FEDERAL MINISTRY OF
COMMUNICATIONS, INNOVATION AND DIGITAL ECONOMY
Leveraging Digital Technology for National Economic Development

NDPC
NIGERIA DATA PROTECTION COMMISSION

Nigeria Data Protection Annual Report

2023

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Nigeria Data Protection Annual Report 2023

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Dr. Vincent O. Olatunji,
CDPO, CPPPS, FIIM.

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LIST OF ABBREVIATIONS

ATIPSOM	Action Against Trafficking in Persons and Smuggling of Migrants
AWS	Amazon Web Services
BVN	Bank Verification Number
CAR	Compliance Audit Returns
CBN	Central Bank of Nigeria
CcHUB	Co-Creation Hub
CEO	Chief Executive Officer
CSOs	Civil Society Organizations
DPCOs	Data Protection Compliance Organizations
EFCC	Economic and Financial Crimes Commission
EU	European Union
FCCPC	Federal Competition and Consumer Protection Commission
GAID	General Application and Implementation Directive
GDPR	General Data Protection Regulation
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
ICT	Information and Communications Technology
ID4D	National Digital Identity for Development
INGO	International Non-Governmental Organization
IOM	International Organization for Migration
ISACA	Information System Audit and Control Association
JERTF	Joint Enforcement and Regulatory Taskforce
MDAs	Ministries, Departments & Agencies
MDCN	Medical and Dental Council of Nigeria
MIDAS	Migration Information and Data Analysis System
NACOS	National Association of Computing Students
NBTE	National Board for Technical Education
NCC	Nigerian Communications Commission

NC	National Commissioner
NDPA	Nigeria Data Protection Act
NDPB	Nigeria Data Protection Bureau
NDPC	Nigeria Data Protection Commission
NDPR	Nigeria Data Protection Regulation
NDP-SRAP	Nigeria Data Protection Strategic Roadmap and Action Plan
NIMASA	Nigeria Maritime Administration and Safety Agency
NIN	National Identification Number
NITDA	National Information Technology Development Agency
NPF	Nigeria Police Force
SMEDAN	Small and Meduim Enterprise Development Agency of Nigeria
UNCTAD	United Nations Conference on Trade and Development
USAID	United States Agency for International Development

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BOLA AHMED TINUBU GCFR

PRESIDENT, COMMANDER-IN-CHIEF OF THE ARMED FORCES
FEDERAL REPUBLIC OF NIGERIA



DR. 'BOSUN TIJANI

HONOURABLE MINISTER OF COMMUNICATIONS,
INNOVATION AND DIGITAL ECONOMY



Engr. FARUK YUSUF YABO FNSE

PERMANENT SECRETARY, MINISTRY OF COMMUNICATIONS,
INNOVATION AND DIGITAL ECONOMY



DR. VINCENT O. OLATUNJI CPPPS, CDPO, FIIM

NATIONAL COMMISSIONER/CEO, NIGERIA DATA PROTECTION COMMISSION

1. FOREWORD

Our journey as a country towards improved data protection standards has been one of resilience, determination and accountability. The global community has watched keenly as we took active and intentional steps, toward prioritizing Data Protection and Privacy, including the setting up of an independent data protection Commission and the development of local data protection policies. The launch of the Nigeria Data Protection Annual Report 2023, is another significant step in that journey.

Our commitment to data protection will have significant implications for our digital economy, security of lives and livelihoods, that we believe will justify this investment. We can see clear evidence of this from the details of this report by the Commission.

For example, when we consider the principle of "Data Rectification", which looks at a data subject's right which the Commission enforces, we have evolved from the days when we wholly relied on analogue data processing in silos and every error stayed in the silo where it was made. Today, due to technology and data flows, we can see that an error about gender can deny a data subject her means of communication, her passport, her driver's licence, access to bank account, etc. Hence, when we read the case study ***"Oga, it is "Fi", for Female!",*** in the report, it becomes further evident to the average citizen that data protection is important to our daily lives and livelihoods.

Data rectification also brings into perspective the notion of trust and confidence in an economy. We are reminded that everywhere in the world, there is no such thing as "Zero Risk!" From questions on Confidentiality, Availability or Integrity of data, the conversation from country to country is to trust that whatever the risks are, they can be mitigated by dedicated and vigilant people combined with agile processes and resilient technologies. Overall, we can win the trust of our citizens and all internal and external stakeholders, as the culture of compliance with the principles and concepts of data protection takes root.

It is clear that this has to be a collective endeavour. No sovereign nation, much less sectors, can do this alone. This is why the Commission will prioritise efforts to collaborate with stakeholders in other jurisdictions, even as we continue to build stronger relationships locally. Foremost among these, are the data subjects that are continuously sensitized on their rights and responsibilities.

In conclusion, the Nigeria Data Protection Commission (NDPC) will leave no stone unturned in its regulatory work. The Federal Ministry of Communications, Innovation and Digital Economy under my leadership considers the goodwill that the Commission enjoys through collaborations as a testimony of the trust we are called upon to deliver as we work to restore the belief of citizens in the Federal Government's ability to properly safeguard their information. We are committed to this trust as a mark of our faith in the advancement of fundamental rights and freedoms and I therefore commend this report to all as a riveting account of the progress Nigeria has, so far, made in data privacy and protection.

Dr 'Bosun Tijani
Honourable Minister,
Federal Ministry of Communications, Innovation & Digital Economy.

2. PREFACE

The matter speaks for itself! First, Nigeria has enacted a data protection law – the Nigeria Data Protection Act, 2023. Second, Nigeria Data Protection Bureau has transmuted into an independent data protection authority, namely, the Nigeria Data Protection Commission (the Commission). What is more, the data protection ecosystem is thriving in a democracy which provides institutional safeguards for the advancement of civil liberties. This is worthy of note because the journey to the enactment of the data protection law started under the last administration, and the new administration of His Excellency, President Bola Ahmed Tinubu, GCFR ensured that it came to fruition with the signing of the Nigeria Data Protection Act (NDPA) 2023 on Democracy Day (June 12, 2023).

Given the amount of time and resources devoted to the passage of the Nigeria Data Protection Bill into law, the Nigeria Data Protection Annual Report 2023 is devoted to the Commission's work on the law – the awareness, the capacity building, and general efforts on implementation. Indeed, many are seeking guidance on the new Act which has been adjudged by reputable authorities around the world as arguably one of the most progressive data protection laws globally.

The Commission's strategic place in Nigeria's economy is illustrated by its technical support in bilateral and multilateral agreements and consultations on inter-governmental information sharing (data flows). We captured this under the topic: Nigeria and the Shifting Paradigm of Data Diplomacy by Amb. Bolaji Akinremi, a diplomat par excellence.

Recognizing the importance of international cooperation on data flows across borders, the Commission engaged with data protection authorities and experts across the world through knowledge exchange initiatives. The highlights of this cooperation are under Strategic Knowledge Exchange and International Regulators Networking. Suffice to say, that some of these initiatives took the Commission's staff to Burkina Faso, Ghana, Kenya, Ethiopia, France, the United Kingdom and the United States while virtual engagements were held with authorities from Canada, Croatia, Finland, Ireland, Italy, Singapore, European Union among others.

Generally, readers also have the opportunity to know about compliance in the sectors through facts and figures. Similarly, in the area of enforcement, we have made significant progress in ensuring remediation of contraventions. This is evident in the increase in remedial

fees paid by data controllers and data processors.

Data protection at its nascency is not without modest challenges, particularly in the area of awareness and compliance. Gladly, we have launched the Nigeria Data Protection Strategic Roadmap and Action Plan (NDP-SRAP) 2023-2027. We have done significant review of the NDP-SRAP in order to reflect the national development agenda (8-point agenda) of the Federal Government and the 5-point agenda of the Federal Ministry of Communications, Innovation and Digital Economy. The clear message in this report is that Nigeria has made salutary progress in data protection and to sustain this progress, making it all the more inclusive, we must enlist the cooperation of stakeholders as we push forward.

DR VINCENT O. OLATUNJI, CPPPS, CDPO, FIIM

National Commissioner/CEO,

Nigeria Data Protection Commission

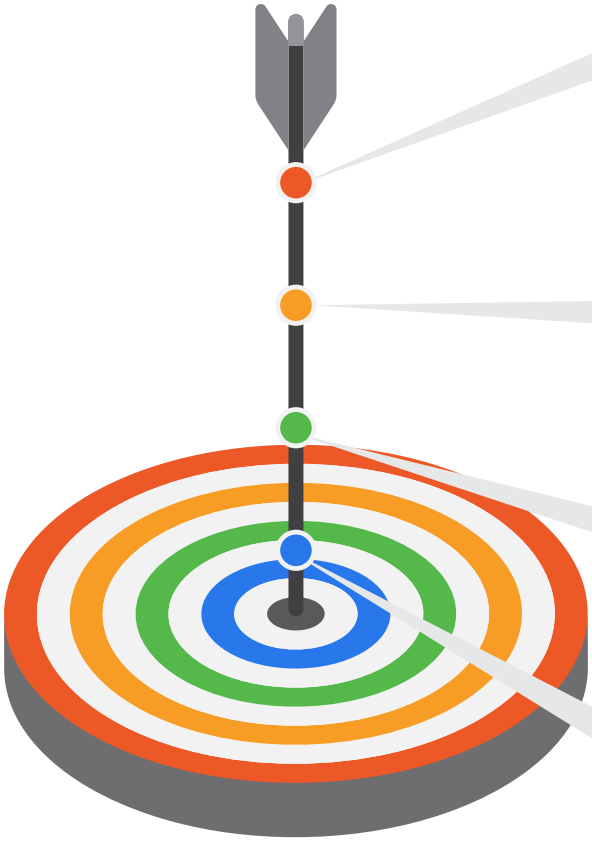
3. NDPC AT A GLANCE

3.1 Establishment of the Commission

The Nigeria Data Protection Commission (NDPC) was established under the Nigeria Data Protection Act 2023 as the independent Data Protection Authority which superintends over all matters relating to personal data protection in Nigeria. NDPC is the successor of the Nigeria Data Protection Bureau (NDPB) which was established on the 4th of February, 2022 to implement the Nigeria Data Protection Regulation (NDPR), 2019.

3.2 Enabling Act

Nigeria Data Protection Act (NDPA) came into force on the 12th of June, 2023 (Nigeria's Democracy Day) after presidential assent by His Excellency, President Bola Ahmed Tinubu, GCFR.



3.3 Our Mission

We are committed towards making data privacy a cornerstone of sustainable digital economy in Nigeria.

3.4 Our Vision

To be a resilient world class institution for the protection of data privacy.

3.5 Our Values

Accountability, Integrity, Fairness and Transparency.

3.6 Our Motto

Championing Privacy Rights.

