

# DATA SUBJECT RIGHTS

Subject to conformity with constitutionally guaranteed principles of law for the general protection and enforcement of fundamental rights in Nigeria, Part 3 of the Regulation provides the rights and responsibilities of the data subject as follows:

- right to access: request that the data controller make available to it any information relating to processing of personal data and this must be in a concise, transparent, intelligible, and easily accessible form, using clear and plain language, and for any information relating to a child;
- right to information: be provided with the identity and the contact details of the controller; the contact details of the Data Protection Officer; the purpose(s) of the processing for which the personal data are intended as well as the legal basis for the processing; the legitimate interests pursued by the controller or by a third party; the recipients or categories of recipients of the personal data; the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period. Also, if the controller does not act on the request of the data subject, the data subject is entitled to be informed by the controller without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint with a supervisory authority. right to information also includes information about the transfer of personal data to a foreign country or to an international organization;
- right to object: the right of a data subject to object to processing of his or her personal data is safeguarded in Section 2.8 of the Regulation. This gives a data subject the option to: a) object to the processing of personal data relating to him or her which the data controller intends to process for marketing purpose; b) be expressly and manifestly offered the mechanism for objection to any form of data processing free of charge;
- right to rectification or erasure of personal data: the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability; and the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal; the right to lodge a complaint with a relevant authority;
- right to data accuracy: have the right to have incomplete personal data completed, including by means of providing a supplementary statement;
- right to deletion or right to be forgotten: have the right to request the controller to delete personal data without delay, and the controller shall delete personal data where one of the following grounds applies: a) the personal data is no longer necessary for the purposes for which they were collected or processed; b) the data subject withdraws consent on which the processing is based; c) the data subject objects to the processing and there are no overriding legitimate grounds for the processing; d) the personal data have been unlawfully processed; and e) the personal data must be erased for compliance with a legal obligation in Nigeria;
- right to structured data: have the right to receive the personal data concerning him or her, which he or she has provided to a controller in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where: (a) the

processing is based on consent, or (b) on a contract, and (c) the processing is carried out by automated means;

- right to data portability: where technically feasible, the data subject shall have the right to have the personal data transmitted directly from one controller to another; and
- right to make requests to the data controller without charge: be entitled to receive any communication and any action taken by the controller free of charge. But where a data subject's request is manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either: a) charge a reasonable fee considering the administrative costs of providing the information or communication or taking the action requested; or, b) write a letter to the data subject stating refusal to act on the request and copy the NITDA on every such occasion through a dedicated channel which shall be provided for such purpose.