



## COMPLIANCE NOTICE

### NATIONAL DATA PROTECTION ADEQUACY PROGRAMME (NaDPAP) WHITELIST (PURSUANT TO SECTION 37 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (CFRN) & NIGERIA DATA PROTECTION REGULATION (NDPR) 2019

1. The Nigeria Data Protection Bureau was established by the Federal Government of Nigeria to, inter alia, implement Nigeria Data Protection Regulation 2019 (NDPR). The objectives of the NDPR are to:
  - a) Safeguard the rights of natural persons to data privacy;
  - b) Foster safe conduct for transactions involving the exchange of Personal Data;
  - c) Prevent manipulation of Personal Data; and
  - d) Ensure that Nigerian businesses remain competitive in international trade through the safeguards afforded by a just and equitable legal regulatory framework on data protection.
2. By virtue of Section 37 of the 1999 Constitution of the Federal Republic of Nigeria (CFRN), the NDPR 2019 and relevant legal instruments/judicial authorities, **adequate technical and organizational measures for data protection are obligatory for every organization** (as data controllers/processors) in Nigeria.
3. Records (personal data) pertaining to health, security, employment, education, finance, property, etc are constantly at risk when organizations fail, neglect or refuse to comply with the standard set forth under the NDPR 2019.
4. Given global socio-economic trends, lives and livelihoods without adequate data protection will become more and more vulnerable to fraud, loss and socio-economic manipulations that are initiated for illegal/undue profit. Atrocities of "Loan Sharks", "Ponzi Schemers" and "Data Manipulators" are examples in this regard.
5. The ICT sector in Nigeria through its unprecedented pattern of growth rate in contribution to the real GDP (17.92% in Q2 2021 - 18.44% in Q2 2022) clearly shows that more and more Nigerian citizens are utilizing data driven platforms and devices for socio-economic activities.
6. Thus, in line with the First Pillar (Developmental Regulation) of the National Digital Economy Policy and Strategy (NDEPS), sustainable data governance will give millions of Nigerian citizens numerous opportunities to be engaged in socio-economic activities – with requisite good faith that their data will be used lawfully and productively.
7. Penalty for breach by an organization may be as high as 2% of Annual Gross Revenue of the preceding year or payment of the sum of 10 million naira (whichever is

greater). In the case of a Data Controller dealing with less than 10,000 Data Subjects, payment of the fine of 1% of the Annual Gross Revenue of the preceding year or payment of the sum of 2 million naira, whichever is greater.

8. In order to avoid legal liabilities through the actions of private citizens and relevant public regulators *as per* the **Standard of Care** required of your organization in data protection, you are required to immediately take the following steps:-
  - a) Read and understand the NDPR – as it applies to various situations and persons involved in data processing (Article 1.2 of the NDPR. It is available at [www.ndpb.gov.ng](http://www.ndpb.gov.ng));
  - b) Develop and implement a Privacy Policy that is consistent with the NDPR (Articles 2.5 & 4.1(1) of the NDPR);
  - c) Notify your employees, customers and online visitors of your Privacy Policy (Article 3.1(1) of the NDPR);
  - d) Designate at least one or two members of staff as Data Protection Contacts (DPCs). These officers may, after training, become Data Protection Officers (DPOs) for your organization (Article 4.1(2) of the NDPR).

**Forward the names of your DPCs** (not more than 3) to the Bureau for a **free Induction Course in Data Protection Regulation Compliance** for Nigeria and Economic Community of West African States (ECOWAS) (Article 4.1(3) of the NDPR); if you have already appointed a DPO kindly forward his/her contact details. Forward the soft copy of the details via [info@ndpb.gov.ng](mailto:info@ndpb.gov.ng) **AND** the hard copy to No. 5 Donau Crescent, Maitama Abuja.

- e) Mandate your service providers (agents, licensees, contactors or howsoever called) to comply with the NDPR. They will, otherwise, remain a weak link in data privacy and protection architecture – thereby creating liability for you. (Article 2.7 of the NDPR)
9. Any organization or establishment that failed or neglected to take the above steps and duly notify the Bureau (of the technical and organizational measures it is taking for data privacy and protection) on or before **25th of Nov, 2022** will not be listed on the National Data Protection Adequacy Programme (NaDPAP) Whitelist. (See the penalty for breach of NDPR in paragraph 6 above. This may be imposed where it is applicable).
10. The NaDPAP Whitelist will be published on NDPB website, in major newspapers, and will be shared with local and international establishments. It will serve as a reference in relevant transactions and proceedings.
11. In line with Article 4.1 (4) of the NDPR, Data Protection Compliance Organizations (DPCOs) have been licensed to provide compliance services to data controllers and processors. The list of DPCOs is available at [www.ndpb.gov.ng](http://www.ndpb.gov.ng)
12. For enquiries contact: [info@ndpb.gov.ng](mailto:info@ndpb.gov.ng) or **send SMS** to +234 9106 061 5551. You may also write to the National Commissioner/Chief Executive Officer, NDPB, No 5 Donau Crescent, Maitama Abuja.



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**(Nigeria Data Protection Bureau)**

**KEEP DATA SAFE. DON'T BE A VICTIM OF DATA LOSS, DATA ERROR OR DATA THEFT. RESPECT PEOPLE'S RIGHT TO PRIVACY. LIVES AND LIVELIHOODS DEPEND ON WHAT YOU CHOOSE TO DO ABOUT DATA. #DATACARELIFECARE**