

**TELECOMMUNICATIONS,
MEDIA AND TECHNOLOGY
REVIEW 2023**



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INTRODUCTION



The Telecommunications, Media, and Technology (TMT) sectors in Nigeria are experiencing significant growth, driven by increased accessibility to new technologies and widespread adoption of smartphones. The telecommunications industry, in particular, has witnessed consistent year-on-year expansion, indicating substantial potential for future development. In the first quarter of 2023, this sector contributed approximately N2.5 trillion (14.13% of GDP) and 16.06% in the second quarter. Additionally, the Information Communications Technology sector contributed 15.97% to real GDP in the third quarter of 2023. Projections indicate a robust trajectory for the Nigerian telecoms market, with an anticipated growth from USD \$8.68 billion in 2023 to USD \$10.92 billion by 2028. This represents a Compound Annual Growth Rate (CAGR) of 4.70% during the forecast period (2023-2028).¹

Significant transformations occurred in the Telecommunications, Media, and Technology (TMT) landscape in Nigeria in 2023 influenced by a surge in demand for e-commerce and digital services. This surge, driven in part by scarcity of cash and other factors, led to increased reliance on telecommunications services for online activities such as shopping and payments. The accessibility and convenience offered by mobile devices further fuelled the growth of telecom users, resulting in 220 million active mobile subscribers, 159,034,717 active internet

subscribers, and a broadband penetration rate of 45.57% as of August 2023.

Throughout the year, the TMT sector also experienced a number of regulatory reforms from regulators such as the Nigerian Communications Commission (NCC), the Nigerian Broadcasting Commission (NBC), the Central Bank of Nigeria (CBN), the Securities and Exchange Commission (SEC), the National Information Technology Development Agency (NITDA), the Nigeria Data Protection Commission (NDPC) and the Federal Competition and Consumer Protection Commission (FCCPC). These reforms, communicated through various circulars, directives, regulations, and guidelines, had a significant impact on the operations of stakeholders in the TMT space in the year. Here are some highlights of the major events and developments in the sector in 2023.

TECHNOLOGY

Nigerian Startups Faced Economic Headwinds in 2023



Due to harsh economic conditions globally, many startups had to shut down services in 2023, Nigerian startups were not left out. At least 9 Nigerian startups that collectively raised over \$70 million dollars in the last two years were forced to shut down services.² These startups operated in different sectors covering banking services, crypto payments, mobility, genomic research, social payment, money transfer marketplace and remittance, Blockchain, digital publishing and bookselling, and logistics. The reasons for shutting down services were also varied from

¹ <https://www.mordorintelligence.com/industry-reports/nigeria-telecom-market>

² <https://nairametrics.com/2023/12/28/after-raising-over-70-million-these-nigerian-startups-shut-down-in-2023/>

allegations of fraud, excessive burn rate and inability of founders to provide the necessary leadership and lack of funds. This has raised questions about the investment decisions of the investors and whether same were rushed and the level of due diligence undertaken prior to undertaking the investments. Some of these failed startups include 54gene, Pivo, Lazerpay, Payday, Bundle Africa, Zazuu, Okadabooks, Vibra and Hytch.

CBN Issued Operational Guideline for Open Banking in Nigeria



In March 2023, the Central Bank of Nigeria (CBN) issued the Operational Guidelines for the Operations of Open Banking in Nigeria. The CBN had earlier issued the Regulatory Framework for Open Banking and the Operational Guidelines developed in collaboration with stakeholders was in line with the provisions of the Regulatory Framework. Open banking recognizes the ownership and control of data by customers of financial and non-financial services, and their right to grant authorizations to service providers for the purpose of accessing innovative financial products and services. Open Banking applicability includes Agency Banking, Financial Inclusion, Know your customer (KYC), credit scoring/rating etc. The guidelines are anticipated to drive competition and improve accessibility to financial and payments services.

SEC Announced Acceptance of Applications for Regulatory Incubation Programme

The Securities and Exchange Commission (SEC) in April announced its acceptance of applications for its Regulatory Incubation (RI) Programme. The RI Programme aims at providing a one-of-a-kind opportunity for innovative fintech companies to

receive expert regulatory support from the SEC, empowering them to thrive and succeed in the Nigerian financial industry. Persons qualified to apply are registered Capital Market Operators unregistered Fintech innovators that require regulation, and firms of all sizes.