3.7 Key Milestones

S/N	EVENT | FACTS & FIGURES
1.	 **Nigeria Data Protection Act, 2023.** Over 220 million persons (Citizens & Aliens) in Nigeria covered.
2.	 **Launching of Nigeria Data Protection Strategic Roadmap and Action Plan 2023.** Comprising 5 Pillars (Governance, Human Capital Development, Ecosystem & Technology, Cooperation and Collaboration, Funding and Sustainability).
3.	 **Admission into the Global Privacy Assembly.** Comprising over 130 Data Protection Authorities cooperating on the adequacy of data protection across jurisdictions.
4.	 **Commencement of Bilateral Cooperation with other Jurisdictions.** Engaged with over 15 regulators towards knowledge exchange and mutual legal assistance. Visited East Africa, Europe, North America for the purposes of bilateral cooperation.
5.	 **Judicial Recognition of Adequacy Principle in Cross-Border Data Transfer.** A judicial decision in the case of Incorporated Trustees of Ikigai Innovation Initiative vs National Information Technology Development Agency signaling a watershed in restriction of unsafe data flows to countries without adequate jurisdictional safeguards for data protection.
6.	 **Registration of more Data Protection Compliance Organization (DPCOs).** 163 is the total number! They are strategic in making over 500,000 data controllers and processors in Nigeria accountable under the NDPA 2023 (more to be registered in 2024).

7.		**Issuance of the DPCOs Code of Conduct.** Comprising 7 principles among others towards building a culture of professionalism and data ethics.
8.		**Drafting of the Nigeria Data Protection Act - General Application and Implementation Directive.** Comprising over 42 areas of data protection including Artificial Intelligence and Internet of Things as well as templates on Data Privacy Impact Assessment.
9.		**Development of Human Resource towards Effective Data Protection Regulation.** Over 10 capacity building programmes were organized and more experts engaged. Work is ongoing on conditions of service among others for the staff of the Commission.
10.		**Accelerated Mass Awareness Programmes.** Over 80 events and publicity initiatives were organized on radio, television, print media and online platforms.
11.		**Launching of Automated Registration Process for Data Controllers and Processors of Major Importance.** Over 500,000 data controllers and processors are targeted for registration.
12.		**Enforcement and Remedial Fee notches 350 million naira.** Regulatory solutions have been provided in cases involving over 400 digital lenders in the financial sector.

3.8 Nigeria Data Protection Strategic Roadmap and Action Plan (NDP-SRAP) 2023-2027 Pillars

- **Governance**
  This pillar addresses the regulatory powers of the Commission through actions and initiatives on the enabling law on data protection, regulation of the data processing activities of data controllers and data processors, enforcement of data-subjects rights and remediation of data privacy and protection breaches. It comprises the following sub-pillars: Legal, Policy, Administrative, Risk Management and Regulatory Framework.

- **Human Capital Development**
  This pillar addresses knowledge gaps through turn-key solutions. We are cognizant of the imperatives of data governance know-how in the evolving 4th Industrial Revolution and its implication for sustainable development (health, education, security, economy, environment, etc) in emerging economies. Thus, among other initiatives, we have put in place a comprehensive process of in-country training and certification on data privacy and protection.

- **Ecosystem and Technology**
  Through a broad spectrum of initiatives, this pillar focuses on the impact of ecosystem and technology on privacy. We are desirous of creating a balance between fundamental rights and freedoms vis-à-vis the legitimate targets of business development. Industry, Infrastructure and Disruptive Innovation are the sub-pillars under Ecosystem and Technology.

- **Cooperation and Collaboration**
  The pillar takes into consideration the dynamics of the multivalent nature of the modern society and the interdependence of lives and livelihoods. These factors are crucial to cross-border data flows and the exchange of goods and services across borders. Therefore, we are creating consensus building channels and effective platforms through which well-meaning stakeholders can work together in developing an inclusive digital economy.

- **Funding and Sustainability**
  The goal is to evolve a trusted and sustainable ecosystem with regulations that ensure stability (predictability not stagnation), and equity that grows and deepens the data privacy ecosystem in a way that does not burden the data subjects.

4. KEY INITIATIVES

4.1 Capacity Building

S/N	Organization	Background	No. of Participants
1.	**International Organization for Migration (IOM)**	Engagement with the International Organization for Migration (IOM) regarding compliance with the Nigeria Data Protection Act (NDPA) in managing migrant data, including personal information, through Migration Information and Data Analysis System (MIDAS).	**100**
2.	**Action Against Trafficking in Persons and Smuggling of Migrants (ATIPSOM)**	The workshop was focused on refining data exchange protocols, seamless data exchange and collection systems between focal Agencies like National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and Nigeria Immigration Service (NIS).	**30**
3.	**Medical and Dental Council of Nigeria (MDCN)**	Induction training organized by the Commission in providing insight into the NDPA and discussing the organizational measures for Data Protection.	**100**
4.	**Ministry of Water Resources**	The induction training was delivered to staff undertaking critical business functions within the Ministry that require data collection and processing.	**30**
5.	**Stren and Blan**	The aim of the webinar was to sensitize the participants on issues of Data Protection and Privacy, as well as the legal implications of the NDPA.	**100**

6.	**Information Systems Audit and Control Association (ISACA) Abuja Chapter**	The purpose of the workshop facilitated by the NDPC was to emphasize the importance of safeguarding data through the implementation of the Nigeria Data Protection Act.	**200**
7.	**Ministries, Departments & Agencies (MDAs)**	NDPC facilitated a workshop for the Data Protection Officers of MDAs to enlighten them on their critical role in the implementation of the NDPA and the Strategic Roadmap and Action Plan.	**100**
8.	**ICT and Cybersecurity Committee of the National Assembly**	Members of this strategic committee were sensitized on the provisions of the NDPA and the Commission's role in implementing the Act. The workshop also highlighted the role of the National Assembly in advancing data protection and privacy ecosystem.	
9.	**Nigerian Bar Association (Women Forum)**	The aim of the training was to sensitise female lawyers on their crucial role in advancing Data Protection and Privacy rights in the legal profession.	**70**
10.	**Cooperate Governance for Nigerian Startups**	The masterclass focused on aspects of corporate governance and data governance for startups.	**60**
11.	**International Non-Governmental Organizations (INGO) Forum**	The focus was on data responsibility best practices in humanitarian and development projects as well as the data protection compliance obligations for stakeholders in the humanitarian sector.	**60**

12.	**Co-Creation Hub (CcHUB)**	The focus was on the impact of Data Protection Regulations on the African Tech Ecosystem. Leading experts, policymakers, and stakeholders in the tech industry discussed the implications of data protection regulations on innovation, entrepreneurship, and digital transformation within the African context.	**50**
13.	**The Palladium Group**	It was organized in partnership with USAID for the benefit of Civil Society Organizations (CSOs) who often deal with sensitive personal data in their line of work.	**40**
14.	**Praesidium Webinar**	Organised by Praesidium Consultancy in collaboration with NDPC, it focused on the impact of the Nigeria Data Protection Act, 2023 on Data Controllers and Processors in Nigeria and strategies for adhering to the Act.	**50**
15.	**Nigeria Maritime Administration and Safety Agency (NIMASA)**	An induction training session for the management of NIMASA to enhance their understanding and application of data protection principles and promote data protection awareness and compliance in their sector.	**10**
16.	**National Association of Computing Students (NACOS)**	The audience consisted of mostly students from tertiary educational institutions. The NC of NDPC gave a keynote address while the Head of Innovation took them through data protection induction training and opportunities within the ecosystem.	**200**

17.	**Accountability Lab**	The aim of the event was to bring more awareness about the scope and importance of digital rights in Nigeria to relevant actors from Government Institutions, Civil Society members and individuals alike.	**60**
18.	**Amazon Web Services (AWS)**	The purpose of the webinar was to enlighten the organisation on the essential elements of the Nigeria Data Protection Act as it relates to their objectives as a cloud service provider.	**20**
19.	**National Board for Technical Education (NBTE)**	NDPC was invited by the NBTE to facilitate a workshop for lecturers in a range of disciplines from various Monotechnic, Polytechnics and Colleges of Education across Nigeria. The aim of the workshop was to enlighten NBTE on data protection and privacy and inherent potentials.	**100**
20.	**Stanbic IBTC Bank**	Training of their compliance officers on the core provisions of the Nigeria Data Protection Act, 2023 and the correlation between the Act and the Nigeria Data Protection Regulation, 2019.	**30**
21.	**Ekiti State University**	The aim was to initiate collaborations between the University and the Commission towards the advancement of Data Protection and Privacy in the University Community and beyond.	**100**
22	**Data Controllers and Processors in Public and Private Sector**	The objective was to enhance the knowledge of Data Controllers and Processors on the fundamentals of Data Protection and Privacy, the provisions of the Act and their obligations under the Act. The workshop was sponsored by the European Union Commission.	**420**

CAPACITY BUILDING FOR STAKEHOLDERS



Capacity Building session on Data Protection and Privacy for the members of the Nigeria Information Technology Reporters' Association (NITRA) (2nd June, 2023)



Capacity Building program for the members of the National Board for Technical Education (NBTE) (7th November, 2023)



National validation workshop on the Strategic Roadmap and Action Plan for Data Protection in Nigeria (14th June, 2023)



Sensitisation Workshop on Data Protection and Privacy for key stakeholders of the Data Protection Ecosystem in Lagos (20th July, 2023)



Data Protection Training for Data Controllers and Data Processors, jointly organized by NDPC and the African Union/European Union Digital for Development Hub Project (8th November, 2023)



Capacity Building on data protection for MTN partners and agents (16th November, 2023)

CAPACITY BUILDING FOR NASS MEMBERS AND MDAs



2-day Capacity Building for staff of the Medical and Dental Council of Nigeria on the Nigeria Data Protection Act 2023 (23rd Aug, 2023)



NDPC organised an induction training for staff of the National eGovernment Strategies-TAS Technologies (NeGSt-TAS) on Data Protection and Privacy (24th March,2023)



NDPC in partnership with Amazon Web Services (AWS) organized a workshop titled Data Privacy and Protection in Nigeria (5th September, 2023)



NDPC organized a Sensitization Workshop on Data Privacy and Protection for key stakeholders in the Data Protection ecosystem in Abuja (30th Aug, 2023)



Dr Vincent Olatunji was a resource person at the Nigeria Institute of Advanced Legal Studies (NIALS) training course on Data Protection and Intellectual Property (21st September, 2023)



Workshop for members of ICT & Cybersecurity Committees in the National Assembly on the Implementation of the Nigeria Data Protection Act 2023 (7th December, 2023)

4.2 Nigeria Data Protection Act (NDPA), 2023.

The signing of the Nigeria Data Bill into law on the 12th of June, 2023 is arguably one of the historic milestones of the current administration of His Excellency, President Bola Ahmed Tinubu, GCFR. In drafting the Bill, the Commission worked with the Federal Ministry of Communications, Innovation and Digital Economy, The Federal Ministry of Justice, and International Development Institutions (World Bank, European Investment Bank and French Development Agency) through the Nigeria Digital Identity for Development Project Office (ID4D).

