



NDPC NEWSLETTER



REGISTRATION OF DATA CONTROLLERS AND DATA PROCESSORS OF MAJOR IMPORTANCE

On the 14th of February 2024, the Nigeria Data Protection Commission (NDPC) issued a Guidance Notice which shall govern the registration of 'Data Controllers/Data Processors of Major Importance' with the NDPC in accordance with Section 5 of the Nigerian Data Protection Act (NDPA) 2023.

The Guidance Notice offers a much-needed clarification of a data controller/processor of major importance to be an entity of "particular value or significance to the economy, society, or security of Nigeria" that keeps or has access to a filing system (whether analogue or digital) for the processing of personal data and processes personal data of more than 200 data subjects within six months, or engages in commercial Information Communication Technology (ICT) services on any digital device with storage capacity that belongs to another individual or processes personal data within specific sectors, including Financial, Communication, Health, Education, Insurance, Export and Import, Aviation, Tourism, Oil and Gas, and Electric Power.

In addition to this, the Guidance Notice creates a 3-level classification of data controllers and processors based on their level of importance; Major Data Processing-Ultra High Level (MDP-UHL), Major Data Processing-Extra High Level (MDP-EHL), and Major Data Processing-Ordinary High Level (MDP-OHL). Each category of data controller and processor is

expected to abide by global standards of data protection and specific criteria including the number of data subjects whose personal data is processed. The Guidance Notice apportions the registrable fees payable by organizations based on the application category. The registration fees are N250,000 for MDP-UHL, N100,000 for MDP-EHL, and N10,000 for MDP-OHL.

The Guidance Notice reiterates the registration period of 30th January 2024 – 30th June 2024. Organizations are advised to complete their registration with the NDPC as failure to register by the due date or failure to register shall be deemed as a default under the Act and a data controller or data processor in default is liable to a penalty as stipulated in the Act.

For further information, kindly reach the key contacts below:

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