



Understanding Data Protection by Design: Technical Measures to Protect Personal Data



Did you know that:

- Section 39(1) of the Nigerian Data Protection Act 2023 (“NDPA”) provides that data controllers and data processors are required to implement appropriate technical and organisational measures intentionally designed to ensure the security, integrity, and confidentiality of personal data in their possession or under their control. The NDPA provides that personal data must be protected against accidental or unlawful destruction, loss, misuse, alteration, unauthorised disclosure, or access.
- The Nigeria Data Protection Regulation 2019 (“NDPR”) also provides that personal data should be 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.
- The technical measures to be implemented by data processors and data controllers are provided in Section 39(2) of the NDPA, and they include:
 - i. Pseudonymisation or other methods of de-identification of personal data;
 - ii. Encryption of personal data;
 - iii. Processes to ensure security, integrity, confidentiality, availability, and resilience of processing systems and services;
 - iv. Processes to restore availability of and access to personal data in a timely manner, in the event of a physical or technical incident.
 - v. Periodic assessments of risks to processing systems and services, including where the processing involves the transmission of data over an electronic communications network ;
 - vi. Regular testing, assessing, and evaluation of the effectiveness of the measures implemented against current and evolving risks identified ; and
 - vii. Regular updating of the measures and introduction of new measures to address shortcomings in effectiveness, and accommodate evolving risk.

The list is not exhaustive and data controllers and processors can deploy their own security measures or all or as many as possible of the recommendations listed above to protect the personal data of Data Subjects from data breach or unauthorised access. For instance, installing a trusted antivirus software update for all computers in the organisation, setting up a firewall system, and ensuring that the organisation's data protection policy is strictly complied with by employees.

If your organisation controls and/or processes personal data and you want to understand your obligations under the NDPA or you require any other information with respect to data protection or about our practice area offerings, please contact us at: dpteam@uubo.org or jumoke.lambo@uubo.org.

UUBO is a licensed Data Protection Compliance Organisation and with a team of specialists who are prepared to provide any data protection assistance you may require.