The Act comprises 12 parts, namely:

i. Objectives and Application
ii. Establishment of the Nigeria Data Protection Commission, and Its Governing Council
iii. Appointment of the National Commissioner, and other Staff of the Commission
iv. Financial Provisions
v. Principles and Lawful Basis Governing Processing of Personal Data
vi. Rights of a Data Subject
vii. Data Security
viii. Cross-Border Transfers of Personal Data
ix. Registration and Fees
x. Enforcement
xi. Legal Proceedings
xii. Miscellaneous Provisions

The Act established the Nigeria Data Protection Commission as the independent data protection authority in Nigeria and invested it with powers to superintend over all personal data processing in Nigeria. To ensure the constitutional primacy of fundamental rights, the Act provides under section 63 thus:

> ***Where the provisions of any other law or enactment, in so far as they provide or relate directly or indirectly to the processing of personal data, are inconsistent with any of the provisions of this Act, the provisions of this Act shall prevail.***

4.3 NDPA Compliance Audit Returns

Compliance Audit Returns is a potent tool of accountability. The Audit parameters cover:

- Governance
- Data Protection Officers and Data Protection Compliance Organizations
- Documentation to Demonstrate Compliance
- Data Processing Activities

In the year 2023, the Commission has recorded 1674 Audit filings. The Commission is developing a new audit process which will be automated thereby providing an opportunity for large-scale evaluation of compliance audit processes. A Guidance Notice on the Filing of Data Protection Compliance Audit Returns (CAR) for 2022 (NDPC/HQ/GN/VOL.01/23) has been issued. It contains metrics of accountability being used by the Commission for National Data Protection Adequacy Programme Whitelist.

4.4 Complaints and Investigation

The Commission pays close attention to complaints and investigations in line with provisions of Part 10 of the NDPA which deals with Enforcement. As a new Data Protection Authority, the Commission initiated Pre-Action Conferences to investigate complaints of privacy breaches which may have seismic effects on the data processing ecosystem in Nigeria. Investigations include:

- Possibility of breach of data subjects' right to rectification
- Possibility of data manipulation and privacy breaches
- Effective Technical and Organisational Measures to prevent data security breaches
- Allegation of privacy breaches on social media platforms
- Transparency of data controllers and processors

4.5 NDPA General Application and Implementation Directive (GAID)

The central objective is to provide guidance in the following areas inter alia:

a. Objectives and Application of the Act
b. Filing of Compliance Audit Returns

c. Cross-Border Data Transfer
d. Lawful Basis of Data Processing
e. Governing Principles of Data Protection
f. Data Subjects Rights
g. Definition of key terms not defined by the NDPA
h. Data Ethics
i. Artificial Intelligence

4.6 Code of Conduct for Data Protection Compliance Organizations (DPCOs)

The Commission prioritizes professional standards and duty of care among DPCOs because of the strategic role they play in developing a culture of compliance in the data processing ecosystem. The Commission has registered more DPCOs bringing the number to 163. The services being offered by DPCOs include but are not limited to the following:

a. Data Protection Compliance Audit
b. Training
c. Vetting Data Processing Agreements
d. Drafting of Privacy Policy
e. Interfacing with the Commission on behalf of Data Controllers and Data Processors
f. Providing Industry Insights

The objectives of the Code of Conduct are to:

a. Promote professionalism in compliance service delivery within the Data Protection and Privacy ecosystem
b. Ensure fundamental uniformity in compliance processes under extant regulatory framework for data processing
c. Encourage the adoption of data ethics as a guiding principle in data protection compliance services
d. Foster discipline and uphold accountability among DPCOs
e. Prescribe fundamental standards in continuous capacity building and awareness creation services which may be carried out by DPCOs
f. Encourage Corporate Social Responsibility for the advancement of Data Protection and Privacy in Nigeria
g. Foster trust in the data governance processes of Nigeria's digital economy

4.7 Strategic Knowledge Exchange and International Regulators' Networking

The Commission accords priority to bilateral and multilateral cooperation because of the globally interconnected nature of data processing platforms. Nigerians are data subjects to many data controllers and data processors in foreign jurisdictions. Meta alone has over 40 million subscribers in Nigeria. There are approximately over 100 million internet users in Nigeria – making the personal data of Nigerians accessible anywhere in the world. The only effective way of ensuring data privacy rights, national security, development of the local digital economy and the overall data sovereignty of Nigeria is through bilateral cooperation with other data protection authorities.

The target outcomes of our bilateral and multilateral engagements include but are not limited to:

a. Knowledge exchange on Data Protection and Privacy
b. Mutual legal assistance on investigation of data breaches
c. Mutual legal assistance on enforcement of transborder decision
d. Mutual legal assistance on intergovernmental information sharing

In the last one year, the Commission participated in many international meetings and knowledge exchange programmes involving experts and regulators drawn from different jurisdictions.

The Commission gained invaluable knowledge through the capacity building programmes organized by development partners, particularly from the World Bank, European Investment Bank and French Development Agency through the Nigeria Digital Identity Development Project Office (ID4D); the European Union; GIZ; and Smart Africa.

5. REGULATORY ACTIONS

5.1 True Life Stories

(With modifications to some personal data in order to protect the privacy of the affected data subjects).

"Oga, it is "Fi" for Female!"

Dooshima Kitama was a happy young lady until she was unable to make calls through her phone. She was born a bouncy baby girl and she remained so. However, someone changed her gender to male in error. She visited the mobile network office to complain but she was informed that the problem was with her National Identification Number. (NIN). She was sure she did everything right on her NIN. After weeks of frantic troubleshooting, she discovered that it was her Bank Verification Number (BVN) that affected her NIN Data.

Dooshima felt her enemies were finally closing in. She remembered that she got the BVN through her bank. "Something must have gone wrong in the process of putting in her personal data", she thought to herself and she decided to go to the bank to complain. The customer care of her branch could not help her. Her phone was not working. She could not access her bank account. She could not get an international passport. All of these needed valid NIN.

Dooshima thought all hope was lost. Going to court means her life will be on hold until the court can resolve that she has a right to be treated as a natural woman. She heard about the Commission and filed a complaint with the Commission. The Commission investigated all the parties concerned. The Bank for instance was invited from Lagos to a Pre-Action Conference. It was discovered that the officer who inputted her data for BVN inputted "M" for Female. The matter was resolved in favour of Dooshima, her gender was rectified and she returned to being a happy young lady.

Should you face this similar situation just yell: "Oga it is Fi for Female!"

"I took a loan, I no dey Womanize"

Mr. Fred Fide was sleeping when he heard his wife shouting: "Haaa, Freeeeeedi! it is over!" Rapidly his wavelength adjusted to reality. What happened, what did I do, biko?" See your naked pictures and your concubines. Not one, not two. A number sent it to me. Fred's BP rose like the temperature of a car

without a radiator. He saw the picture and realized immediately that the loan shark he had been battling to pay had finally made good on their threat to embarrass him. "Abeg, abeg, na small loan I take, I no dey womanize. I will prove it; I will report them to NDPC." He pleaded with his wife.

Fred lodged a complaint with the Commission. The Commission invited the online lender to a Pre-Action Conference through the active involvement of a team of policemen working with the Commission. The firm denied operating as a loan shark and the numbers used for carrying out the atrocious acts of character assassination were disclaimed. The threat to Mr. Fred stopped immediately.

LESSONS LEARNT FROM REAL-LIFE CASES: -

- There should be an organizational mechanism for prompt resolution of data subjects' complaints.
- Data subjects should have the opportunity to properly verify their data before submitting same.
- There should be a seamless interface between organizations for the purposes of resolving data subjects' complaints or addressing cross-cutting requests.
- Loan Apps are overly intrusive. They generally violate the principles of Data Protection and Privacy because they have access to contacts, pictures, messages, etc. of data subjects.
- Organizations – particularly communication networks should be willing to restrict or ban telephone lines that are implicated in privacy violations.
- There should be closer regulation of online lenders.

5.2 Systemic Remedies

Collaboration:- Under Joint Enforcement and Regulatory Taskforce, we are collaborating with regulators to sanitize the digital lending space. For instance, the Federal Competition and Consumer Protection Commission (FCCPC) requires lending companies to obtain data protection clearance from NDPC before operation. The NDPC insists on full compliance with the NDPA in this regard as each online lending company must carry out a comprehensive Data Privacy Impact Assessment. Some of the regulators we are collaborating with are:

- Federal Competition and Consumer Protection Commission (FCCPC)
- National Information Technology Development Agency (NITDA)

- Nigerian Communications Commission (NCC)
- Central Bank of Nigeria (CBN)
- Nigeria Police Force (NPF)
- Small and Medium Enterprises Development Agency of Nigeria (SMEDAN)
- Economic and Financial Crimes Commission (EFCC)
- National Lottery Regulatory Commission (NLRC)

Regulation:- The Commission drafted NDPA-GAID which addresses the abetment of data breaches, the need for data ethics and privacy by design and by default among others. Under abetment, the third-party platforms through which data privacy breaches take place will now be required to deny access to those who use their platforms for privacy breaches.

5.3 Systemic Impact

- Over 400 cases of privacy breaches involving shadowy loan sharks are being addressed at the systemic level.
- Third party platforms being used for abuses are cooperating with regulators in implementing deterrent measures. As at the 4th Quarter of 2023, 203 loan Apps were approved under the JERTF, 38 received conditional approval, 85 companies and Apps are under watch, and 47 were delisted.
- Regulators and security establishments are mainstreaming data protection into their policies even at the design level. For instance, 2.5 million enrolees per month targeted under NIN will be registered under a strengthened data protection regime.

