

Unpacking the General Application and Implementation Directive (GAID) 2025 - A Three-Part Series to Nigeria's New Data Protection Mandate





The issuance of the General Application and Implementation Directive 2025 (GAID), which took effect in September 2025, marks a pivotal moment for data governance in Nigeria. As the operational blueprint of the Nigeria Data Protection Act 2023 (NDPA or the “Act”), the GAID provides binding clarity on compliance obligations, eliminating ambiguity for all organisations handling personal data.

We recognise that compliance is both **mandatory and complex**. To help organisations navigate these obligations, we are introducing a three-part series that distils the GAID into clear and actionable guidance for data controllers, processors and other stakeholders.

This series will focus on three core areas:

- Part 1: Foundations & Institutional Framework
- Part 2: Operational Compliance & Data Subject Rights
- Part 3: Ethics, Emerging Technologies & Enforcement

Together, these three volumes provide practical guidance on how the GAID affects businesses, government agencies and professionals operating in Nigeria.

Article 1 – The Objectives and Application

The NDPA outlines the circumstances under which its provisions shall apply, as well as the categories of data controllers and data processors to which it pertains.

In alignment, Article 1 of the GAID addresses the issue of domiciliation of data controllers or data processors as set out in the Act. It affirms that the rights of data subjects extend to:

- individuals within Nigeria.
- individuals whose personal data has been transferred into Nigeria.
- individuals whose personal data is in transit through Nigeria; and
- Nigerian citizens residing outside the country.

These rights are guaranteed under the Act subject only to lawful derogations permitted by the 1999 Constitution of the Federal Republic of Nigeria (the “**Constitution**”) and any preemptory norm or international treaty applicable to Nigeria under international law.

Implication: The NDPA has broad territorial reach. Organisations processing data connected to Nigeria or Nigerians either locally, cross-border or abroad must ensure compliance.

Article 2 – Material Context of Data Processing and Priority of the Act

The GAID reaffirms the NDPA as the primary statutory authority for safeguarding the privacy of data subjects in Nigeria. It asserts that every person, body, or authority has a duty of care to data subjects, requiring them to thoroughly assess the context of personal data processing. This assessment should determine whether the processing aligns with the constitutional right to privacy and the objectives outlined in Section 1 of the Act. GAID further identifies the material context of data processing as falling under the exclusive legislative list in Schedule 2 of the Constitution and the mandates of various Federal Executive Bodies.

Additionally, the GAID imposes an obligation on data controllers and processors to evaluate the material characteristics of data, such as value, volume, variety, velocity, and veracity, both within and outside Nigerian borders. They are also required to implement appropriate technical and organisational measures to mitigate any associated risks.

Implication: Data processing must always be assessed within the broader constitutional and statutory framework. Organisations cannot adopt a narrow interpretation of compliance.

Article 3 - Statutory Remedy in Respect of Double or Multiple Regulatory Framework on Data Protection

In accordance with the NDPA, Article 3 of the GAID stipulates that in the event of a conflict between the provisions of the Act and the GAID concerning personal data processing, the Act will take precedence. While both must be read together, the NDPA is the ultimate reference point.

It is also important to note that with the issuance of the GAID, the Nigeria Data Protection Regulation (NDPR) 2019 is no longer a valid legal instrument for regulating data privacy and protection. However, activities lawfully conducted under the NDPR prior to the GAID remain valid.

Implication: The NDPR is now obsolete. All compliance frameworks must be updated to reflect the NDPA and GAID.

Article 4 - Cooperation between the Nigerian Data Protection Commission (NDPC) and a Public Authority

To fulfil its statutory mandate, the NDPC must cooperate with relevant public authorities to develop sub-national or sectoral data protection guidelines.

Implication: Industry regulators and government agencies will increasingly issue sector-specific guidelines under the NDPA/GAID framework. Organisations should monitor developments in their sector.

Article 5 – Evaluation of Exemptions to the Act

The NDPA outlines certain data processing activities for which the obligations under Chapter V of the Act (Principles and Lawful Basis Governing Processing of Personal Data) do not apply.

However, any data controller, processor or individual relying on an exemption under NDPA must, at a minimum, comply with the other non-exempt provisions of the Act, including:

- the principles of processing;
- lawful basis for processing;
- designation of a Data Protection Officer (DPO);
- breach notification obligations; and
- protection of data subject rights.

Implication: Exemptions are not a “free pass.” Minimum compliance standards still apply.

Article 6 – Data Processing by Individuals for Household or Personal Purposes

As one of the data processing activities exempted under the NDPA, the GAID reiterates that individuals processing data solely for personal or household purposes must still respect the privacy of data subjects and can be held accountable for any actions that put the privacy of a data subject at risk.

Implication: Even “informal” data handling (e.g. in communities, clubs or private settings) may attract liability if privacy rights are compromised.

