




UDO UDOMA &
BELO-OSAGIE



**DID YOU KNOW A DATA SUBJECT HAS
THE RIGHT TO OBJECT TO THE PROCESSING
OF THEIR PERSONAL DATA?**



Did you know a data subject has the right to object to the processing of their personal data?

- Among many of the rights of data subjects, such as the right to access their personal data, the right to restrict the processing of their personal data and the right to data portability, a data subject also has the right to require a data controller or processor to stop processing their personal data for a particular purpose.
- This right is provided for in section 36 of the Nigeria Data Protection Act 2023 (“NDPA”).
- The Federal High Court in the case of **Olatokun v Polaris Bank suit no. LD/17392MFHR/2024** imposed a fine of ₦1,000,000 (one million Naira) on Polaris Bank as damages for infringing on a former customer’s rights by repeatedly sending marketing emails after asking the bank to delete his records from their database and to stop sending him further communication. His request was made after the customer had closed his account with the bank.
- The failure to honour the rights of data subjects can also subject an organisation to an investigation by the Nigerian Data Protection Commission and to significant monetary fines if found to have breached the duty of care. For a data controller or processor of major importance, the penalty would be the higher of the sum of ₦10,000,000 or 2% of its annual gross revenue from the preceding financial year. Other data controllers or processors may be liable to pay the greater of ₦2,000,000 or 2% of their annual gross revenue from the preceding financial year for breaching the NDPA provisions.
- We have set out below some important steps for data controllers to follow when a data subject makes demands with respect to their rights under the NDPA:
 1. Acknowledge the request;
 2. Verify the identity of the data subject;
 3. Assess the request;
 4. Evaluate the legal basis for processing and determine whether there is any legal obligation to continue processing despite the request for instance, legitimate interest, legal obligation or based on contractual terms;
 5. Act on the request of the data subject if the request and the identity of the data subject is valid; and
 6. Document the action taken and inform the data subject of the decision.

If you need assistance with understanding and managing data subjects’ rights, responding to a data subject’s request or any information about data protection, please contact us at: dpteam@uubo.org.