

Detail

DATA PROTECTION 101

ISSUE 1: Personal Data (Introduction)

What is Data Protection?

“Protecting data is protecting people”

Data protection is the fair and proper use of information about people and the recognition of people’s right to have control over their own identity and their interactions with others.

Data Protection is centered around how data should be collected, stored, managed, and shared with third parties, as well as compliance with the applicable laws e.g. the Nigeria Data Protection Regulation (NDPR).

Data Protection laws typically do not seek to protect all types of data, they seek to protect a specific category of data called “Personal Data”.



Personal Data

The Nigeria Data Protection Regulation 2019 defines Personal Data as “any information relating to an identified or identifiable natural person”. Personal data includes information relating to natural persons who:

(a) can be identified directly from the information in question; or
(b) can be indirectly identified from that information in combination with other information.

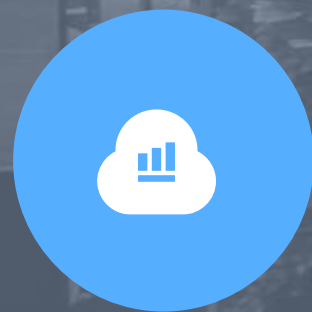
- First name, last name/surname, maiden name
- Home address (street, zip, postal code, city)
- Email address & Phone numbers
- Location data
- Media access control (MAC) address and International Mobile Equipment Identity (IMEI) number.
- Internet Protocol (IP) address and Cookie ID
- Mobile device IDs
- Handwriting
- Financial Information (Bank account number, Credit card number)
- Government-issued Identification numbers (Social Security Number, Taxpayer Identification Number Passport number, Driver's license number, Vehicle registration plate number, National Identification Number, (Social) Insurance Number)



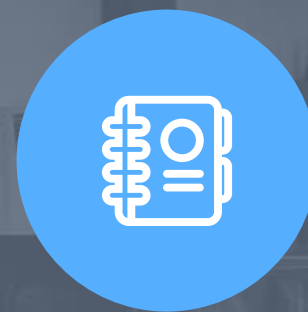
Non-Personal Data

Drawing a dividing line between personal data and non-personal data is important because while personal data is subject to the regulation, non-personal data is not.

The following have been categorized as non-personal data:



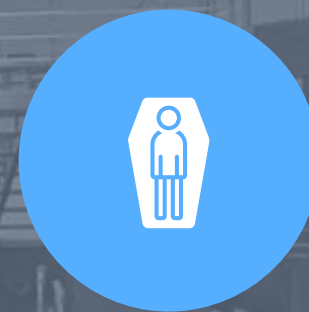
Anonymized
data



Information about
companies*



Information about
public authorities



Information relating
to a deceased person

**There are certain circumstances where corporate data may be categorized as personal data. For example, a corporate email address technically falls under the personal data bracket where it contains information that makes an individual identifiable, regardless of whether it is a corporate email or not.*

Sensitive Personal Data

The GDPR singles out some types of personal data as likely to be more sensitive and gives them extra protection. They are personal data revealing:

- personal data revealing racial or ethnic origin
- political stands and opinions
- religious or philosophical beliefs
- trade union membership
- health and medical records
- sexual orientation
- criminal records
- Any other sensitive personal information e.g genetic data and biometric data (where used for identification purposes).

