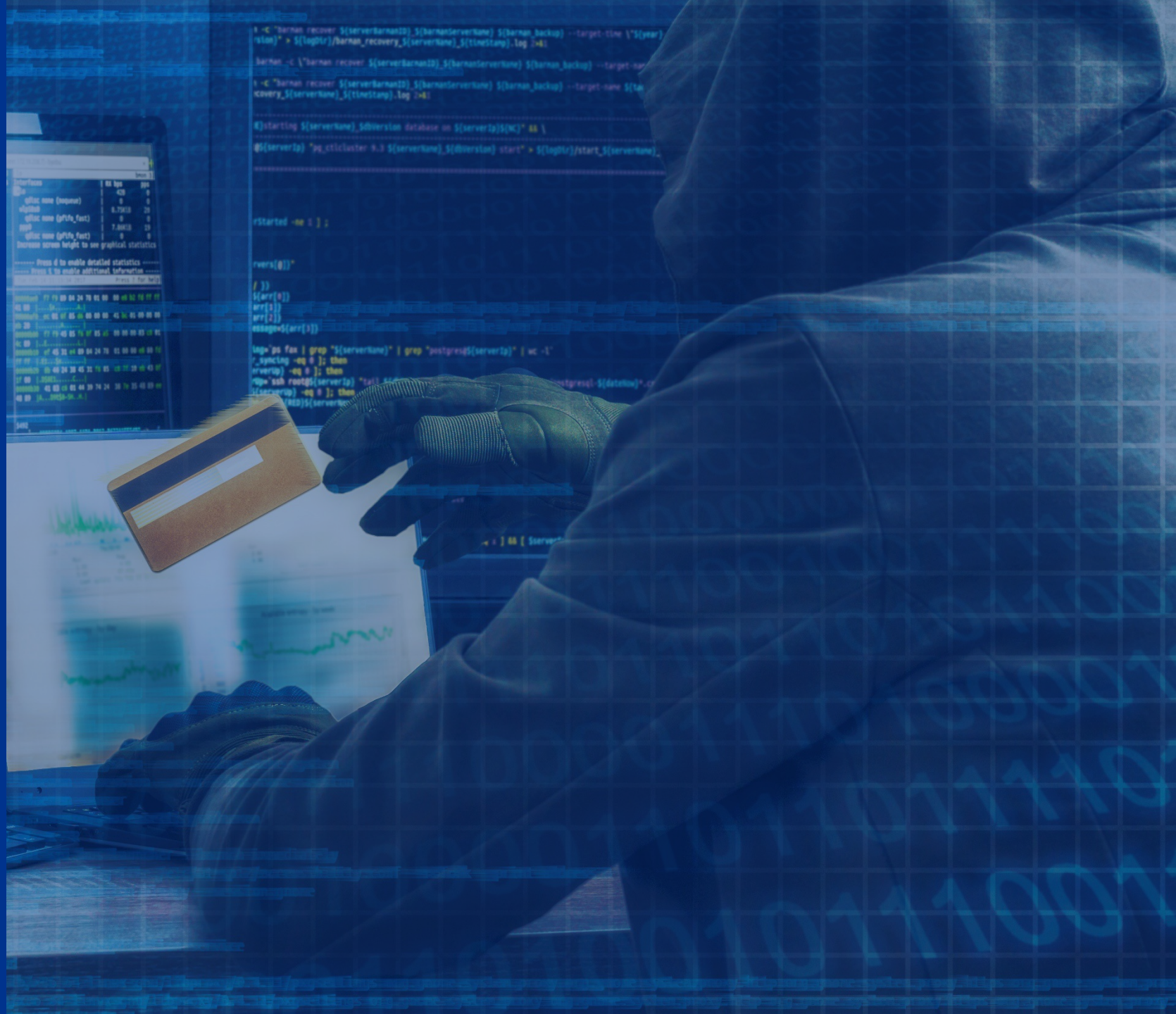




The Nigeria Data Protection Regulation

Journey to Compliance





The Nigeria Data Protection Regulation (NDPR)

The National Information Technology Development Agency (NITDA) is statutorily mandated by the NITDA Act of 2007 to develop regulations for electronic governance and monitoring of the use of information technology and electronic data. Conscious of the concerns around privacy and protection of Personal Data and the grave consequences of leaving Personal Data processing unregulated, NITDA has issued the Nigeria Data Protection Regulation (NDPR). The objectives of the regulation are as follows:

- to safeguard the rights of natural persons to data privacy;
- to foster safe conduct for transactions involving the exchange of Personal Data;
- to prevent manipulation of Personal Data; and
- to ensure that Nigerian businesses remain competitive in international trade through the safe-guards afforded by a sound data protection regulation.

The regulation applies to all storage and processing of Personal Data conducted in respect of Nigerian citizens and residents.

