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Key contacts



Ijeoma Uju
Partner,
Corporate and Commercial
ijeoma.uju@templars-law.com



Oghomwen Akpaibor
Managing Counsel,
Corporate and Commercial
oghomwen.akpaibor@templars-law.com

Client Alert

NDPC Issues Guidance Notice on Registration of Data Controllers and Data Processors of Major Importance

The Nigeria Data Protection Commission (“**NDPC**” or “the **Commission**”) has issued a Guidance Notice (the “**Notice**”) outlining qualifying criteria for entities as Data Controllers/Processors of Major Importance (“**DCMIs/DPMIs**”), as introduced by the Nigeria Data Protection Act 2023 (“**NDPA**”). As highlighted in our analysis below, many organisations processing personal data either as data controllers or processors are required to register with the NDPC due to the broad scope of the DCMI/DPMI qualification net.

DCMI/DPMI Qualification Criteria

The criteria for designating data controllers or processors as DCMIs or DPMIs, are as follows:

- (a) The keeping of or access to a filing system (whether analogue or digital) for the processing of personal data (this condition requires the data controller to have an organised system for processing personal data, rather than employing ad hoc methods.); and
- (b) Meeting of any of the following conditions:
 - (i) processing the personal data of more than 200 data subjects in 6 months;
 - (ii) providing commercial information communication technology (ICT) services on any digital device which has storage capacity and belongs to another individual; or
 - (iii) processing personal data as an organisation or a service provider in any of the following sectors: **(i) finance; (ii) communication; (iii) health; (iv) education; (v) insurance; (vi) export and import; (vii) aviation; (viii) tourism; (ix) oil and gas; and (x) electric power.**

Data controllers or processors who are under a fiduciary relationship with a data subject (where confidentiality of information is expected to be upheld on behalf of the data subject also qualify as DCMIs/DPMIs.

Categories of DCMI and DPMS

The Notice further classifies DCMI/DPMS into 3 broad categories as follows:

- (a) Major Data Processing-Ultra High Level ("**MDP-UHL**") which includes commercial banks operating at the national or regional level, telecommunication companies, insurance companies, multinational companies, oil and gas companies, any organisation that processes personal data of over 5,000 data subjects in 6 months etc.
- (b) Major Data Processing-Extra High Level ("**MDP-EHL**") which includes microfinance banks, higher institutions, hospitals providing tertiary or secondary medical services, mortgage banks any organisation that processes personal data of over 1,000 data subjects within 6 months etc.
- (c) Major Data Processing-Ordinary High Level ("**MDP-OHL**") which includes small and medium-scale enterprises, primary and secondary schools; primary health centres, any organisation that processes personal data of over 200 data subjects within 6 months etc.

Registration of DCMI and DPMS

In reinforcing the Commission's recent directive that all DCMI and DPMS should register with the Commission between 30 January 2024 and 30 June 2024, the Notice has now set monetary thresholds that would apply to each category of DCMI/DPMS for registration purposes.

The applicable registration fees for the categories of DCMI and DPMS specified above are:

- (a) MDP-UHL- N250,000 (Two Hundred and Fifty Thousand Naira);
- (b) MDP-EHL- N100,000 (One Hundred Thousand Naira); and
- (c) MDP-OHL- N10,000 (Ten Thousand Naira).

It is instructive to note that late registrations i.e. registration of DCMI/DPMS after the due date, or failure to register, is deemed a default under the NDPA and is punishable as prescribed under the NDPA. To commence registration, please click [here](#).

Finally, data controllers should note that the deadline for filing of annual data protection compliance audit reports by organizations that processed the personal data of over 2,000 data subjects in the last 12 months is March 15th, 2024. We strongly encourage all data controllers to promptly initiate their data protection audit process ahead of the deadline.

TEMPLARS is a licensed Data Protection Compliance Organisation, and we are available to assist your organisation with its data protection needs. We provide a broad spectrum of data protection advisory and compliance services and will handhold your organization in navigating the evolving data protection landscape seamlessly.