

YOUR DATA, YOUR RIGHTS: UNDERSTANDING DATA SUBJECT RIGHTS



Ayomide Oduyela

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Nigeria's data protection regime is governed by the Nigeria Data Protection Act 2023 ("NDPA") and the General Application and Implementation Directive 2025 ("GAID").

At the centre of this framework are the rights of data subjects. The NDPA draws constitutional authority from Section 37 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which guarantees every citizen the right to privacy.



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I. **The Right to Be Informed**

Every data subject is entitled to know, before or at the point of collection, that their personal data is being processed. A data controller must furnish a Privacy Notice disclosing its identity and that of its Data Protection Officer, the specific purposes and lawful basis of processing, applicable retention periods, the identities of third-party recipients, the use of automated decision-making, and the remedies available where rights are violated. A notice that is incomplete, ambiguous, or rendered inaccessible through technical legal language does not satisfy this obligation. The right to be informed is foundational: no other right is meaningfully exercisable without it.

II. **The Right of Access**

A data subject is entitled to submit a Subject Access Request to obtain confirmation of whether their personal data is being processed and, if so, to receive a copy of that data alongside supplementary information on the purposes of processing, categories of data involved, recipients, and retention periods. Data controllers must respond within 30 days, a statutory deadline that admits no discretion. The GAID reinforces this obligation by requiring that organisations design systems to facilitate the easy exercise of access rights, embedding rights facilitation into operational infrastructure rather than treating it as an administrative afterthought.

III. **The Right to Rectification**

Where an organisation holds inaccurate or incomplete personal data, the data subject is entitled to demand correction without undue delay. This right carries operational implications that extend beyond a single database entry. Where personal data is held across multiple systems or shared with third-party processors, rectification must be applied consistently throughout the data supply chain. An organisation that corrects data in one system while inaccurate copies persist elsewhere has not discharged its obligation.

IV. **The Right to Erasure**

Where personal data is no longer necessary for the purpose for which it was collected, where consent has been withdrawn, and no alternative lawful basis exists, or where data has been processed unlawfully, a data subject may request that it be deleted. This right is subject to competing legal obligations, including statutory requirements under tax, anti-money laundering, and sector-specific regulatory frameworks, and organisations must maintain documented retention schedules to manage that balance. Beyond those defined exceptions, a valid erasure request is not a matter of discretion.



V. **The Right to Restriction and the Right to Object**

A data subject may request that processing be restricted in specified circumstances, including where the accuracy of the data is contested, or where an objection to processing has been raised and its resolution is pending. The right to object applies in particular where a data controller relies on legitimate interests as its lawful basis. In those circumstances, a data subject may challenge processing by reference to compelling grounds arising from their particular situation, and the controller must cease processing unless it can demonstrate overriding legitimate interests or a necessity for legal claims. In the direct marketing context, the right to object is unconditional: an objection must be acted upon immediately and enforced across every channel.

VI. **The Right to Data Portability**

The GAID explicitly recognises the right to data portability alongside the rights established under the NDPA. A data subject is entitled to receive personal data they have provided to a controller in a structured, commonly used, and machine-readable format, and to have that data transmitted to another controller where technically feasible. This right is particularly significant in sectors characterised by high data dependency, including financial services, telecommunications, and healthcare, and places a direct obligation on organisations to build interoperable data systems.

VII. **Rights in Automated Decision-Making**

Section 38 of the NDPA provides that a data subject shall not be subjected to a decision based solely on automated processing, including profiling, that produces significant legal effects or effects of similarly significant impact. The GAID classifies automated decision-making with significant effects as a high-risk processing activity, making Data Privacy Impact Assessments mandatory before any such processing commences.

This provision is directly applicable to financial services, insurance, and healthcare providers deploying algorithmic systems, as well as to legal practitioners utilising AI tools for document review or client assessment. Meaningful human oversight is not optional; it is a statutory requirement.

Enforcement

Section 46 of the NDPA creates a civil right of action for any data subject who suffers damage as a result of a violation of the Act, covering financial loss, reputational harm, and emotional distress. The NDPC retains broad administrative enforcement powers, and Nigerian courts are increasingly recognising data protection violations as actionable breaches of fundamental rights. The GAID has further strengthened the enforcement architecture by introducing mandatory semi-annual compliance reporting, requiring each report to specifically address the ease with which data subjects have been able to exercise their rights within the reporting period. It is also pertinent to note that none of the rights above are absolute.

Conclusion

The NDPA and GAID together create a framework in which data subject rights are specific, enforceable, and backed by a regulator with the institutional capacity to act. For individuals, these rights are exercisable today. For organisations, the GAID has made clear that compliance is an operational obligation, not a policy statement, and that the rights of data subjects must be built into systems and processes rather than managed as an exception.



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LAGOS

Continental Re Centre, First Floor, 17,
Olosa Street, Victoria Island, Lagos State.
234-8096595974, 9087430535

ABUJA

Suite 16 Extension, Jinifa Plaza
Central Business District
FCT, Abuja.
234-8104424434, 8067800167