6. ANALYSIS OF THE NDPC AUDITS



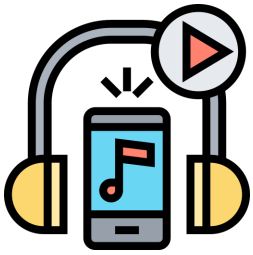
Finance Services

745



Communications

22



Entertainment

38



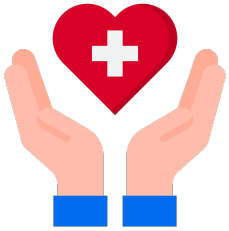
Aviation

10



Commerce

21



Health

69



NGO

12



Agriculture

39



Consultancy

38



ICT

254



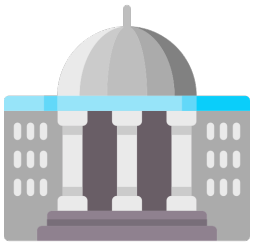
Energy & Power

40



Consumer Goods

37



Public Sector

51



Education

6



Hospitality

21



Oil & Gas

54



Insurance

51



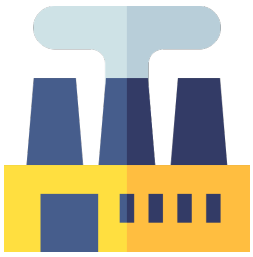
Hospitality

16



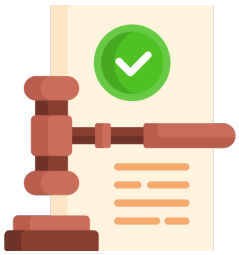
Security Services

12



Manufacturing

71



Legal Services

9



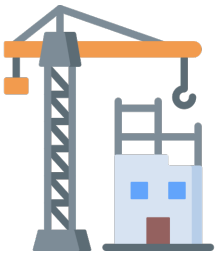
Advertisement

5



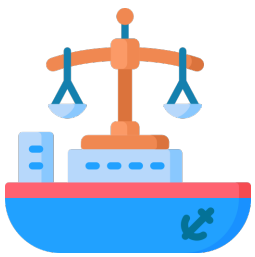
Transportation & Logistics

56



Construction & Real Estate

21



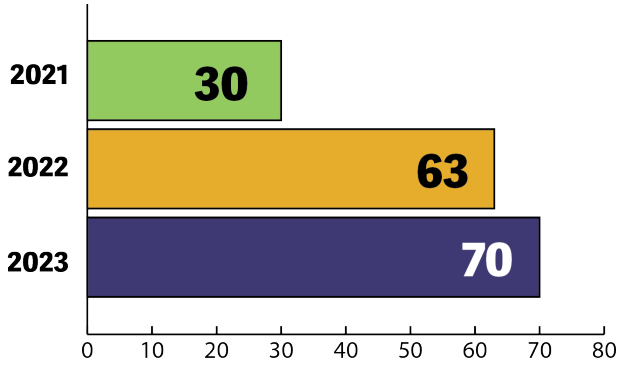
Maritime

2

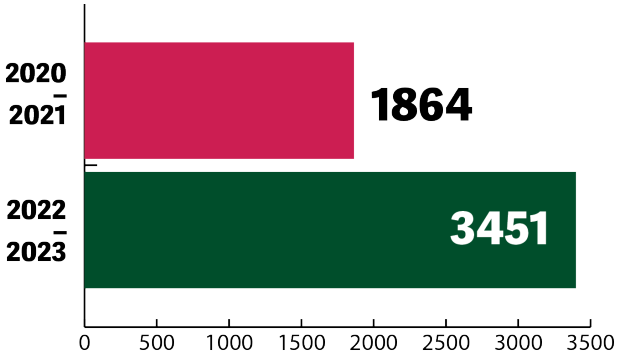
TOTAL

1,674

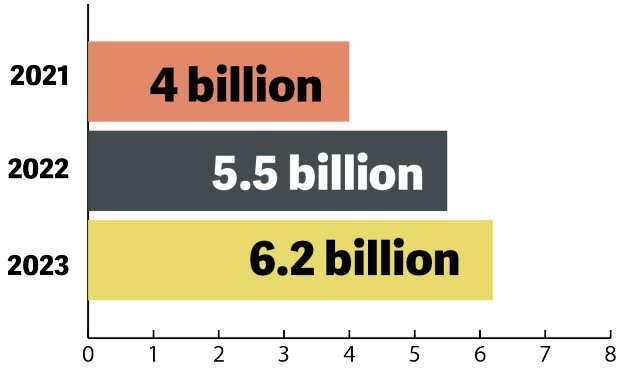
1. Awareness Programmes



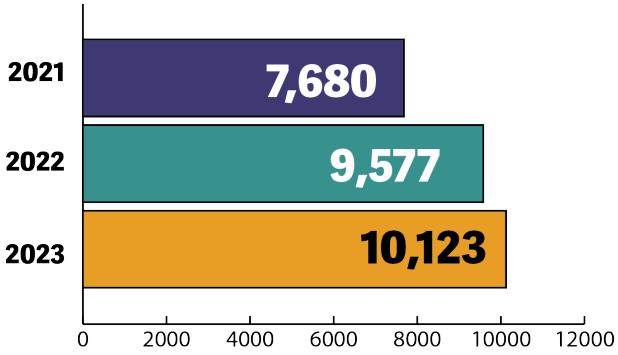
2. Compliance Audit Returns



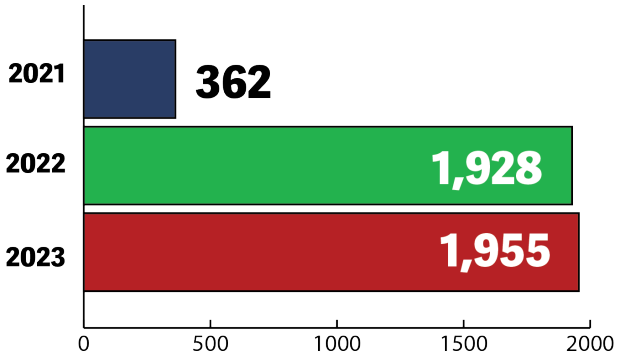
3. Data Protection Sector Cumulative Revenue



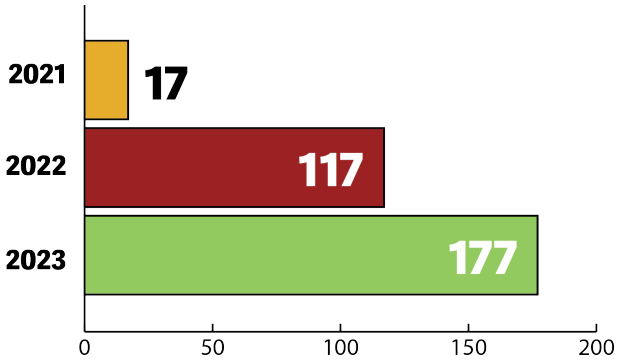
4. Data Protection Sector Job Creation



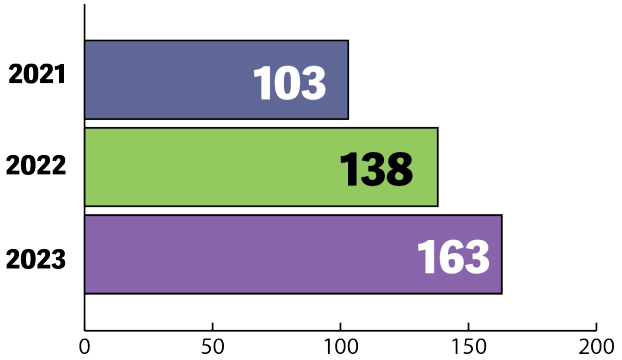
5. Number of Verified DPOs



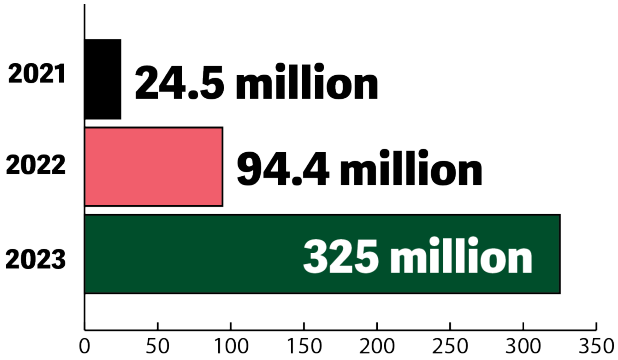
6. Number of Investigations



7. Number of DPCOs



8. Compliance Revenue



NEXT STEPS & BEYOND

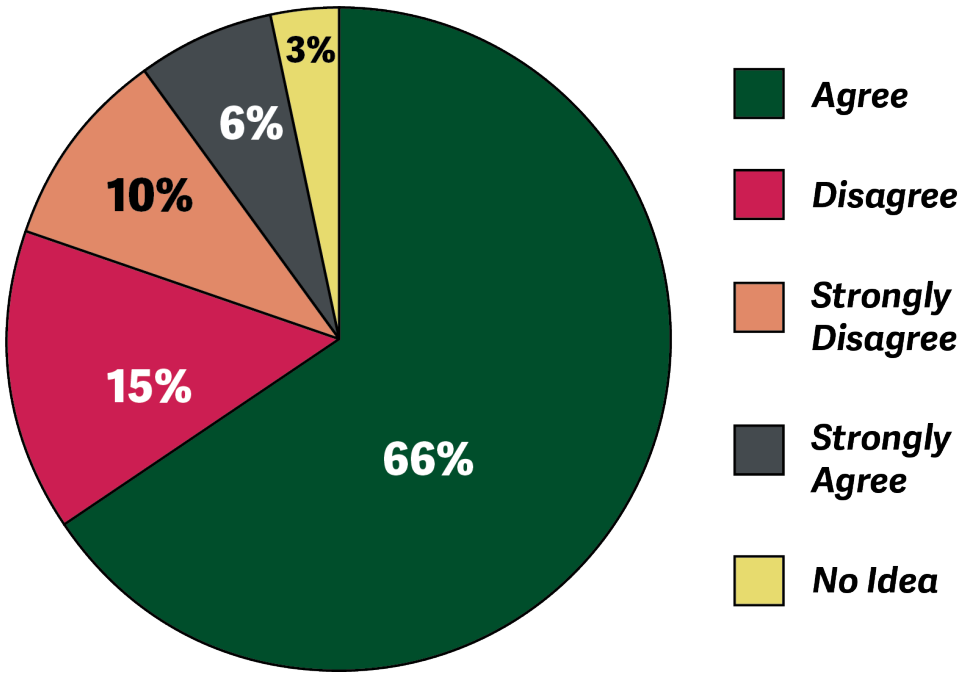


7. DPCOs' SURVEY DATA

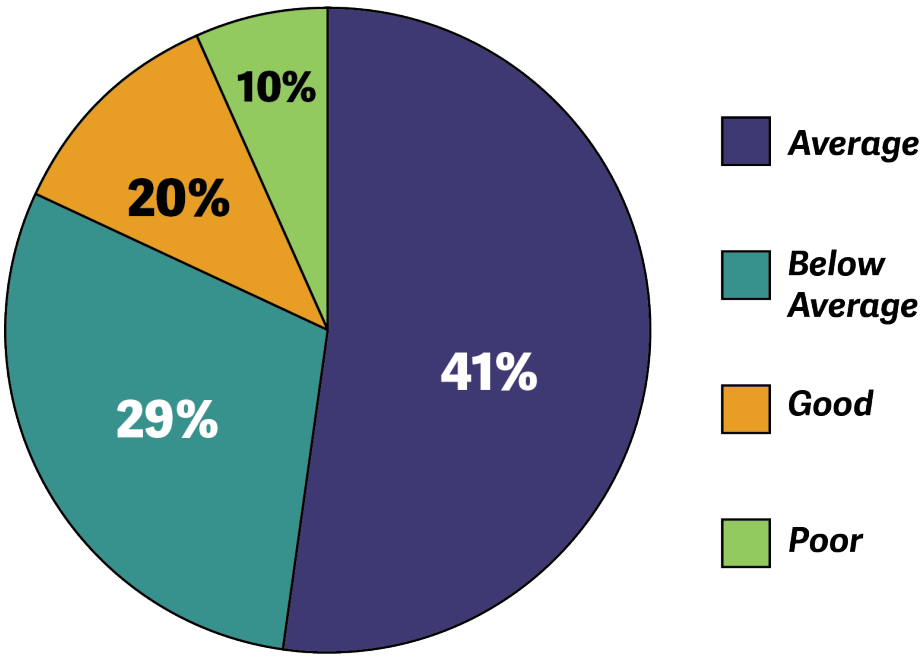
The Survey was carried out to capture issues relevant to the advancement of Data Protection Compliance Services from the perspective of DPCOs.