President Buhari Inaugurated the National Council for Digital Innovation and Entrepreneurship

On 4th April 2023, President Muhammadu Buhari announced the formation of the National Council for Digital Innovation and Entrepreneurship (NCDIE), comprising 14 members, to facilitate the successful implementation of the Nigeria Startup Act 2022 (NSA). The formation of NCDIE which is in accordance with the provision of Section 3 of NSA served as a governance structure to implement the NSA and promote a vibrant and inclusive start-up ecosystem in Nigeria.

The NCDIE, is chaired by the President, and is comprised of 13 other members. They include the Vice President as Vice Chairman, and Minister of Communication and Digital Economy, who presides over the council in the absence of the chairman and vice chairman. Other members include Ministers of Finance, Budget and National Planning; Industry, Trade and Investment; Science, Technology and Innovation, Governor of CBN, four representatives of the startups consultative forum and one representative of the Nigerian Computer Society, one representative of the Computer Registration Council of Nigeria and the Director General of the NITDA, as secretary.

AFDB \$525k Grant to Create a Digital Hub for African Fintechs

The African Development Bank (AfDB) in April 2023 signed a \$525,000 (five hundred and twenty-five thousand dollars) agreement to support Africa Fintech Network's (AFN's) digital hub project. The grant was funded by the AfDB through the Africa Digital Financial Inclusion Facility (ADFI) together with partners such as the Bill and Melinda Gates Foundation and the Ministry of Finance, Luxembourg.

The digital hub will be developed in partnership with the Centre for Financial Regulation and Inclusion (Cenfri), to give fintech associations across Africa the opportunity to share knowledge, fortify relationships, and highlight their innovations and impacts and to address the challenges that African FinTech's experience in accessing funding and developing technical know-how.³

More Digital Lending Companies Obtained Approval From the FCCPC



To curtail the widespread harassments and breach of privacy of loan defaulters by digital lending companies, the Federal Competition and Consumer Protection Commission (FCCPC) imposed mandatory registration of digital loan companies and released a 'Limited Interim Regulatory/Registration Framework and Guidelines for Digital Lending 2022' to regulate the digital lending space and make registration and approval a prerequisite for companies seeking to operate in the space.

Pursuant to this framework, in April, the FCCPC approved the operations of 173 (one hundred and seventy-three) digital lending companies. 119 (one hundred and nineteen) of these digital lending companies obtained full approval, while 54 (fifty-four) were granted conditional approval. The approved digital lenders are subject to regulatory overview to prevent unfair lending

practices and must operate in accordance with data protection and consumer protection laws.

Pursuant to this, Google was required to remove from its Google Play store all loan apps that do not have FCCPC's approval.

Multipurpose Debit Card to Serve as Bank Card and National Identity Card



On the 24th of May 2023, the former Minister of Communications and Digital Economy, Prof Isa Pantami, disclosed that Nigerians can now request their commercial banks to issue them with a debit card which can double as their National Identity Card at no extra cost. This initiative was introduced ostensibly to tackle the lack of infrastructure in rural communities impeding access to the National Identity Management Commission (NIMC) smart ID card as well as accelerate and deepen the distribution of National Identity Cards by leveraging the physical presence of banks across Nigeria.

This necessitated the signing of a Non-Disclosure agreement (NDA) between NIMC and the CBN in order to protect the privacy and confidentiality of card applicants. As a result, Banks were permitted to print the National Identity card along with either a Mastercard or Visa card or any other type of card issued by them.

FG Launched National Blockchain Policy

On the 17th of May 2023, the National Blockchain Policy was launched by the Minister for Communication and Information Technology. The policy is targeted at promoting the adoption of blockchain technology in Nigeria and positioning the country as a leading player in the

³ <https://technext24.com/2023/04/05/afdb-approves-525k-grant-for-digital-hub/>

global blockchain ecosystem. It is expected that the policy will provide an enabling environment for the adoption of the technology by young Nigerians, and come up with solutions for the implementation of its adoption in Nigeria. Regulatory bodies were directed to develop regulatory frameworks to guide the use and adoption of blockchain technology across various sectors in Nigeria. The launching of the policy marks a significant step towards the institutionalization of blockchain technology and the establishment of regulatory oversight of blockchain technology in Nigeria.

SEC Blacklisted Six Illegal Online Trading Platforms

The Securities and Exchange Commission (SEC) blacklisted six online trading platforms for offering investment services in Nigeria without registration and the public was warned against dealing with the blacklisted trading platforms.

NIBSS Slashes Electronic Transfer Fees

The Nigerian Interbank Settlement System (NIBSS) announced that effective 1st July 2023, there would be a reduction of transaction processing fees on the NIBSS Instant Payment (NIP) platform from N5.00k to N3.75k. This reduction was expected to encourage electronic and mobile money transfers and further drive financial inclusion in Nigeria. Reports however suggest that the compliance levels by banks with this new directive is uncertain.

