

Data protection in an emerging digital economy; the case of Nigerian Communications Commission: Regulation without predictability?

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Since opening up the Nigerian telecommunications sub-sector to private mobile telecoms providers in 2001 and until 2008, the industry regulatory body, the Nigerian Communications Commission (NCC) had no framework for registration of subscriber information. In 2011 the NCC issued a 'time-framed' Regulations for biometric data capture and personal information registration of existing and new subscribers though no data privacy or protection law exists in Nigeria. This paper argues that safeguards proposed in the NCC's Registration of Telephone Subscribers Regulations, 2011 ('NCC Regulations') concerning capture, processing, storage and treatment of personal data of phone subscribers offers little or no protection to privacy and other rights of subscribers and is inconsistent with international standards. The paper commences the arguments in support its thesis in part I with an analysis of rationales for data protection vis-à-vis the public interest objectives underpinning the NCC Regulations. Though right of the individual to data security under the Nigerian Constitution remains undeveloped, part II examines loopholes in safeguards proposed in the NCC Regulations against misuse of subscriber information and how the registration policy violates individual autonomy. In the absence of an independent data protection body, part III examines remedies available to subscribers against the NCC and network service providers for misuse of information collected and unlawful release of subscribers' personal information. Part IV concludes and proposes necessary regulatory reforms.