Below are the responses:

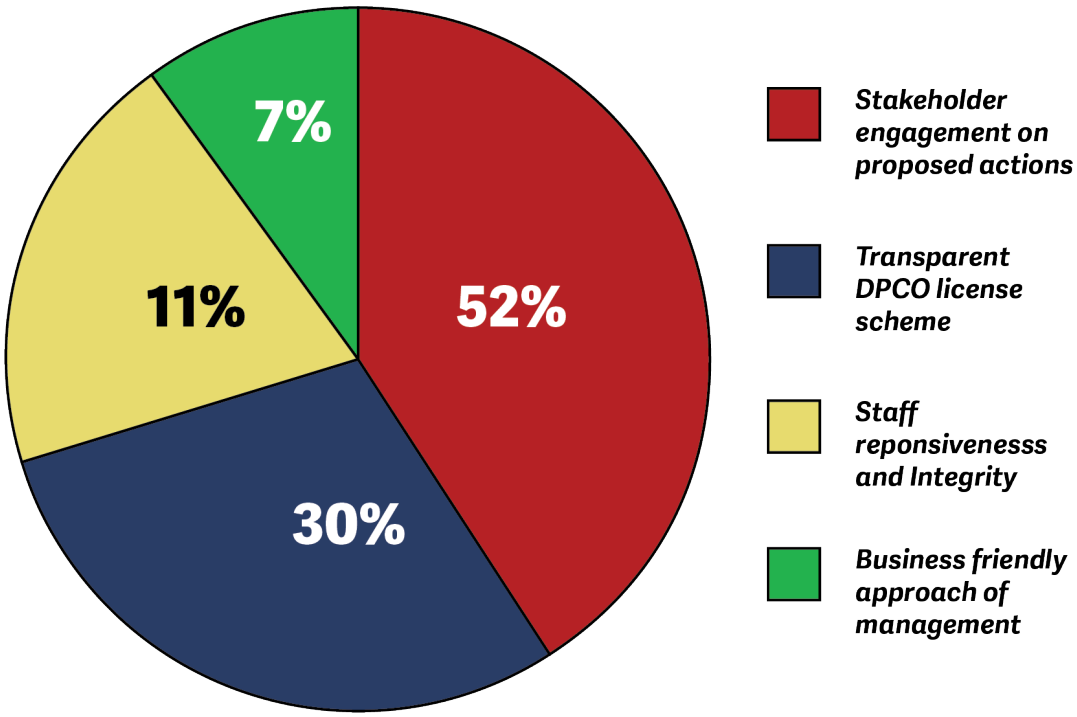
To what extent do you agree or disagree that Data Controllers rely on "consent" of data subjects in data processing?



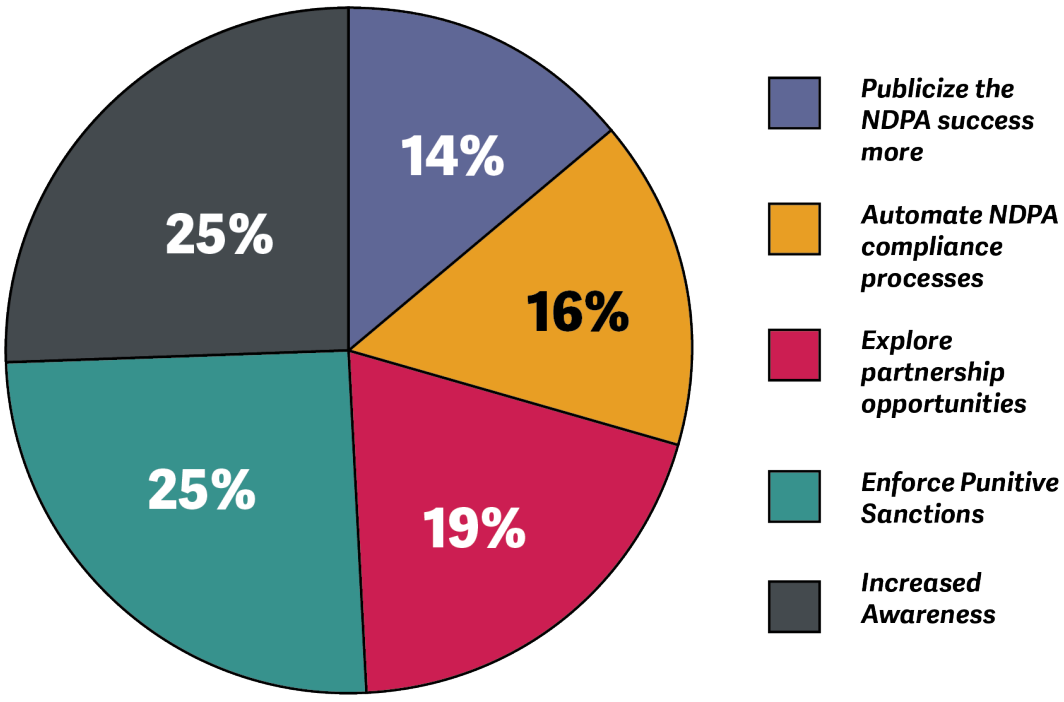
Rate the state of public awareness on the NDPA as of November 2023



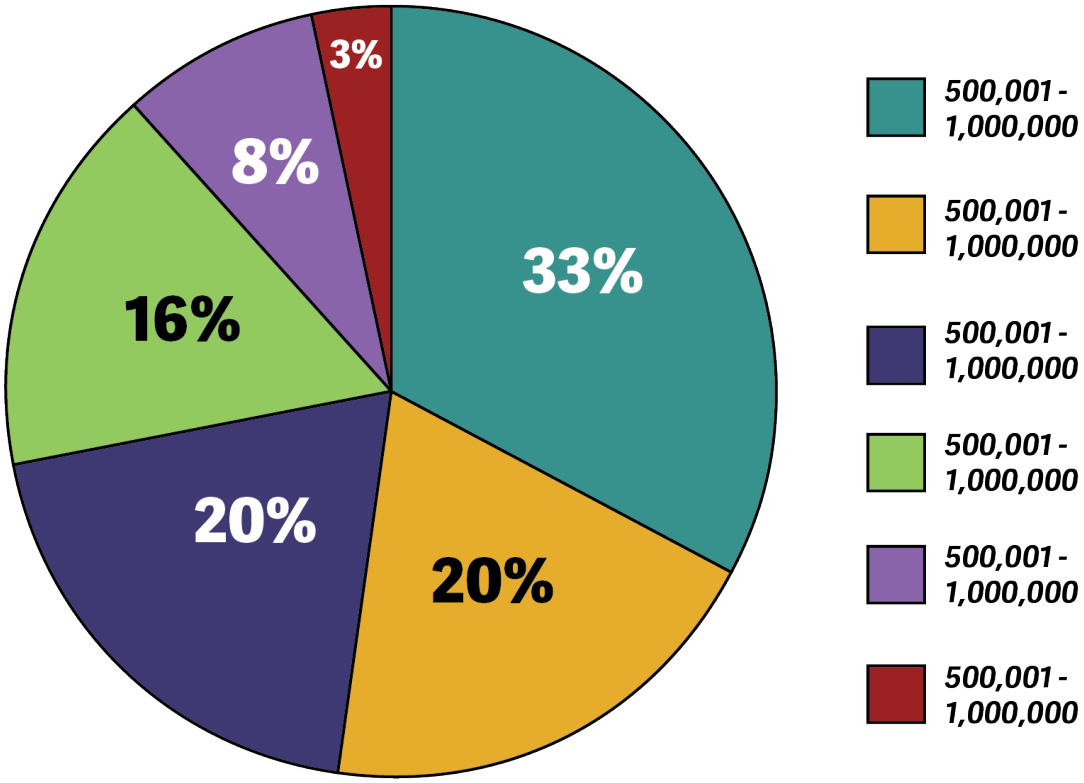
Highlight a key action taken by the Commission that you consider very helpful



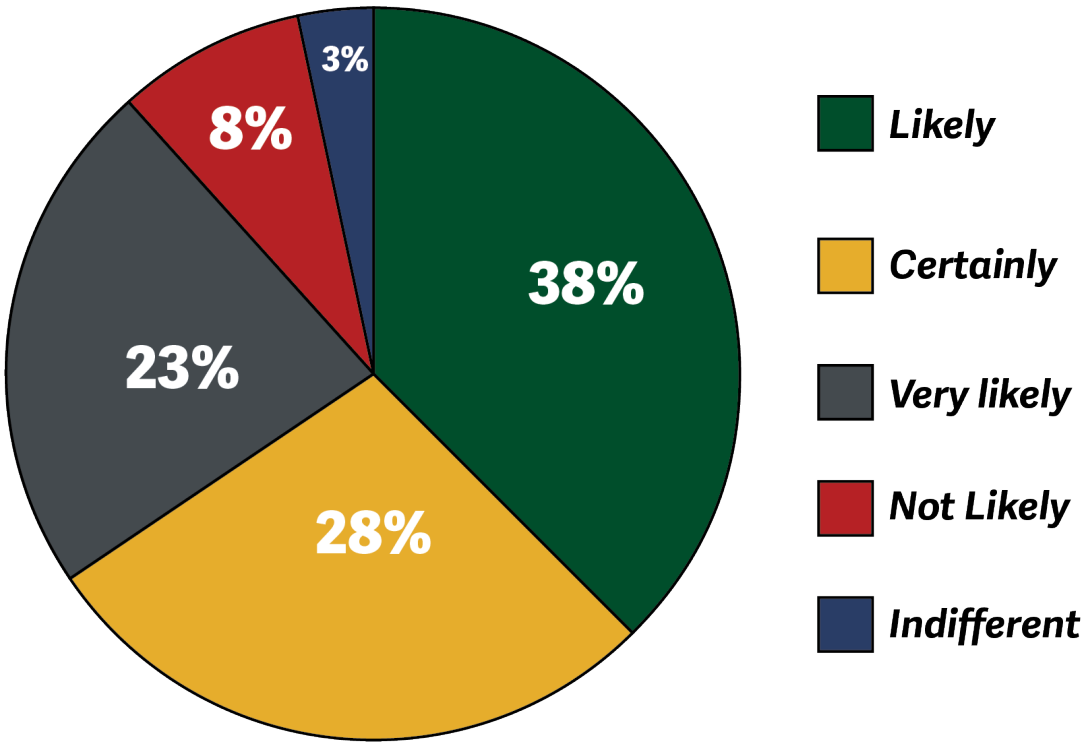
Indicate 3 top actions the Commission should implement to improve NDPA outcomes



