

A BILL

FOR

AN ACT TO AMEND THE NIGERIA DATA PROTECTION ACT, NO 37, 2023 TO ENHANCE DEVELOPER ACCOUNTABILITY, REGULATE THIRD-PARTY DATA SHARING, STRENGTHEN ENFORCEMENT POWERS OF THE NIGERIA DATA PROTECTION COMMISSION; AND FOR RELATED MATTERS

Sponsored by Hon. Murphy Osaro Omoruyi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 **1.** The Nigeria Data Protection Act, No 37, 2023 (in this Bill Amendment of
- 2 referred to as "the Principal Act") is amended as set out in this Bill. Act, No 37, 2023
- 3 **2.** Insert after section 29 of the Principal Act, new sections "29A"- Insertion of new
- 4 "29B"- section 29A-29B
- 5 29A. Obligations of application developers:
- 6 (1) " Every application developer operating in Nigeria or offering
- 7 services to data subjects in Nigeria shall-
- 8 (a) register with the Commission as a data controller or data
- 9 processor, as applicable;
- 10 (b) maintain a data processing register describing-
- 11 (i) categories of personal data collected,
- 12 (ii) purposes of processing, and
- 13 (iii) third-party data sharing arrangements; and
- 14 (c) implement a consent interface in accordance with the standards
- 15 prescribed by the Commission.
- 16 (2) An application developer shall ensure that a data subject can-
- 17 (a) withdraw consent at any time;
- 18 (b) request deletion or export of personal data in a structured,
- 19 commonly used, and machine-readable format; and

1 (c) access information regarding any third parties to whom personal
2 data has been disclosed.

3 (3) An application developer shall conduct and submit to the
4 Commission an annual data protection impact assessment in the prescribed
5 form.

6 (4) For the purposes of this section-

7 (a) "application developer" means any person who designs, develops,
8 operates, or distributes software applications accessible in Nigeria, including
9 mobile, web, or desktop applications;

10 (b) "third-party data sharing" means the disclosure or provision of
11 access to personal data by a data controller or processor to any person not
12 originally authorised by the data subject; and

13 (c) "consent interface" means a mechanism that enables data subjects
14 to give informed, specific, and affirmative consent before personal data is
15 collected or processed.

16 29B. Regulation of third-party data sharing:

17 (1) A data controller or data processor shall not engage in third-party
18 data sharing without the explicit and informed consent of the data subject,
19 except where such disclosure is required by law.

20 (2) Any third-party data sharing in contravention of subsection (1)
21 constitutes a breach of this Act.

22 (3) The Commission may-

23 (a) issue a compliance or enforcement order under to sections 47 or 48
24 of this Act; and

25 (b) impose an administrative fine not exceeding ₦10,000,000 or 2% of
26 the preceding year's gross revenue of the data controller or processor,
27 whichever is higher.

28 (4) The Commission may recommend the suspension or removal of a
29 non-compliant application from digital platforms accessible in Nigeria.

30 (5) No third-Party data sharing that involves the cross-border transfer

1 of personal data shall take place except in accordance with the provisions of
2 sections 41 and 42 of this Act.

3 **3.** Section 48 of the Principal Act is amended by inserting, after Amendment of
4 subsection (6), a new subsection "(7)" - Section 48

5 "(7) Without prejudice to any other provision of this Act, the
6 Commission shall have the power to-

7 (a) conduct audits and investigations into the data processing
8 activities of application developers;

9 (b) mandate corrective actions for identified instances of non-
10 compliance; and

11 (c) collaborate with relevant authorities or digital platforms to
12 suspend or prohibit access to applications that persistently violate this Act or
13 any regulation made under it.

14 **4.** This Bill may be cited as the Nigeria Data Protection Citation
15 (Amendment) Bill, 2025.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigeria Data Protection Act, No 37, 2023 to enhance accountability of application developers, regulate third-party data sharing practices, and strengthen the enforcement powers of the Nigeria Data Protection Commission for the protection of personal data in Nigeria.