

The Nigeria Data Protection Commission Releases a Guidance Notice on The Filing of Data Protection Compliance Audit Returns (CAR)

The Nigeria Data Protection Commission (NDPC) has recently published a Guidance Notice on the filing of Data Protection Compliance Audit Returns (CAR). In view of the new cycle of CAR filing, which will commence in 2024, the guidance notice provides Data Controllers and Data Processors with the opportunity to demonstrate accountability and also comply with one of the compliance metrics¹ required to be included on the National Data Protection Programme ([NaDPAP](#)) [Whitelist](#).

The guidance notice touches on six (6) main points, these are:

- **Reliance on the Nigeria Data Protection Regulation (NDPR) for Filing CAR:**
The notice reiterates that the NDPR still subsists and has advised Data Controllers and Processors to rely on the provisions of the NDPR in filing their CAR. Specifically, the provisions of Article 4.1 (5 and 7), which provide for the conduct and filing of audit reports annually.
- **The Role of Data Compliance Organizations (DPCO):**
It advises DPCOs to offer practical trainings to Data Protection Officers (DPOs), the trainings will entitle DPOs to Continuous Professional Development credits. It further mandates DPCO's to notify clients and prospective clients of the Guidance Notice.
- **CAR Focus Area:**
The notice provides specifications that should be followed by DPCO's when filing the CAR. It identifies certain aspects that should be emphasized e.g., awareness, capacity building, privacy policies etc.
- **Compliance Memorandum:**
The notice provides guidance on compliance memorandums that may be created by Data Controllers and Processors. The memorandum should outline the Data Controller or Processor's interest to regularize their data protection practices with the Nigeria Data Protection Act 2023 (NDPA) and must be time bound.
- **Free Induction Training for Designated DPOs:**
The NDPC will organize a free training on data subject rights and compliance obligations for Data Controllers and Processors. All DPOs must attend the training which is set to take place in January 2024.
- **Default Fee:**
The default fee, which is 50% of the filing fee will apply to any organization that does not meet the filing deadline of 15th March.

Noncompliance with the Guidance Notice may lead to a contravention of the NDPA, in which case the liability for violation of the NDPA will apply to the data controller/processor. Organizations are therefore advised to implement the guidelines provided in the notice.

Aluko & Oyebode is a licensed Data Protection and Compliance Organization (DPCO) with experience in advising both local and international companies in the sector and we are happy to assist where required.

¹ The Compliance Metric is a 100-point system that outlines specific compliance indices that Data Controllers and Processors will be evaluated, in order to make the NaDPAP [Whitelist](#).

Contact Details



Sumbo Akintola
Partner

M +234 803 403 5122
E Sumbo.Akintola@aluko-oyebode.com



Emmanuel Ido
Associate

M +234 916 834 4310
E Emmanuel.Ido@aluko-oyebode.com

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1 Murtala Muhammed Drive
Ikoyi, Lagos, Nigeria
P.O. Box 2293, Marina, Lagos

T +234 1 462 8360
E ao@aluko-oyebode.com