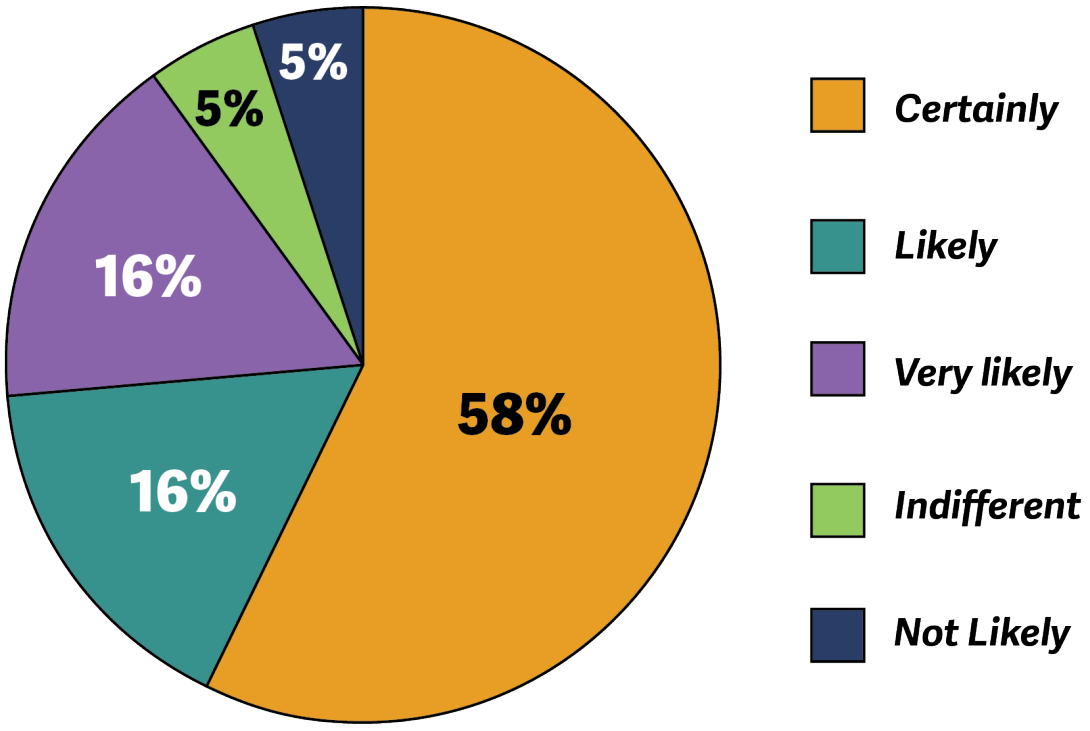
Estimate amount spent annually on your staff capacity building?



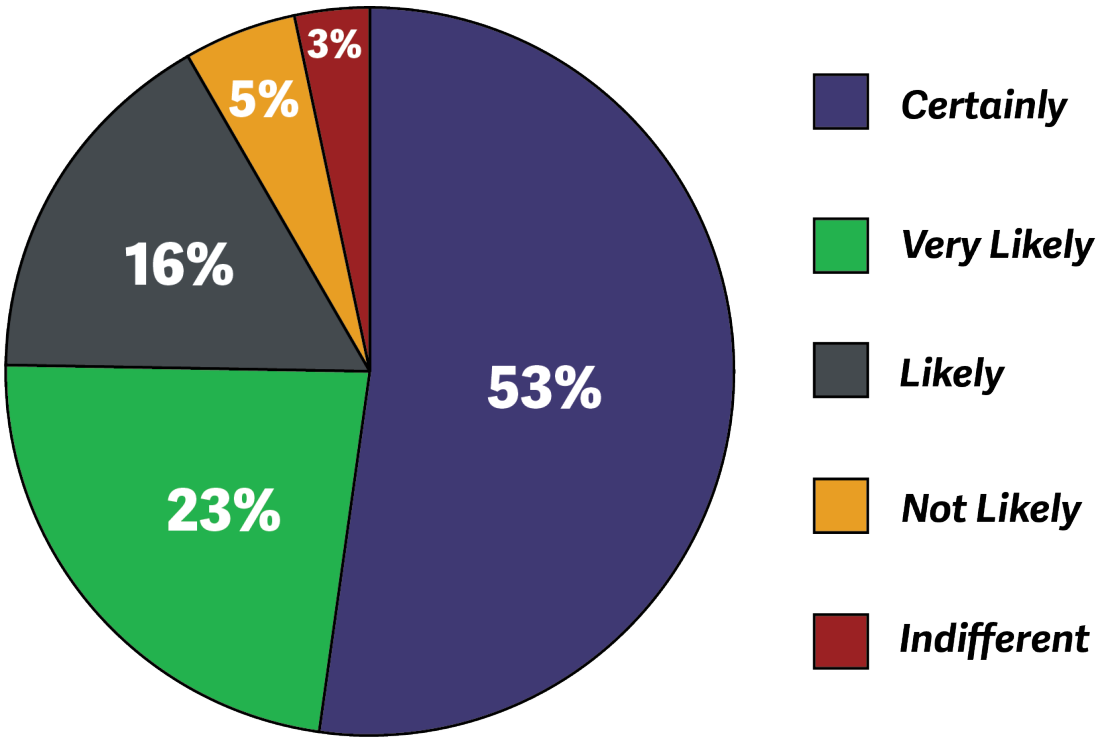
Do you believe indigenization of data literacy will be helpful in addressing challenges of personal responsibility in data protection?



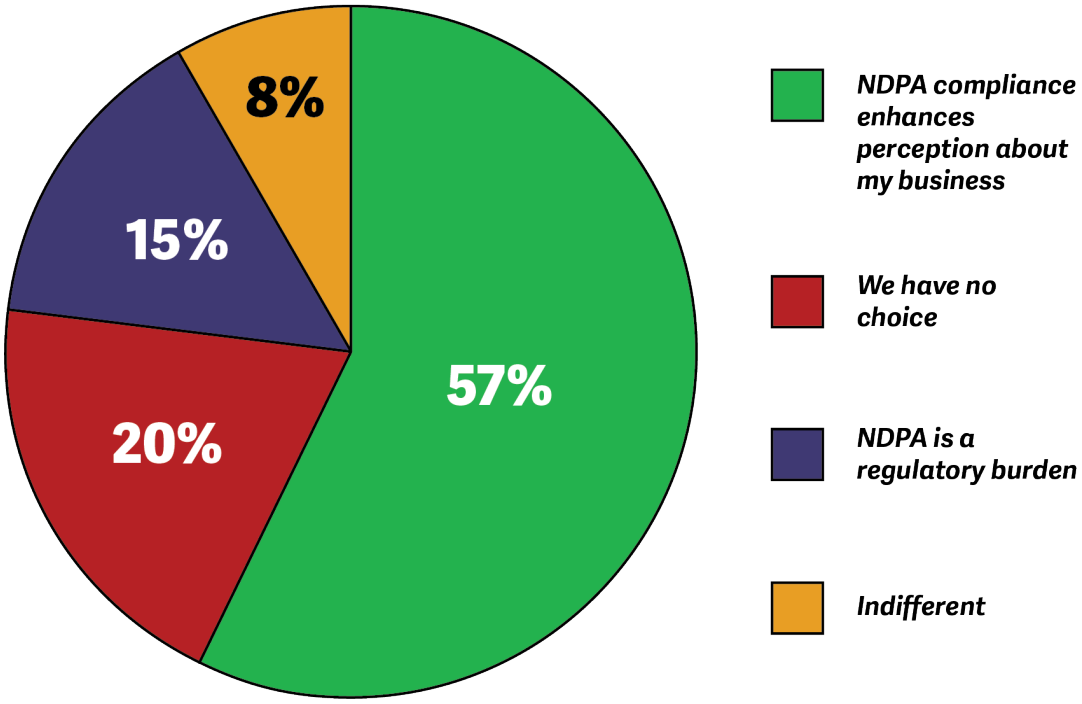
Do you believe big data companies should get involved in promoting indigenous programmes in data literacy?



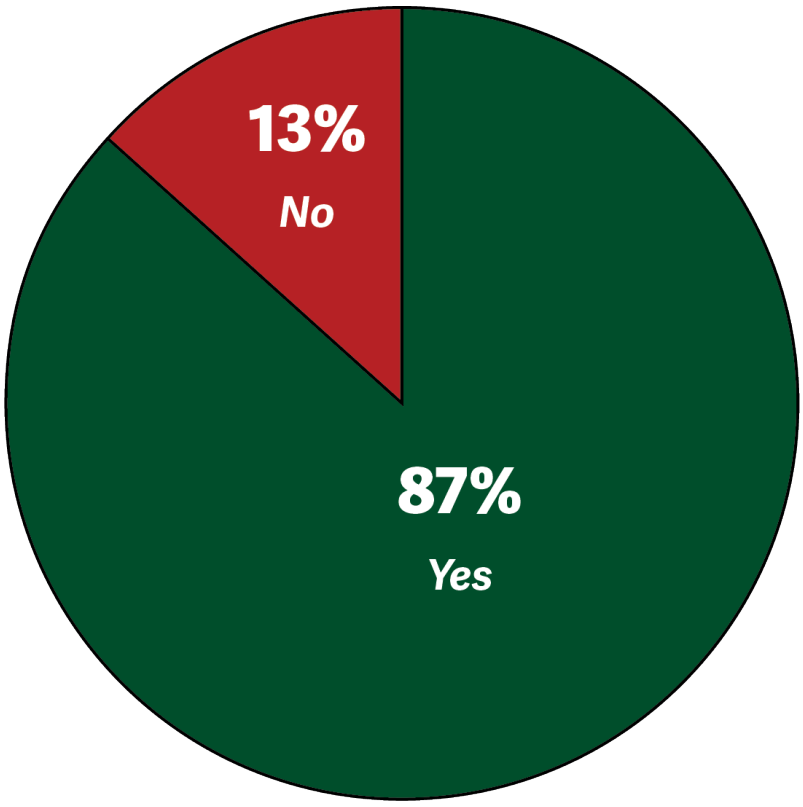
Do you believe an enabling Act on Data Protection will strengthen Privacy Rights enforcement?



Describe the perception of data controllers and processors on the implementation of the NDPA



Are there mechanisms in place for detecting security threats to your database?



8. NDPC FEATURE

NIGERIA & THE SHIFTING PARADIGM OF DATA DIPLOMACY.

Ambassador Akinremi .A. Bolaji
- Director, Economic Trade and Investment Department, Ministry of Foreign Affairs



Since the advent of Convention 108 in 1981 and, lately, the EU General Data Protection Regulation, 2018, the paradigm of data diplomacy has been shifting at its very tectonic plates. Gladly, Nigeria will not be caught in any of its fault lines, thanks to the proactive steps the Federal Government has taken in enacting the Nigeria Data Protection Act as well as establishing an independent Data Protection Authority; the Nigeria Data Protection Commission (NDPC).

For the benefit of those who are just arriving at this new frontier of bilateral and multilateral relations, it is important to explain the concept of data diplomacy. Indeed, anyone who argues that data diplomacy was hardly a paramount consideration before 2018 when the EU-GDPR came into force would be right. However, such argument has become moot points in negotiations on information sharing or movement of goods and services driven by data. According to the scholarly article by Fatima Alfahim titled: **"Data Diplomacy: Turning bytes into Insights"** (published by Blavanik School of Government, Oxford University Voices):

> ***Diplomacy has traditionally relied on backdoor channels of communication and qualitative intelligence. But the rise in demand for data-driven insights and technological innovation usher a new era in which data becomes a strategic asset in our ever-changing world. Data analysis could have a meaningful part to support core diplomatic activities – negotiations, consular services, humanitarian response and more. Trends and correlations could contribute to anticipatory foreign policymaking.***

When we bring this home to real bilateral relations, the importance of data diplomacy is compelling. For instance, Nigeria is negotiating an agreement with the United Kingdom in the general context of Migration and Justice (this involves the management of their respective borders to enhance security and combat transnational organized crime among others). In the era of data protection, both countries are under obligation to negotiate data privacy and protection for the agreement to move forward. This is also a grey area for the

implementation of the Global Financial Action Task Force Recommendations (involving Anti-Money Laundering/Counter-Financing Terrorism Systems).

