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THE QUIET REVOLUTION: HOW DATA PROTECTION TOOK CENTRE STAGE IN NIGERIA

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Introduction

Data protection in Nigeria has moved from the sidelines of regulatory compliance to the core of risk management. This shift was animated by the enactment of the Nigeria Data Protection Act 2023 and strengthened by the issuance of the General Application and Implementation Directive by the Nigeria Data Protection Commission in March 2025. In 2026, Nigeria's data protection framework promises to move beyond its current phase into a phase of structured enforcement.

This article provides a practical and verified outlook on how data protection in Nigeria has taken shape in recent times. It aligns strictly with the Nigeria Data Protection Act 2023, the General Application and Implementation Directive 2025, and other relevant regulatory instruments. It is written for legal practitioners, regulators, in house counsel, compliance officers, and business leaders who require clarity on how to navigate the seeming complexities associated with data protection in Nigeria.

THE LEGAL ARCHITECTURE OF DATA PROTECTION IN NIGERIA

The Nigeria Data Protection Act 2023

The first pot of reference for data protection in Nigeria is the Nigeria Data Protection Act 2023. It is the principal legislation governing the processing of personal data in Nigeria. It repealed the Nigeria Data Protection Regulation 2019 and placed data protection on a clear statutory footing. The Act establishes enforceable rights for data subjects, binding obligations for data controllers and data processors, and a dedicated supervisory authority with investigative and sanctioning powers on the Nigerian Data protection commission.¹

The Act applies to the processing of personal data by any person, public or private, operating within Nigeria. It also applies to processing carried out outside Nigeria where such processing relates to the personal data of individuals located in Nigeria. This extraterritorial reach reflects global best practice and aligns Nigeria with modern international data protection standards.²

Subsidiary Instruments and Regulatory Guidance

¹ Section 1 of the Nigerian Data Protection Act, 2023.

² Section 2 of the Nigerian Data Protection Act, 2023.

Another source of legitimacy of data protection in Nigeria is the General Application and Implementation Directive issued by the Nigeria Data Protection Commission pursuant to the afore-referenced Act which provides for operational detail on compliance obligations.³ The Directive addresses registration thresholds, classification of regulated entities, compliance audit requirements, reporting timelines, and enforcement procedures. In 2026, the Directive has become the primary operational guide for organizations subject to the Act.

It is pertinent to underscore that there are other laws that continue to interact with the data protection regime, such as the Constitution of the Federal Republic of Nigeria, the Cybercrimes Act, the Child Rights Act, the Freedom of Information Act, and sector specific digital regulations. These instruments do not override the Data Protection Act but operate subject to its provisions and compliments the Data protection Act on smaller scale.

The Nigeria Data Protection Commission and Enforcement Posture

The Nigeria Data Protection Commission is the statutory authority responsible for administering and enforcing the Act. The Commission has powers to register data controllers and processors, conduct investigations, request information, issue compliance and remediation orders, and impose administrative sanctions where it finds one to be in breach of the data protection law.⁴

In 2026, the Commission's enforcement posture now reflects a shift from awareness driven regulation to accountability driven compliance. This is because data protection took the center stage in 2025 as a lot awareness was done so that people can see the importance of data protection compliant society. However, this year promises to be slightly different as there will be increased enforcement. The Commission will likely initiate more investigations with or without a complaint and will also conduct compliance audits where necessary.⁵ The regulatory focus will now be increasingly on whether organizations have demonstrable governance frameworks rather than on isolated incidents alone.

Core Principles Governing Data Processing

The Act establishes foundational principles that govern all processing of personal data. Personal data must be processed lawfully and fairly. Processing must be limited to specific and legitimate purposes and data collected must be adequate and not excessive in relation to those purposes.⁶

³ The GAID was issued by the Nigerian Data Protection Commission in March, 2025.

⁴ Section 4 of the Nigeria Data Protection Act, 2023

⁵ Section 6 (f) of the Nigerian Data Protection Act, 2023.

⁶ Section 24 of the Nigeria Data Protection Act, 2023.