Article 7 - General NDP Act Compliance Measures by Data Controllers and Data Processors

The GAID provides a checklist of compliance measures for data controllers and data processors to ensure adherence to the provisions of the Act. The measures are categorised into:

- a. Registration and Audits
- b. Governance and Reporting
- c. Compliance Culture and Training
- d. Governance Structure (DPO & Champions)
- e. Policies and Transparency
- f. Risk and Impact Assessments
- g. Data Breach Management
- h. Third-Party Management
- i. Data Subject Rights Facilitation
- j. Complaints Handling

Implication: Compliance is a holistic, organisation-wide responsibility. A “tick-box” approach will not suffice.



Article 8 – Designation of Data Controllers and Data Processors of Major Importance

In furtherance of the definition of data controller and data processor of major importance under NDPA, the GAID defines a data controller or data processor operating in Nigeria to include a data controller or data processor who targets a data subject in Nigeria, regardless of whether the data controller or processor is domiciled or resident in Nigeria.

Implication: Cross-border businesses engaging with Nigerians fall under NDPA/GAID obligations, even if they have no physical presence in Nigeria.

Article 9 – Registration as a Data Controller or Data Processor of Major Importance

A data controller or data processor designated as being of major importance by the Commission must register with the Commission in accordance with the Guidance Notice issued by the Commission, as reproduced in Schedule 7 of the GAI

Furthermore, a data controller or data processor classified as Ultra-High Level (UHL) or Extra-High Level (EHL) shall register once and will be required to file CAR annually. In contrast, a data controller or data processor in the Ordinary-High Level (OHL) category must renew its registration annually but is not required to file an annual CAR during the renewal process.

Additionally, a data controller or data processor of major importance must notify the Commission of any significant changes to the information submitted in its most recent registration within 60 days of such changes.

If, however, a data controller or data processor no longer qualifies as one of major importance, they may request deregistration by submitting the required information to the Commission. Nevertheless, despite removal from the register, this does not absolve such a Company from its existing or pending fees.

Implication: Registration is not optional. Failing to maintain registration status carries regulatory and financial risks.

Article 10 – Filing of Compliance Audit Returns with the Commission

Under the GAID, data controllers and processors must conduct regular compliance audits to reduce the risk of data breaches. These audits should be based on a risk assessment, considering the people, processes, and technologies involved in data processing. Data controllers and processors must identify potential risks and establish the audit techniques and frequency for each risk area, in accordance with any directives from the Commission. For online devices that access personal data, audits should be performed as frequently as possible to ensure data security.

As an additional requirement, a data controller or data processor of major importance that was established:



- before the 12th June 2023, shall file its CAR no later than the 31st of March each year; and
- after the 12th of June, 2023, shall file its CAR no later than fifteen (15) months after its establishment and shall subsequently file its CAR annually.

Failure to file the CAR as and when due shall attract an administrative penalty of 50% of the stipulated CAR filing fee.

Implication: CAR filing is a key compliance obligation. Lapses are financially and reputationally costly.

Article 11, 12 & 13 - Designation and Position of a Data Protection Officer, including Submission of Internal Semi-Annual Data Protection Report

The NDPA mandates the designation of a Data Protection Officer (DPO). Accordingly, the DPO may be either a member of staff of the data controller or data processor, or may fulfil the role based on a service contract. Additionally, the data controller or data processor must publish the contact details of the DPO and communicate the same to the Commission in the prescribed form.

A data controller or data processor must ensure that its DPO compiles a semi-annual data protection report and submits it to management. The report should be submitted to an officer authorised to receive a Record of Processing Activities (RoPA), acknowledged by the officer and included in the RoPA.

Implication: The DPO role is central to governance. Appointing an unqualified or inactive DPO exposes organisations to regulatory action.

Article 14 and Schedule 3 - Credential Assessment of a Data Protection Officer

The Commission shall assess the credentials of a registered Data Protection Officer annually, in accordance with the metrics highlighted in the table below, and award compliance scores accordingly:

The Commission shall verify the certificate of DPOs as part of the compliance audit returns or through a prescribed registration process. The Commission shall verify through

this process if the person designated as a DPO is a fit and proper person to carry out the duties contemplated by section 32 of the Act and in particular, his or her proficiency in safeguarding the rights of data subjects at the organisational level.

Implication: DPOs must have demonstrable expertise. Organisations should ensure their appointed DPO meets both technical and regulatory competence standards.



Conclusion – Foundations for Compliance

Articles 1–14 of the GAID set the foundations of Nigeria's data protection regime. They confirm the NDPA's supremacy over conflicting frameworks, establish the NDPC as the coordinating authority and impose baseline duties on all controllers and processors, including government bodies and individuals.

The central takeaway is clear: ***compliance is universal, non-negotiable and actively supervised.*** Organisations cannot rely on exemptions, sectoral regulations or jurisdictional gaps to avoid responsibility.

In Part 2 of this series, we will turn from institutional design to operational realities, examining how the GAID regulates data subject rights, compliance processes and enforcement triggers.

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