Apart from security, we have also witnessed first-hand, the importance of data in various bilateral consultation on trade and investment. Recently, various agencies of government on the ***Nigeria Economic Trade and Investment Forum*** have been interfacing with their counterparts from Netherlands, Mexico, Cote d'Ivoire among others. In these meetings also data diplomacy is playing a crucial role. The biggest selling point for Nigeria in terms of Confidentiality, Integrity and Availability of data is that, we have statutory reference point in the Nigeria Data Protection Act.

The growing currency of data diplomacy in Nigeria's relations with the outside world is a phenomenon that should be encouraged and supported. Thankfully, the leaderships of our respective establishments have demonstrated unwavering commitment in this regard. The Nigeria Economic Trade and Investment Forum initiated by the Ministry of Foreign Affairs clearly illustrates Nigeria's commitment towards seamless information sharing- with due regard for data diplomacy.

Before concluding, we must acknowledge the challenges of getting parties to participate in meetings and agree diplomatically. This could be all the more concerning in modern economies where technology has made the world one sleepless market and prompt decisions are crucial. Thankfully, the diplomatic community are mindful of these challenges.

Finally, it is also cheering to note that in the interactions with the Commission, it also acknowledges the role of diplomacy in negotiating a sustainable data governance system for the international community. The perspective of the United Nations Conference on Trade and Development (UNCTAD) remains the reference point for the Commission on the way forward in the international community. According to UNCTAD:

> ***Data-driven digitalization creates global opportunities as well as global challenges that require global solutions to harness the positive and mitigate the negative impacts. Effective global governance of data is a prerequisite for data to support the attainment of the economic, social and environmental objectives of the 2030 Agenda for Sustainable Development, with people at the centre. Efforts to develop a global approach to the governance of data and cross-border data flows should address a number of key policy areas and priorities, including the following:***
>
> > ***1. Developing a common understanding about definitions of key data related concepts;***
> >
> > ***2. Establishing terms of access to data;***

3. Strengthening the measurement of the value of data and cross-border data flows;

4. Dealing with data as a (global) public good;

5. Exploring emerging forms of data governance;

6. Agreeing on digital and data-related rights and principles;

7. Developing data-related standards; and increasing international cooperation related to platform governance, including with regard to competition policy and taxation in the digital economy.

What is evident from the foregoing is that Nigeria recognizes that the paradigm of data diplomacy is shifting and that appropriate mechanisms are being put in place to ensure that, we are well positioned to leverage the resulting data flows for sustainable development.

9. NDPC GALLERY

CAPACITY BUILDING FOR NDPC STAFF



A four-day training on "Data Protection, funded by the European Commission (21- 24 November, 2023)



Smart Africa Digital Academy's human capital development in the implementation of Data Protection laws (3rd November, 2023)



3-day training certification program on Data Protection organized by Data Protection & Privacy Academy in United Kingdom (27th September, 2023)



Knowledge sharing tour to the Information Commissioner's Office located in Wilmslow, UK (4th October, 2023)



Knowledge Sharing Between NDPC and NSIWC (5th December, 2023)

COURTESY/ADVOCACY VISITS



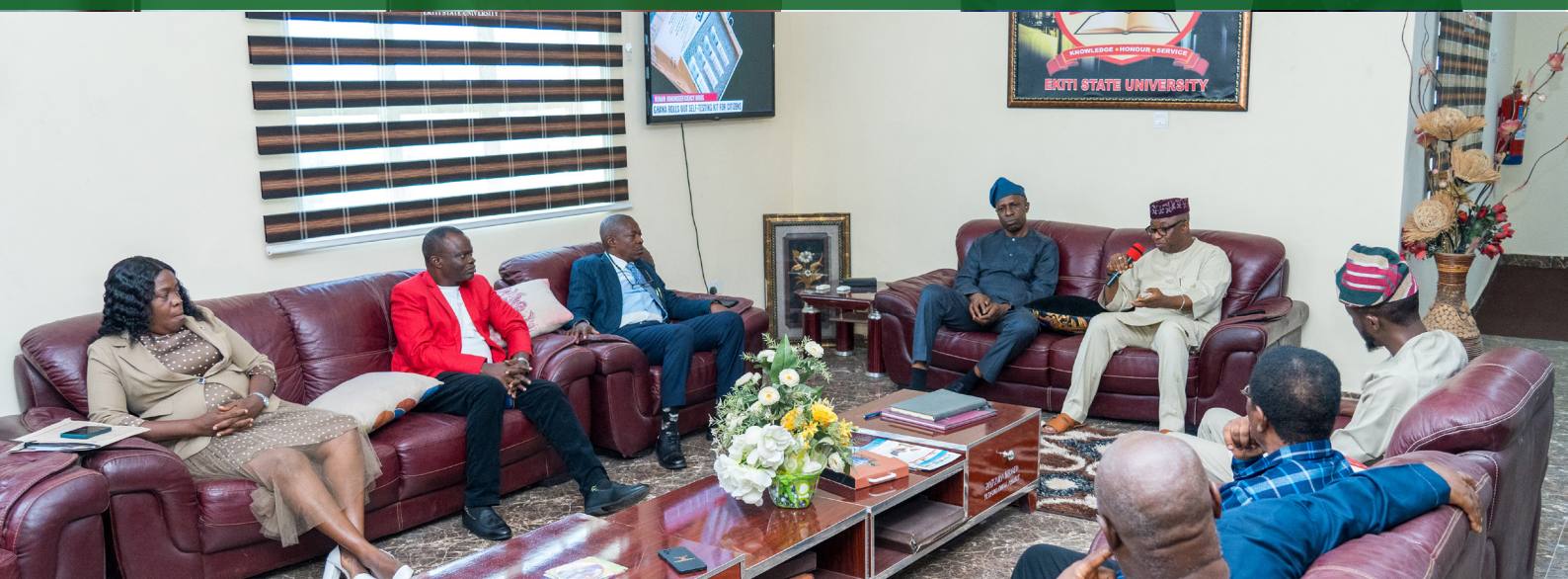
Courtesy visit to the MD/CEO, Federal Housing Authority of Nigeria (FHA), Senator Gbenga B. Ashafa and the FHA management team (31st March, 2023)



Dr. Vincent Olatunji, was hosted by the Director General, Nigeria's Employers' Consultative Association (NECA), Mr. Adewale-Smatt Oyerinde, at NECA House in Lagos (23th July, 2023)



The NC/CEO, Nigeria Data Protection Commission (NDPC), Dr Vincent Olatunji received in audience the Vice Chancellor of Obafemi Awolowo University (OAU), Prof. Adebayo Simeon Bamire (29th August, 2023)



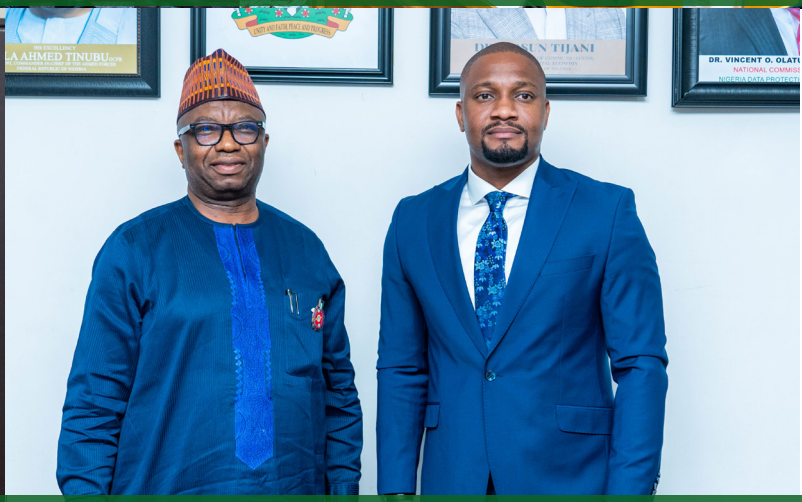
The Vice Chancellor of Ekiti State University, Professor Edward Olorunsola Olanipekun and other principal officers of the university had the honor of receiving the NC (24th July, 2023)



Dr Vincent Olatunji led the management of the commission on a courtesy visit to the Chief of Naval Staff, Vice Admiral Emmanuel Ogalla, represented by the Chief of Communications and Information Technology, Rear Admiral Olusanya Bankole (4th December, 2023)



Dr Vincent Olatunji led some members of the NDPC team on a courtesy visit to the Honourable Minister of Interior, Olubunmi Tunji-Ojo, at the Minister's office in Abuja (26th October, 2023)



Dr. Vincent Olatunji received in audience, the Director-General, Small and Medium Enterprises Development Agency of Nigeria (SMEDAN) (14th Dec, 2023)



The NC/CEO, Nigeria Data Protection Commission. Vincent Olatunji received in audience, members of Committee of Vice Chancellors of Nigerian University (CVCNU), led by the Secretary General, CVCNU, Professor Yakubu Ochefu (8th September, 2023)

EXHIBITIONS



Exhibition at the Telecom Executives and Regulators Forum (TERF) 2023 (7th September, 2023)



Exhibition at the Telecom Executives and Regulators Forum (TERF) 2023 (7th September, 2023)



NDPC's Exhibition Booth at Digital Nigeria, 2023 (24th October, 2023)

INTERNATIONAL COLLABORATIONS



Dr Vincent Olatunji at the Cross Border Privacy Rules (CBPR) forum in London, United Kingdom (19th April, 2023)



At the 6th Biennial Conference of African International Law Network (AfIELN) held in Ghana (26th June, 2023)



Dr. Vincent Olatunji at the 1st African Peer Review Mechanism (APRM) workshop on the Impact of Rapid Advancement of Technology on Governance in Africa holding in Cairo, Egypt (12th September, 2023)



Conference and General Assembly of the Network of African Data Protection Authorities (NADPA) (12th May, 2023)



The National Commissioner, NDPC, Dr Vincent Olatunji as a panelist at the session on "Navigating Data Privacy in Africa" on day 3 of IAPP Global Privacy Summit 2023, Washington DC (6th April, 2023)



Knowledge sharing tour to the Office of the Data Protection Commissioner, Kenya (23rd May, 2023)

