

DATA SUBJECTS' RIGHTS

The Nigeria Data Protection Regulation provides individuals with eight rights:

1. **The Right to be informed:** Organizations need to tell individuals what data is being collected, how it's being used, how long it will be kept and whether it will be shared with third parties. This information must be communicated concisely and in plain language.
2. **The Right to access:** Individuals can submit subject access requests, which oblige organizations to provide a copy of any personal data concerning the individual. Organizations have one month to produce this information, although there are exceptions for requests that are manifestly unfounded, repetitive or excessive.
3. **The Right to rectification:** If the individual discovers that the information an organization holds on them is inaccurate or incomplete, they can request that it be updated. As with the right to access, organizations have one month to do this, and the same exceptions apply.
4. **The Right to erasure** (also known as 'the right to be forgotten'): Individuals can request that organizations erase their data in certain circumstances, such as when the data is no longer necessary, the data was unlawfully processed or it no longer meets the lawful ground for which it was collected. This includes instances where the individual withdraws consent.
5. **The Right to restrict processing:** Individuals can request that organizations limit the way an organization uses personal data. It's an alternative to requesting the erasure of data, and might be used when the individual contests the accuracy of their personal data or when the individual no longer needs the information but the organization requires it to establish, exercise or defend a legal claim.
6. **The Right to data portability:** Individuals are permitted to obtain and reuse their personal data for their own purposes across different services. This right only applies to personal data that an individual has provided to data controllers by way of a contract or consent.
7. **The Right to object:** Individuals can object to the processing of personal data that is collected on the grounds of legitimate interests or the performance of a task in the interest/exercise of official authority. **Organisations must stop processing information unless they can demonstrate** compelling legitimate grounds for the processing that overrides the interests, rights and freedoms of the individual or if the processing is for the

establishment or exercise of defence of legal claims.

8. **Rights related to automated decision-making including profiling:** The NDPR (Nigerian Data Protection Regulation) includes provisions for decisions made with no human involvement, such as profiling, which uses personal data to make calculated assumptions about individuals. There are strict rules about this kind of processing, and individuals are permitted to challenge and request a review of the processing if they believe the rules aren't being followed.

Capital Express Capital Market Group has six legitimate reason to process personal data.

At least one of the following lawful bases must apply whenever an organisation processes personal data:

- **Consent:** clear consent to process personal data for a specific purpose.
- **Contract :** the processing is necessary for the completion of a contract between the organisation and the individual.
- **Legal obligation :** the processing is necessary to comply with the law.
- **Vital interests :** the processing is necessary to protect someone's life.
- **Public task :** the processing is necessary to perform a task in the public interest or an official function with a clear basis in law.
- **Legitimate interests :** the processing is necessary for the organisations legitimate interests or those of a third party unless there is a good reason to protect the individual's personal data.

The National Information Technology Development Agency (NITDA) has set out a three part test to assess whether data is being processed in line with legitimate interests or not:

1. Is there a legitimate interest behind the processing?
2. Is the processing necessary for that purpose?
3. Is the legitimate interest overridden by the individual's interests, rights or freedoms?