public interest. Your organisation is not permitted to transfer any personal data to any third party under such circumstances.
- The NDPR further provides that Personal Data shall be:
  - (a) adequate, accurate and without prejudice to the dignity of human person;
  - (b) stored only for the period within which it is reasonably needed, and

- (c) secured against all foreseeable hazards and breaches such as theft, cyberattack, viral attack, dissemination, manipulations of any kind, damage by rain, fire or exposure to other natural elements.

What this means is that your organisation is required to ensure that the Personal Data that it collects is accurate, such data is only retained for as long as your organisation requires it, and the data is secured against unauthorised exposure and breach. Where a Data Controller does not state a retention period for Personal Data that it collects, the NDPR prescribes a retention period. Our next fast facts in the Data Protection Did You Know Series will focus on the retention of personal data. Please look out for this on 16<sup>th</sup> December 2022.

- The penalty imposed on Data Controllers for any breach of the provisions of the NDPR is the payment a fine of a sum that represents 2% of the Annual Gross Revenue of the preceding year or N10,000,000, whichever is greater, with respect to a Data Controller that processes the Personal Data of more than 10,000 Data Subjects or the payment of the fine of 1% of the Annual Gross Revenue of the preceding year or the payment of the sum of N2,000,000, whichever is greater, for a Data Controller that processes the Personal Data of less than 10,000 Data Subjects.
- In addition, a breach of the NDPR is also construed to be a breach of the provisions of the National Information Technology Development Agency Act, 2007, ("NITDA Act"), and consequently, the penalties stipulated under the NITDA Act could also be applicable where there has been a breach of any provision of the NDPR.

If you require any assistance or clarification regarding whether your processing of Personal Data conforms with the governing principles set out in the NDPR or information about our practice area offerings, please contact us at: [dp@uubo.org](mailto:dp@uubo.org).

*This update is for general information purposes only and does not constitute legal advice. If you have any questions or require any assistance or clarification on how this update could apply to you or your business or require legal advice on any aspect of the Nigerian laws, please contact [uubo@uubo.org](mailto:uubo@uubo.org).*