

# The Nigeria Data Data protection Regulation

Journey to Compliance



# Background

# 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 subscribersdata
- Vendors and servicesproviders information

# Personal data may contain one or more of the following:

- Name, phonenumbers, contactinformation
- Location information, financial information, transactionhistory
- Gender, ethnicity, health records, sexualorientation

# **Compliance Requirements:**

The NDPR regulation requires that Data Controllers and Data Processors:

- I 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 theorganization
- 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 personaldata







# 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.

### Data ProtectionGovernance

### **Clarity of Privacy Policy**

Any medium through which Personal privacy policy that the class of Data Subject being targeted understand.

### International DataTransfer

Transfer of Personal Data to a foreign Data is being collected or processed country may be allowed where NITDA has shall display a simple and conspicuous decided that the affected country ensures adequate data protection. Transfer activities can are subject to the supervision of the Honorable Attorney General of the Federation.

# **Explicit Consent**

Consent is one of the lawful basis for obtaining and processing personal data. Consent must be informed, freely given and unambiguous.

### **Rights of Data Subject**

The Controller shall communicate any information on processing relating to the Data Subject in a concise and accessible form.

# **Third Party Processing**

Data processing by a third party shall be governed by a written contract between the third party and the Data Controller.

# **Prohibition of Improper Motives**

No consent shall be sought, given or accepted in any circumstance that may engender propagation of atrocities, hate, child rights violation, criminal and anti-social acts.

# **Data Security**

Data controllers and processors should implement security measures (including firewalls, data encryption technologies, etc.) to protect data theft, from cyber attack, environmental manipulations, hazards, etc.

## **Lawful Processing**

Processing of data is lawful if, at least, one of the following applies: consent has been given; • adequate, accurate and without prejudice processing is necessary for the performance of a contract; compliance with a obligation; to protect the vital interests of the Data Subject or any public interests

# **Data Integrity and Storage Limitation**

Personal data should be:

- to the dignity of human person;
- legal stored only for the period within which it is reasonably needed

# Prosecution

Prosecution of principal officers in the event of a severe data breach.

Potential Consequences for Non-Compliance with NDPR

Fines

Maximum penalty for breaches

international transfers can be

up to N10M or 2% of annual gross revenue of the preceding

year, whichever is higher and

Subjects dealt with.

based on the number of Data

ReputationalDamage

Negative publicity and damage

to brand and reputation.

of data privacy rights on

# Information Systems & SecurityConfiguration

Documented Policies & Processes





# How KPMG Can Support

# **WhyKPMG**



### **DPCOLicense**

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.









# Contact

### John Anyanwu

Partner, Technology Advisory **KPMG** Nigeria Tel: +2348039754061

Email: john.anyanwu@ng.kpmg.com

### Ajibola Olomola

Partner, Tax, Regulatory & People Services **KPMG** Nigeria Tel:+2348034021039 Email: aibola.olomola@ng.kpmg.com

### Ugochi Ndebbio

Senior Manager, Tax, Regulatory & People Services **KPMG** Nigeria Tel:+2347034036344 Email:ugochi.ndebbio@ng.kpmg.com

### **Ekene Chizea**

Senior Manager, Technology Advisory **KPMG** Nigeria Tel:+2348185271237

Email: ekene.chizea@ng.kpmg.com

# home.kpmg/socialmedia













# home.kpmg/app





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