Controllers and processors are required to ensure accuracy, apply appropriate security safeguards, and retain data only for as long as necessary. Accountability is central as organizations must be able to demonstrate compliance through policies, records of processing activities, training, and audits as the case may be.

Rights of Data Subjects

The Act clearly strengthens the rights of individuals whose personal data is processed. Data subjects now have the right to be informed about processing activities, to access their personal data, and to request rectification of inaccurate information.⁷

They also enjoy rights to object to certain forms of processing, to request erasure where lawful grounds exist, to restrict processing in defined circumstances, and to receive personal data in a portable format where applicable. The Act further provides safeguards against decisions based solely on automated processing where such decisions have legal or significant effects.⁸

Organizations are required to establish internal mechanisms to receive, assess, and respond to data subject requests within statutory timelines. Failure to do so constitutes a breach of the Act.

Registration, Classification, and Compliance Audits

Another significant feature of the current regulatory framework is the classification of certain entities as Data Controllers or Data Processors of Major Importance. This classification is based on factors such as the volume of data processed, the sensitivity of the data, and the strategic nature of the processing activities.

Entities falling within this category are subject to mandatory registration with the Commission, enhanced compliance obligations, and periodic data protection audits conducted through licensed Data Protection Compliance Organizations.⁹ Prior to 2026, registration and audit filings have become standard compliance requirements across key sectors including finance, telecommunications, healthcare, education, technology, and public administration and would even see a greater increase this year.

Cross Border Data Transfers

The transfer of personal data outside Nigeria is regulated under the Act and the Directive. Such transfers are permitted only where adequate safeguards are in

⁷ Section 34 of the Nigerian Data Protection Act, 2023.

⁸ Section 37 of the Nigerian Data Protection Act, 2023.

⁹ Section 44 of the Nigerian Data Protection Act, 2023.

place to protect the rights of data subjects.¹⁰ These safeguards may include adequacy determinations by the Commission, contractual clauses, binding corporate rules, or other approved mechanisms.

Organizations engaging in cross border processing are expected to document transfer arrangements and demonstrate compliance upon request. Data localization awareness and cross border transfer governance have become critical compliance considerations for multinational organizations operating in Nigeria in recent times.

Security Measures and Personal Data Breach Management

The Act requires data controllers and processors to implement appropriate technical and organizational measures to ensure the security of personal data. These measures must be proportionate to the risks associated with the processing activities.

In the event of a personal data breach that poses a risk to the rights and freedoms of individuals, the controller is required to notify the Nigeria Data Protection Commission within the prescribed timeframe and, where necessary, inform affected data subjects. Organizations are expected to maintain documented incident response plans and breach management procedures.¹¹

Enforcement, Sanctions, and Regulatory Direction

The Commission is empowered to impose administrative sanctions for violations of the Act and the Directive. Sanctions are assessed having regard to factors such as the nature of the infringement, the sensitivity of the data involved, the scale of processing, and the conduct of the organization.

It is important to note that corrective orders, compliance directives, and administrative fines form part of the enforcement mechanisms.¹² This is to ensure that organizations cooperate with the Commission to present evidence of proactive compliance in order to mitigate risks associated with data.

Strategic Outlook for 2026

Ultimately, data protection in Nigeria has matured into a structured and enforceable regulatory regime. Public awareness of data rights has increased, regulatory supervision has intensified, and compliance expectations are clearer.

¹⁰ Section 41 of the Nigerian Data Protection Act, 2023.

¹¹ Section 40 of the Nigerian Data Protection Act, 2023.

¹² Section 47 of the Nigerian Data Protection Act, 2023.

Organizations that integrate data protection into governance, risk management, and operational culture are better positioned to manage regulatory exposure in this age and time as data protection is no longer a peripheral legal obligation but a core element of institutional credibility and trust.

Conclusion

The Nigeria Data Protection Act 2023 and the General Application and Implementation Directive represent a decisive and verifiable shift in Nigeria's approach to personal data governance. The focus has moved from legislation to execution. The regulatory framework is settled, enforcement mechanisms are active, and compliance expectations are defined.

For organizations operating in Nigeria who understand this reality and respond accordingly will not only comply with the law but will strengthen resilience in an increasingly data driven economy.



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