



NDPR Academy® Foundation Course

# **FOUNDATION COURSE SUMMARIES**



## 1. Module 1: Introduction to Nigeria Privacy Rights Law



- 1.1 The NITDA Act and NDPR are currently the legal basis of privacy rights conversation in Nigeria.
- 1.2 NDPR is divided into the following 4 parts and subject matters:

**Part 1**

NDPR objectives,  
scope and definitions

**Part 2**

Personal Data  
processing principles

**Part 3**

Rights of Data Subjects

**Part 4**

Implementation and  
remedies

- 1.3 NDPR's material and territorial scope extends to, all:
  - 1.3.1 Nigerian citizens in whatever jurisdiction they live; and
  - 1.3.2 Natural persons that live in Nigeria
- 1.4 All Personal Data processing activities carried out by all Data Controllers and Data Administrators situated in Nigeria regardless of the jurisdiction where the processing activity takes place.

## 2. Module 2: Principles of Personal Data Processing

- 2.1 Personal Data processing includes each and every act of the collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, and erasure or destruction of Personal Data.

- 2.2 The 6 mandatory principles of Personal Data processing are: Lawfulness, Specificity, Adequacy, Accuracy, Storage and Security. The concept of accountability underlies all 6Ps as NDPR holds the Data Controller and Data Administrator responsible for every Personal Data that they process.
- 2.3 The Data Subject's consent must be freely given, specific, informed and unambiguously indicate through a statement or a clear affirmative action that he or she wishes or agrees that his or Personal Data should be processed. This consent can also be freely withdrawn, hence making consent not a guaranteed lawful basis for Personal Data processing.
- 2.4 The Data Subject, Data Controller, Data Administrator, NITDA, DPCO and DPO are at the heart of the NDPR compliance framework

### 3. Module 3: Rights of Data Subjects



- 3.1 The Data Controller or Data Administrator must prior to collecting Personal Data, correctly and accurately inform the Data Subject vide the Data Controller or Data Administrator's Privacy Policy.
- 3.2 Data Subjects have a right to consent to the processing of their Personal Data as well as withdraw their consent at anytime.
- 3.3 Data Subjects have the right to access or retrieve their Personal Data from Data Controllers in a structured and commonly used format.

### 4. Module 4: Obligations of Data Controllers and Administrators

- 4.1 Data Administrators often obtain their contractual right to process Personal Data from the Data Controller. The Data Controller is ultimately responsible for the infractions of the Data Administrator by virtue of their principal and agent relationship.
- 4.2 Data Controllers and Data Administrators must ensure that a documented contract is in place between them.

## 5. Module 5: Local and International Transfers of Personal Data



- 5.1 A Data Controller or Data Administrator is prohibited from transferring Personal Data to any person except where the consent of the Data Subject is obtained without fraud, coercion or undue influence.
- 5.2 Any transfer of Personal Data to a Foreign Country must be done further to NITDA's Adequacy Decision on that Foreign Country. In the absence of an Adequacy Decision, the Data Controller or Data Administrator must in addition to obtaining the explicit consent of the Data Subject, satisfy NITDA on the adequacy of the Personal Data protection regime of the Foreign Country, among other requirements.
- 5.3 NITDA has a mandate to develop local and international relationships to facilitate the effective implementation of NDPR and related legislations with the supervision of the AGF.

## 6. Module 6: Data Protection Compliance Processes: Audits and Impact Assessments

- 6.1 NDPR has some time-sensitive compliance requirements including the filing of DPA Reports and DPIA Reports.
- 6.2 DPA Reports, whether initial or annual are required to contain specific information, on oath, on the policies and practices of the Data Controller or Data Administrator.
- 6.3 DPIAs are not mandatory but are required to be undertaken in certain circumstances, especially where there are associated risks with the intended Personal Data processing activities

## 7. Module 7: NDPR Liabilities, Penalties and Remedies



- 7.1 NDPR's enforcement framework is comprised of the following 5: Surveillance, Complaint Filing, Investigations, Administrative Sanctions; and Criminal Prosecution.
- 7.2 A Data Controller that is found to be in breach of the Personal Data rights of a Data Subject, will be liable, in addition to any other criminal liability to fines that could be up to 2% of its annual gross revenue in the preceding year or N10million, whichever is higher