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## Client Alert

**Nigerian Data Protection Commission (NDPC) extends deadline for registration of Data Controllers / Processors of Major Importance and restricts Data Controllers / Processors of Major Importance from engaging unregistered Data Processors**

The Nigerian Data Protection Commission (the “**NDPC**”) recently issued a [public notice](#) extending the deadline for the registration of data controllers and data processors of major importance (“**DCMIs/DPMIs**”), from September 30 2024 to **October 31 2024**.

As you may recall, the NPDC previously issued a [Guidance Notice](#) on February 14 2024 (the “**Guidance Notice**”), which mandated existing data controllers and processors who met the DCMI/DPMI qualification criteria prescribed therein, to register with the NDPC no later than June 30 2024. The deadline was thereafter extended to September 30 2024, and most recently to October 31 2024. DCMIs/DPMIs who fail to register within the deadline would be deemed in default of the Nigerian Data Protection Act 2023 (the “**NDPA**”) and liable to prescribed penalties under the NDPA. The extension of the timeline for registration with the NDPC provides DCMIs/DPMIs with additional time to comply with the registration requirements and avoid the risk of liability for non-compliance.

Additionally, in line with sections 24(3), 29(1)(a) and 44 of the NDPA, the NDPC has also instructed DCPMIs to engage only the services of agents and contractors who are duly registered with the NDPC as data processors by the 15<sup>th</sup> of October 2024.

In view of this, organizations, agents or individuals processing personal data either as data controllers or processors are reminded of the following key points:

## Registration of Data Controllers and Data Processors of Major Importance

The obligation to register as a DCMI/DPMI is pursuant to the NDPA and the Guidance Notice. More particularly, the Guidance Notice outlines the criteria for designating data controllers or processors as DCMI or DPMI. Thus, organizations who meet the prescribed criteria are mandated to register with the NDPC.

## Registration of Data Processors engaged on behalf of Data Controllers and Data Processors

The NDPA mandates Data Controllers and Data Processors of Major Importance to ensure that the individuals or organisations engaged in the processing of personal data on their behalf comply with the data processing principles and obligations set out in the NDPA. One of these obligations is the requirement for registration with the NDPC.

## Registration Fees

The Guidance Notice classifies DCMI/DPMI into 3 categories as follows; i) Major Data Processing-Ultra High Level<sup>1</sup> ii) Major Data Processing-Extra High Level<sup>2</sup> and iii) Major Data Processing-Ordinary High Level<sup>3</sup>. The applicable registration fees vary based on the specific category of the DCMI/DPMI and ranges from ₦10,000 (Ten Thousand Naira) to ₦250,000 (Two Hundred and Fifty Thousand Naira).

## Effect of Non-compliance

Failure to register as a DCMI/DCPMI with the NDPC is a breach of the NDPA which could attract a fine of up to 2% of the defaulting entity's annual gross revenue in the preceding financial year or ₦10,000,000 (Ten Million Naira), whichever is greater.

DCMI/DCPMI who are yet to register with the NDPC are enjoined to do so and complete their registration by October 31 2024, or risk being in default of the compliance requirement under the NDPA and liable to the penalties as prescribed therein.

***TEMPLARS is a licensed Data Protection Compliance Organisation, and we are available to assist you and your company with registration as a DCMI/DPMI with the NDPC or other data protection needs, as may be required. 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***

<sup>1</sup> This 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.

<sup>2</sup> This 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.

<sup>3</sup> This 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