



NITDA: Notice on Filing of 2020 Annual Audit Report

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March 2020

OVERVIEW

On 25 January 2019, the National Information Technology Development Agency (“the NITDA”) issued the Nigerian Data Protection Regulation (“the Regulation”) to regulate organisations that collect and process personal data (“Data Controllers”). The Regulation empowers the NITDA to register and license Data Protection Compliance Organisations (“DPCOs”), who are required to monitor, audit, conduct training and data protection compliance consulting to all Data Controllers on behalf of the NITDA.

The Regulation requires Data Controllers to conduct a mandatory data protection audit of their organisations and file an audit report with the NITDA through a DPCO within six months from the issuance of the Regulation (i.e. 25 July 2019). This timeline was however extended to 25 October 2019 by the NITDA.

The DPCOs are subject to regulations and directives of NITDA issued from time to time. On 27 February 2020, the NITDA notified all DPCOs that Data Controllers, data processors and other concerned entities that submitted the statutory initial data audit report between 2019 and 15 March 2020 are exempted from submitting the 2020 Annual Data Audit Report.

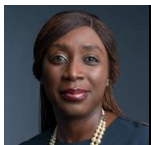
According to the NITDA, affected entities are expected to put necessary processes in place to remediate identified gaps or to improve their systems to ensure data protection compliance and information security. All Data Controllers and processors are also expected to ensure continued compliance with the Regulation by updating their privacy policy, training of relevant staff, process improvement and information security.

Failure of entities to file their data audit report entirely will be in breach of the Regulation and the NITDA Act which is also an offence that could attract criminal or other administrative sanctions.

It is important to note that non-compliant companies and organizations are to take immediate steps to avert enforcement by NITDA and the imposition of the sanctions. Compliance can be done by engaging a licensed DPCO to review data collection and processing activities and to carry out the necessary measures for complying with the Regulation.

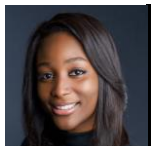


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