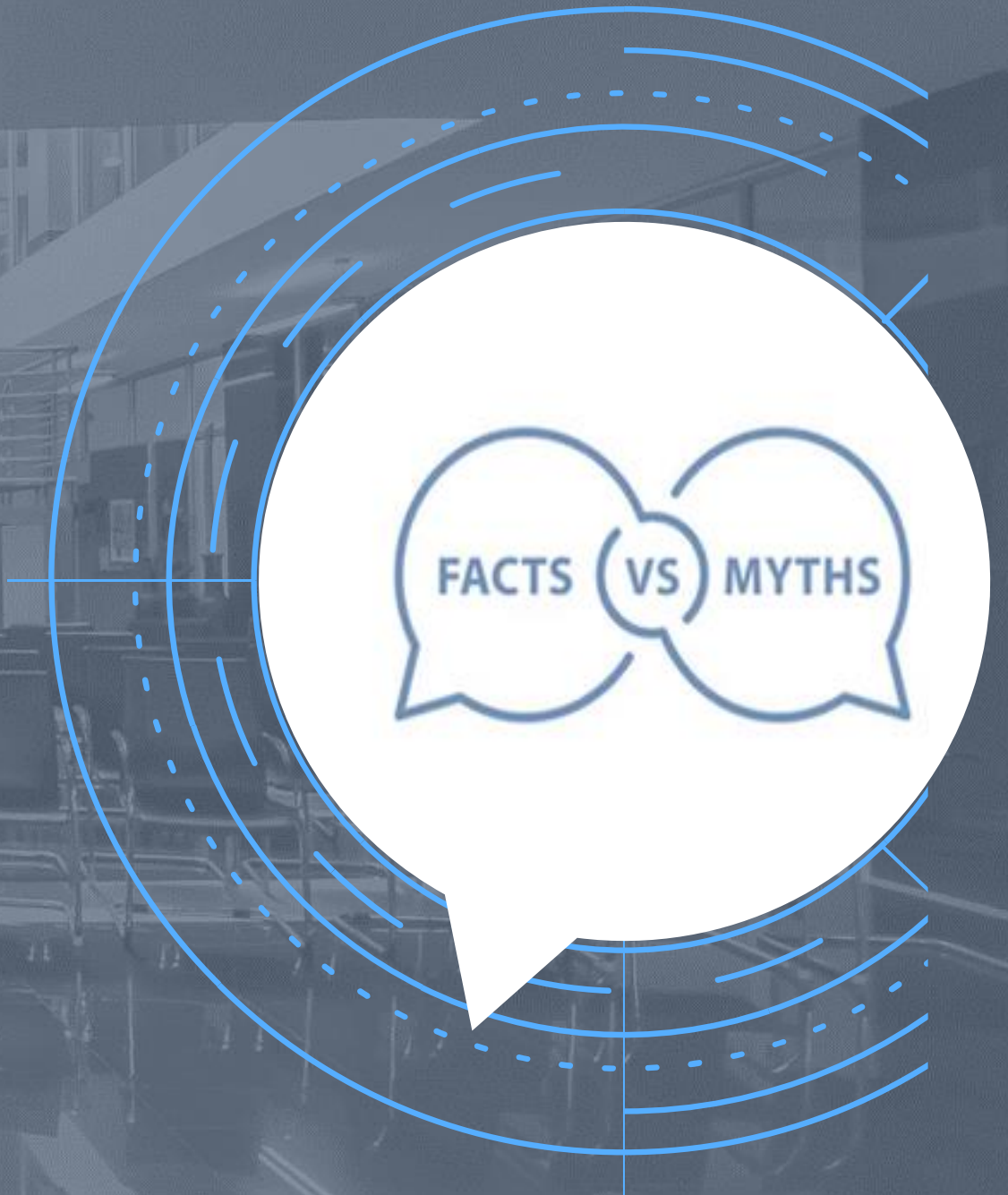


Myths

- Personal data is always subject to an obligation of confidentiality.
- Data Protection laws do not apply to publicly available personal data.
- The NDPR only applies to personal data that is circulated in the digital environment-