MOU

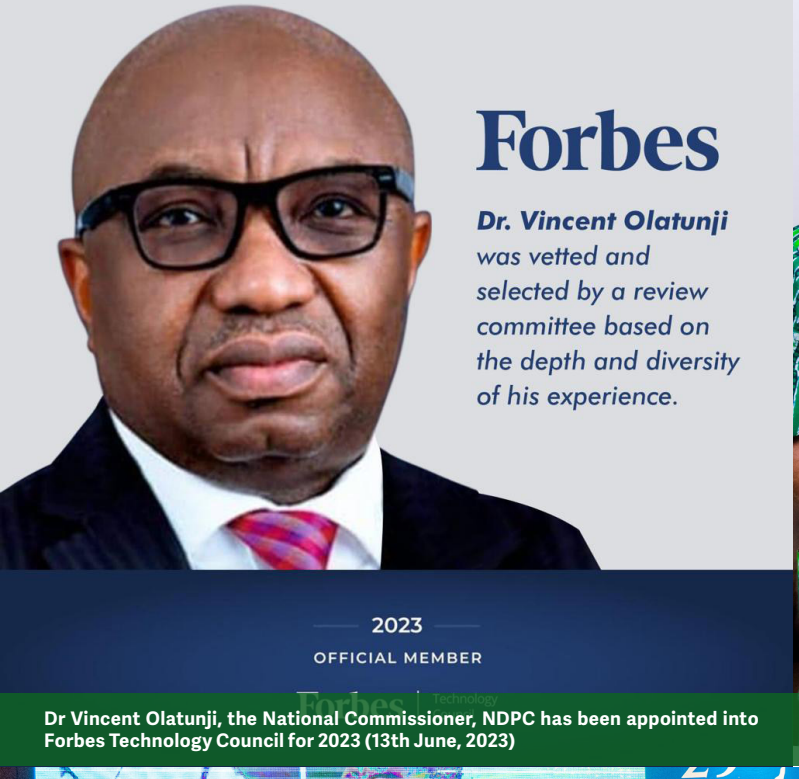


MoU with Nigerian Institute of Transport Technology (NITT) (3rd April, 2023)

STAKEHOLDERS ENGAGEMENTS



NDPC at the Nigeria-Netherlands Economic Consultation (6th June, 2023)



Dr Vincent Olatunji, the National Commissioner, NDPC has been appointed into Forbes Technology Council for 2023 (13th June, 2023)



Dr Vincent Olatunji paid a working visit to the Executive Governor of Ekiti State, His Excellency, Mr Biodun Oyebanji (15th June, 2023)



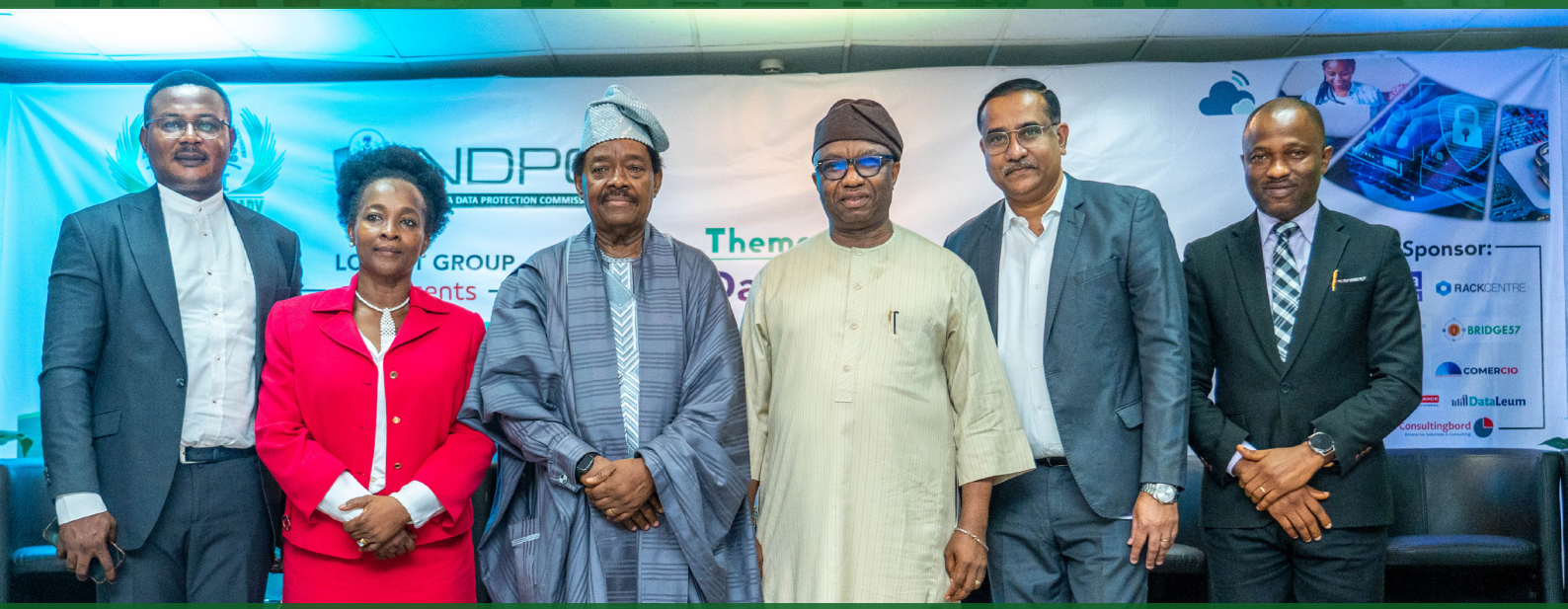
Dr. Vincent Olatunji was a panelist at the lunch session at the 29th Nigerian Economic Summit (25th October, 2023)



The Honourable Minister of Communications, Innovation, and Digital Economy, Dr. Olatunbosun Tijani, was warmly welcomed by the Ministry's Directors and Heads of parastal (22nd August, 2023)



Launching the Nigeria Data Protection Strategic Roadmap and Action Plan (NDP-SRAP) for 2023-2027 (12th December, 2023)



At the 135th Anniversary of the Lagos Chamber of Commerce and Industry (2nd November, 2023)



As part of his brief from Parastatals under the Federal Ministry of Communications, the Honourable Minister, Dr. 'Bosun Tijani, received the NC/CEO, Nigeria Data Protection Commission (23rd August, 2023)



Dr Vincent Olatunji gave a goodwill message at the 5th Identity Day Commemoration, hosted by the Director General/CEO, National Identity Management Commission (16th September, 2023)



Dr Vincent Olatunji, inaugurated the Nigeria Data Protection Act General Application and Implementation Directive (NDP Act GAID) (4th September, 2023)



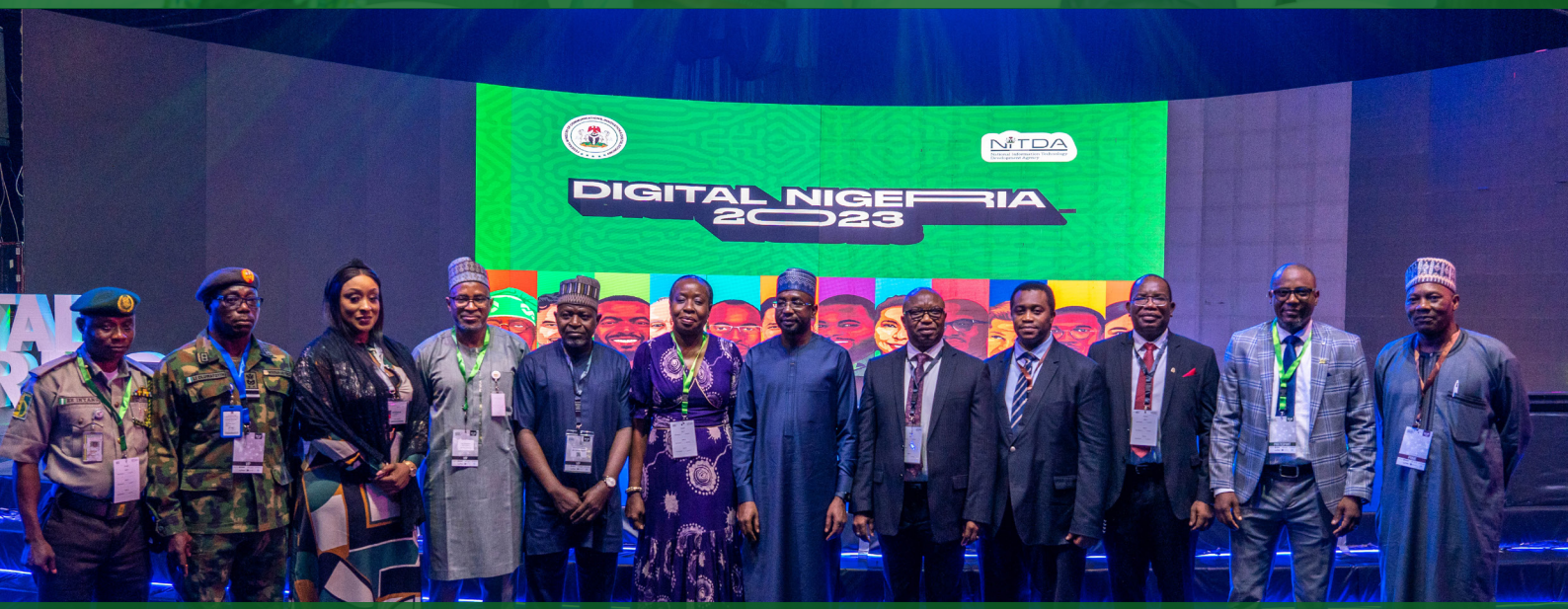
Dr Vincent Olatunji was a speaker at the International Gaming Conference 2023, organised by the National Lottery Regulatory Commission (1st November, 2023)



Dr. Vincent Olatunji was the guest speaker at the March, 2023 Edition of BPSR Lunch Time Reform Seminar (29th March, 2023)



One Day Retreat on Digitalisation for Heads of Service and Permanent Secretaries (19th December, 2023)



Dr. Vincent Olatunji, at the 2023 edition of the annual Digital Nigeria (24th October, 2023)



40th Anniversary of the Chartered Institute of Directors Nigeria (17th November, 2023)

AWARDS



Dr Vincent Olatunji was honoured with the Distinguished Member Award at the GNC Digital Hall of Fame in the Emerging Technology Space in Africa (7th June, 2023)



Dr Vincent Olatunji represented by Chidera Ike-Okonkwo, Head, Innovation Unit, was honored with the High Tech Digital Personality Award at the High Tech Digital Awards (22nd Dec, 2023)



Dr Vincent Olatunji was honoured with the National Honors Award as Data Privacy Vanguard by the Nigeria Association of Computing Students (NACOS) (11th Oct, 2023)



Dr Vincent Olatunji represented by Babatunde Bamigboye, Esq., Head, Legal, Enforcement & Regulations Department was honored with the High Tech Digital Personality Award at the High Tech Digital Awards (22nd Dec, 2023)



Dr Vincent Olatunji represented by Babatunde Bamigboye, Esq., Head, Legal, Enforcement & Regulations Department, was conferred with the award of Honourary Fellow of The Privacy Academy (HFPAc) (30th November, 2023)



Dr Vincent Olatunji represented by Olorunnisomo Isola, Head, ICT & Cybersecurity Department, was bestowed with the Award of Outstanding Digital Identity and Data Rights Frontrunner at the Digital Africa Future Summit (14th August, 2023)


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