

REGULATORY ALERT – NIGERIAN DATA PROTECTION COMMISSION EXTENDS DEADLINE FOR THE REGISTRATION OF DATA CONTROLLER/DATA PROCESSORS OF MAJOR IMPORTANCE, RESTRICTS DATA CONTROLLER/DATA PROCESSORS OF MAJOR IMPORTANCE FROM ENGAGING UNREGISTERED DATA PROCESSORS

The Nigerian Data Protection Commission (the NDPC) issued a press release on October 4, 2024, extending the deadline for the registration of Data Controllers/Data Processors of Major Importance (DCPMIs) from September 30, 2024, to **October 31, 2024**.

On February 14, 2024, the NDPC had released a Guidance Notice directing all DCPMIs to register with the NDPC. The Guidance Notice had been issued further to the NDPC's function under Section 5 (d) of the Nigerian Data Protection Act (the NDPA) to register *data controllers and data processors of major importance* and its powers pursuant to Section 6 (c) to *issue regulations, rules, directives and guidance under the Act* and the obligation on data controllers and data processors of major importance to register with the Commission within six months after the commencement of the Act pursuant to Section 44 of the Act.

DCPMIs were required under the Guidance Notice to register on or before June 30, 2024. The deadline was extended to September 30, 2024, and by the NDPC's most recent press release, the deadline has been further extended to **October 31, 2024**, without penalties. The new timeline affords non-compliant DCPMIs additional time to comply with the NDPC's directives, as DCPMIs who fail to register within the new timeline would be in contravention of the NDPA.

Furthermore, the NDPC relying on Sections 24 (3), 29 (1) and 44¹ of the NDPA has mandated that DCPMIs are only to engage only data processors who are duly registered with the NDPC as of **October 15, 2024**. Any DCPMI that engages an unregistered data processor will be in violation of the NDPA.

Registration Fees

The Guidance Notice broadly categorises DCPMIs into 3 (three) categories of data processing, each with corresponding registration fees: i) Major Data Processing-Ultra High Level: **N250,000 (Two Hundred and Fifty Thousand Naira)** ii) Major Data Processing-Extra High Level: **N100,000 (One Hundred Thousand Naira)** iii) Major Data Processing-Ordinary High Level: **N10,000 (Ten Thousand Naira)**.

Effect of Non-compliance

Where a DCPMI fails to register within the specified timeline, such DCPMI is in breach of the NDPA and will be liable to a fine of up to 2% of its annual gross revenue in the preceding financial year or ₦10,000,000 (Ten Million Naira), whichever is greater.

We encourage organisations to take advantage of the new registration timeline to avoid the penalties for non-compliance.

Kenna Partners is a licensed Data Protection and Compliance Organisation (DPCO). We are able provide guidance on the registration process, and data protection compliance.

¹ These sections require data controllers/data processors to ensure that in their engagement of the services of a data processor, the data processor complies with the principles and obligations set out in the Act.