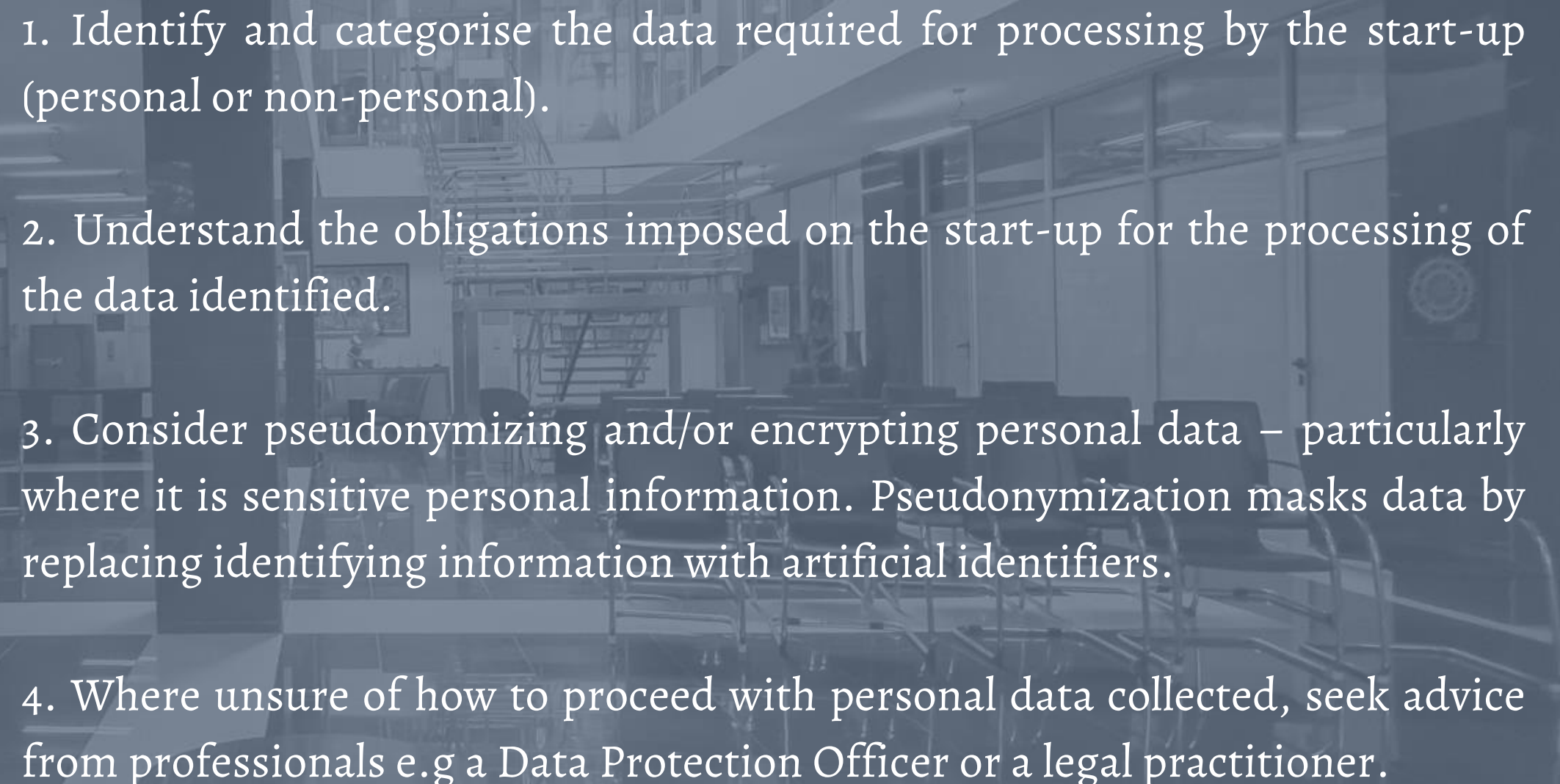
Facts

- Personal Data is not always confidential; the confidential character of Personal Data will depend on other factors such as its origin, form of treatment and contractual arrangements.
- Information which is public knowledge or is about someone's professional life can be Personal Data.
- The NDPR applies to any personal data, regardless of the form in which it is expressed.



Data Protection Tips for Start-ups:



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1. Identify and categorise the data required for processing by the start-up (personal or non-personal).
 2. Understand the obligations imposed on the start-up for the processing of the data identified.
 3. Consider pseudonymizing and/or encrypting personal data – particularly where it is sensitive personal information. Pseudonymization masks data by replacing identifying information with artificial identifiers.
 4. Where unsure of how to proceed with personal data collected, seek advice from professionals e.g a Data Protection Officer or a legal practitioner.

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