Examples of Personal Data:

- Employee information as managed by HR
- Customer and subscribers data
- Vendors and services providers information

Personal data may contain one or more of the following:

- Name, phone numbers, contact information
- Location information, financial information, transaction history
- Gender, ethnicity, health records, sexual orientation

Compliance Requirements:

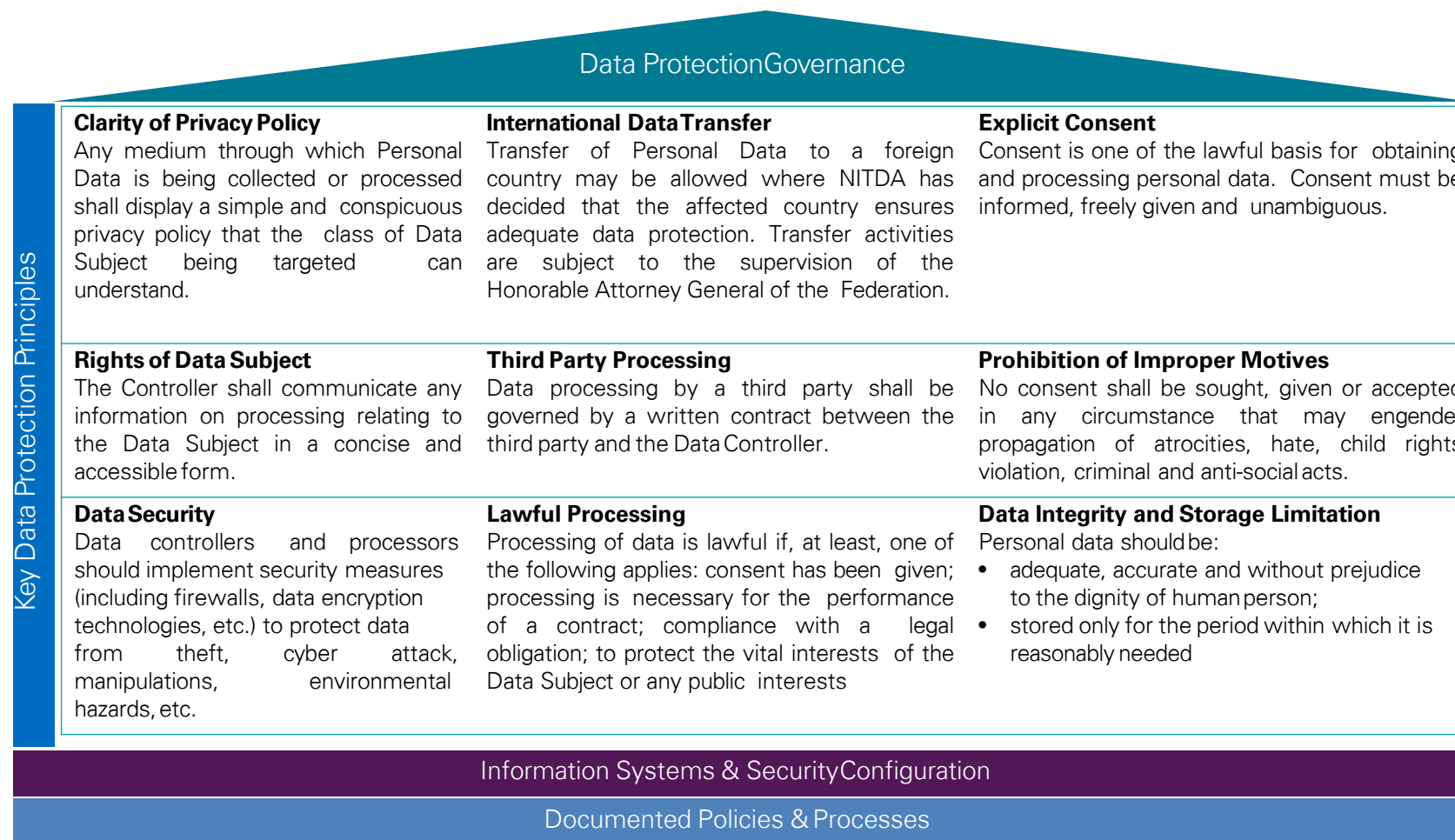
The NDPR regulation requires that Data Controllers and Data Processors:

- ❑ Engage a Data Protection Compliance Organization (DPCO) to perform a Data Protection Audit and file a report with NITDA within the stipulated timeline
- ❑ Designate a Data Protection Officer (DPO) who will be responsible for driving NDPR compliance initiatives within the organization
- ❑ Document and publish a data protection policy in line with the requirements of the Data Protection Regulation
- ❑ Ensure continuous capacity building and training for Data Protection Officer and other personnel involved in processing personal data



Key Features of the NDPR

The Nigerian Data Protection Regulation introduces new restrictions on collection and processing of personal data and requires such activities to be in accordance with a lawful purpose consent by the Data subject. Compliance with these requirements will impact Data Protection Governance, Information Systems & Security Configuration, as well as Documented Policies & Processes.



Potential Consequences for Non-Compliance with NDPR

- Fines**
 Maximum penalty for breaches of data privacy rights on international transfers can be up to ₦10M or 2% of annual gross revenue of the preceding year, whichever is higher and based on the number of Data Subjects dealt with.
- Reputational Damage**
 Negative publicity and damage to brand and reputation.
- Prosecution**
 Prosecution of principal officers in the event of a severe data breach.



How KPMG Can Support

Why KPMG



DPCO License

KPMG has been licensed by NITDA as a Data Protection Compliance Organization (DPCO) to provide Data Protection Services in Nigeria



Experienced Team

We have an experienced team of Cybersecurity & Data Privacy consultants as well as Legal & Regulatory experts that have provided data protection services to clients within Nigeria.



Global Centre-of-Excellence

We have a global Data Protection Center-of- Excellence providing compliance support for global standards on data protection, including GDPR



Thought Leaders

We are active in producing thought leadership and studies on the data privacy, compliance and future of cyber security.

Our Services

Data Protection Compliance Support



Drafting and review of policy documents & Gap assessment

Remediation Support

Training & Capacity Development

Data Protection Audit Services



Scoping

Execution

Reporting & DPCO Verification

Outsourced Data Protection Officer



Continuous DPO Support



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