Data Privacy

The entity that is the subject of this project is not an APP entity and as such the 13 key principles of Australian privacy law are not applicable.

That said, though there are no similar legislations in Nigeria, privacy of information is still of importance. Section 37 of the 1999 Nigerian Constitution provides that:

“The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.”

In furtherance of the above provision, The National Information Technology Development Agency (NITDA) issued the Nigerian Data Protection Regulation, 2019 ('NDPR') as the main data protection regulation in Nigeria. Under the regulation, the following are of potential concerns to the execution of the project:

| **Issue** | **Potential significance for my project** | **If there is a potential impact, how might it be mitigated?** |
| --- | --- | --- |
| **Duty of Care**  **Sect 2.1.2** | Duty of care is owed to all Data subject. Such duties include using the data only for the purposes for which they were collected – processing loans, establishing accounts and credit worthiness evaluations. | Ensure that the report excludes identifying Personal Data |
| **Transfer of Personal Data**  **Section 2.1.1 aii** | Prohibition of data transfer from any entity carrying out data  processing for research to any other person. This means that any personal data collected cannot be included in the project reports | The mitigation is in ensuring that the data obtained during the project are anonymized and any identifying details removed in any form of reporting and data transfer |
| **Data Security**  **Section 2.6** | Any personal data must be protected from hackers and securely stored implementation by the enterprise | Promote an appreciation of cybersecurity risks through a vulnerability assessments and the development of a gap closure plan for implementation by the enterprise |
| **Data Transfer to Foreign Country**  **Sect 2.11** | Not significant as there will be no transfer of Personal Data. If in the course of the project, personal data is received, such will be handled locally and not transferred | All storage devices for the Project will be located in Nigeria. Access through Remote Desktop connection will ensure that data is processed where resident and not transferred across border |

# Mitigating Data Breach from the project:

The following are the steps the project will take to mitigate any instance of data breach during the execution of the project. These steps align closely with the Data Breach Plan of the subject organization – Seoul Microfinance Bank:

1. Report the event to the bank’s Data Protection Officer (DPO).
2. Inform the ECU Team of the event as well as the decision of the DPO concerning remediation and forward plans.

Under the SMFB data Breach Plan, the DPO has the following responsibilities, upon becoming aware of a potential data breach:

1. Register the event in the Data Breach Register;
2. The DPO will evaluate the reported event and make a determination whether the event is classifiable as a data breach or not by considering the definition of a Personal Data Breach as detailed in the Definitions above.
3. Determine whether to escalate the event to the Response Team
4. The response team is to follow the following process:
   1. Assess the breach. If external support is needed, the team is authorized to seek such services expeditiously.
   2. Determine the extent of the breach.
   3. Determine which external stakeholders should be contacted (for example, the Police, NITDA, and the media)
   4. Take steps to curtail the breach.
   5. Develop Notification to NITDA
   6. Develop Notifications to Data Subject where the personal data breach will likely result in high risks to the freedoms and rights of the data subject.
   7. Document findings and Review

# References:

Akinwunmi, A. (2022). Nigeria - Data Protection Overview. <https://www.dataguidance.com/notes/nigeria-data-protection-overview>

Babalola, O. (2022). Nigeria’s data protection legal and institutional model: an overview. *International Data Privacy Law*, *12*(1), 44-52.

National Information Technology Development Agency. (2019). *NIGERIA DATA PROTECTION REGULATION 2019*. Retrieved from <https://bit.ly/3IsxtzD>