SmartSuite

Framework / Privacy / Global Privacy Regulations

Nigeria Data Protection Regulation (NDPR) 2019

The NDPR 2019 is NITDA's data protection regulation for Nigeria, with principles, data subject rights, DPCO audits and fines; the NDPA 2023 and the NDPC's GAID 2025 now apply.



What it is

The Nigeria Data Protection Regulation (NDPR) 2019 is the regulation the National Information Technology Development Agency (NITDA) issued on January 25, 2019 under the NITDA Act 2007 to govern the processing of personal data of natural persons in Nigeria and of Nigerian citizens living abroad (clause 1.2). It is no longer the primary law: the Nigeria Data Protection Act (NDPA) 2023, dated June 12, 2023, created the Nigeria Data Protection Commission (NDPC), and under Article 3(3) of the NDPC's General Application and Implementation Directive (GAID) 2025 the Commission ceased to apply the NDPR as a legal instrument when the GAID was issued, without affecting anything done under it.

At a glance

PUBLISHER
National Information Technology Development Agency (NITDA), under the NITDA Act 2007; data protection is now regulated by the Nigeria Data Protection Commission (NDPC)

TYPE
Regulation

VERSION
Nigeria Data Protection Regulation 2019 (Implementation Framework of November 17, 2020); succeeded by the Nigeria Data Protection Act 2023 and the NDPC's GAID 2025

EFFECTIVE
January 25, 2019 (in effect on the date NITDA issued it)

DOMAIN
Privacy

FAMILY
Global Privacy Regulations

REGION
Nigeria

ADOPTION MODEL
Regulatory Compliance

IMPLEMENTATION COMPLEXITY
High

Source: nitda.gov.ng/wp-content/uploads/2020/11/NigeriaDataProtectionRegulation11.pdf

Why it matters

- **Published rules for processing** Clause 2.1 requires personal data to be collected for a specific, legitimate and lawful purpose the data subject consented to, kept adequate and accurate, stored only as long as needed and secured against foreseeable hazards.
- **A duty of care** Clause 2.1(2) and (3) make anyone holding personal data owe the data subject a duty of care and be accountable for acts and omissions.
- **Named penalties** Clause 2.10 set a fine of 2% of annual gross revenue or NGN 10 million, whichever is greater, for a controller dealing with more than 10,000 data subjects, and 1% or NGN 2 million for fewer than 10,000.
- **An audit trail** Clause 4.1(5) to (7) required a documented audit of privacy practices and an annual summary to NITDA for controllers processing data of more than 2,000 data subjects, due by March 15.

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How SmartSuite supports NDPR 2019

Personal Data Inventory

Record each processing activity with its purpose, the lawful ground under clause 2.2, the data subjects and the retention period.

Consent and Privacy Policy Records

Track where consent is collected, how it can be withdrawn and which privacy policy version applied under clauses 2.3 and 2.5.

Data Subject Requests

Log requests for access, correction, erasure, restriction and portability with the one-month deadline in clause 3.1(2) and the outcome.

Processor and Vendor Oversight

Keep third-party processors, written contracts and due diligence under clauses 2.4(b) and 2.7 in Third Party Risk Management.

Cross-Border Transfer Register

Document each transfer, the adequacy decision or condition relied on under clauses 2.11 and 2.12, and the warnings given to the data subject.

Audit and DPO Reporting

Prepare the privacy audit and annual summary under clause 4.1(5) to (7), and the Data Protection Officer's reports, from the same records.

Common framework mappings

APEC PF | Convention 108+ | GDPR | ISO 27001:2022 | ISO 27002:2022 | ISO 27701 | NIST Privacy Framework v1.0 | OECD Privacy Guidelines

Official resources

Nigeria Data Protection Regulation 2019 (NITDA PDF)

The signed text of the NDPR as issued by NITDA on January 25, 2019.

nitda.gov.ng/wp-content/uploads/2020/11/NigeriaDataProtectionRegulation11.pdf

NDPR Implementation Framework (NITDA PDF)

NITDA's Implementation Framework for the NDPR, the operational guidance that accompanied the regulation.

nitda.gov.ng/wp-content/uploads/2021/01/NDPR-Implementation-Framework.pdf

NDPR Compliance Guidelines

Outlines the compliance procedures and obligations for data controllers and processors.

ndpc.gov.ng/wp-content/uploads/2025/07/NDP-ACT-GAID-2025-MARCH-20TH.pdf

NDPR Frequently Asked Questions

Answers common questions regarding the implementation and interpretation of NDPR.

ndpc.gov.ng/faqs

Frequently asked questions

Is the NDPR still in force?

The Nigeria Data Protection Act 2023 is the primary law, and the NDPC's GAID 2025 says in Article 3(3) that the Commission ceased to apply the NDPR 2019 as a legal instrument on issuance of the GAID, without affecting anything done under the NDPR. Section 64(2)(f) of the Act saves earlier NITDA instruments until they expire or are repealed, replaced or altered, so commentators disagree on whether the NDPR is formally repealed. Organizations work to the Act and the GAID.

Who did the NDPR apply to?

Clause 1.2 applied it to all transactions intended for the processing of personal data of natural persons residing in Nigeria, and of Nigerian citizens residing outside Nigeria, whatever the means of processing. It bound public and private data controllers and the persons who processed data for them.

What were the penalties under the NDPR?

Clause 2.10 made a breach of a data subject's privacy rights punishable, in addition to any criminal liability, by a fine of 2% of the preceding year's annual gross revenue or NGN 10 million, whichever is greater, for a controller dealing with more than 10,000 data subjects, and 1% or NGN 2 million, whichever is greater, for fewer than 10,000.

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What annual filing did the NDPR require?

Clause 4.1(5) required each organization to audit its privacy and data protection practices, and clause 4.1(7) required a controller that processed the personal data of more than 2,000 data subjects in 12 months to submit a summary of its audit to NITDA by March 15 of the following year. Licensed DPCOs carried out audits for NITDA (clause 4.1(4)).

How did the NDPR regulate transfers of personal data abroad?

Clause 2.11 allowed transfer to a foreign country where NITDA had decided it ensured adequate protection, with the Attorney General of the Federation supervising. Without an adequacy decision, clause 2.12 allowed transfer only on conditions such as the data subject's explicit consent after being told of the risks, performance of a contract, important public interest or legal claims.

License included / downloadable: Yes The NDPR is a Nigerian government regulation published free by NITDA as a PDF; the platform links to the official text.

Full framework page and mappings: smartsuite.com/frameworks/nigeria-data-protection-regulation-ndpr-2019

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