

THE LAWFUL INTERCEPTION OF COMMUNICATIONS REGULATIONS



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OVERVIEW

Under the Nigerian Communications Act, operators in the telecommunications space are required to install equipment with interception capability that allows law enforcement agencies on the occurrence of any public emergency or in the interest of public safety to access communication data. To provide clarity on interception, which has to date been regarded as opaque, the Nigerian Communications Commission (the “NCC”), in the exercise of its powers under the Nigerian Communications Act as narrated above issued the Lawful Interception of Communications Regulations (the “Regulation”) on the 23 January 2019.

The Regulation provides a legal and regulatory framework for the lawful interception of communications in Nigeria whilst preserving the right to privacy of Nigerian citizens guaranteed under the Constitution.

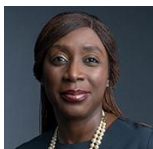
Key provisions of the Regulation amongst others include:

- a. identifying key law enforcement agencies authorised to intercept communication;
- b. instances where interception is permissible;
- c. the nature and types of communications that can be intercepted;
- d. processes, issuance of warrants, notification procedure for warrants and exception; and
- e. penalties for non-compliance by any person, licensees or its officers and remedies available to citizens under the Regulation.

The Regulation provides a guide to law enforcement agencies, the judiciary, the telecommunication companies and Nigerian citizens on the lawful interception of communications.



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