Free-Floating of Foreign Exchange

On 14 June 2023, the Central Bank of Nigeria (CBN) issued a press release titled "Operational Changes to the Foreign Exchange Market" abolishing segmentation of the Nigerian foreign exchange (Forex) market. In the Press Release, the CBN stated that Forex transactions shall now be solely done on the Investors & Exporters (I&E) window on a "willing buyer, willing seller" basis. This is without prejudice to the CBN's power to intervene in a limited circumstance to promote liquidity and professional market conduct. With this policy, financial technology (Fintech)

companies whose business models were built around the former Forex policy were expected to be affected. Deposit Money Banks (DMBs) to process eligible transactions for customers on the I&E window.

Google listed 25 African Startups for Its Black Founders Fund 2023 Cohort



Google unveiled the recipients of its yearly Black Founders Fund with 10 Nigerian startups making the list out of 40 selected startups. The Fund, totaling \$4million was aimed at addressing systemic racial disparities in Venture Capital funding. It achieves this by offering equity-free grants and mentorship to early-stage, high-growth businesses in Africa and Europe that are led by Black individuals. 72% of startups selected from Africa have women in leadership positions. The Black Founders Fund is an annual program, and Nigerian founders are encouraged to apply for the next cohort.

CBN Introduced e-naira as Payment Option for Diaspora Remittance

The Central Bank of Nigeria (CBN) included the eNaira, its digital currency, as a payment option for recipients of diaspora remittance. The eNaira payment option was made available alongside the Dollar payout, allowing recipients to choose between receiving their remittances in eNaira or conventional foreign currency. Where recipients opt for eNaira, International Money Transfer Operators must apply for a single "No-Objection" authorization to facilitate the payment. By this, CBN intends to make the payout of diaspora remittance more flexible and to drive the use of eNaira.

CBN Issued Fresh Guidelines for the Operations of Bank Accounts for Virtual Assets Service Providers (VASPs)

On the 22 of December 2023, CBN released a guideline for the operation of bank accounts for virtual assets service providers (VASPs) with a view to regulating the relationship between financial institutions and VASPs. This new guideline is a significant deviation from the earlier guideline issued in February 2021 which restricted financial institutions from operating accounts for cryptocurrency service providers due to the associated money laundering and financial terrorism risks. Financial institutions are still however prohibited from holding, trading and/or transacting in virtual currencies on their own account. Cash withdrawals and cheque clearance are also not permitted on the accounts of VASPs.

NIPOST to Launch Digital Postcodes and Address Verification System

The Nigerian Postal Service (NIPOST) announced its intention to launch a national digital alphanumeric postcode system (System) which will help NIPOST implement digital postcodes and Address Verification System (AVS). With the National Digital Alphanumeric Postcode System, NIPOST would have the potential to significantly improve nationwide service delivery, enhance security, resolve challenges associated with Know Your Customer (KYC) and generate revenue for NIPOST and other government agencies. The implementation of the System was scheduled to commence by October 2023.

The Federal Government of Nigeria Obtained \$500 Million to Finance the Development of the Digital Economy



The Minister for Communications and Digital Economy, Dr. Bosun Tijani, announced that the Federal Government of Nigeria has procured a \$500 million loan which will be used to establish a funding program in Nigeria dedicated to Nigeria

tech companies. The minister emphasized that the loan will be used to enhance innovation and entrepreneurship within Nigeria's digital sector as well as foster the growth and development of homegrown enterprises ultimately contributing to the country's economic progress.

NIBSS Bans Non-Deposit Fintechs from Fund Transfers



In December, the Nigerian Interbank Settlement System Plc (NIBSS) issued a circular to all banks in Nigeria mandating the exclusion of non-deposit-taking financial institutions from NIP (Nigeria Interbank Payments) fund transfer channels.

NIBSS's directive encompasses switching companies, payment solution service providers (PSSPs), and super agents, preventing them from being listed as beneficiary institutions for fund transfers through channels such as USSD, mobile banking apps, POS, ATMs, and web platforms. The directive is expected to impact the operations of non-deposit-taking financial institutions, including prominent fintech platforms like Paystack, Flutterwave, and many others.

The circular stated "listing non-deposit taking financial institutions such as switching companies (switches), Payment Solution Service Providers (PSSP), and Super Agents (SA) as beneficiary institutions on your NIP funds transfer channels contravenes the CBN Guidelines on Electronic Payment of Salaries, Pensions, Suppliers and Taxes in Nigeria dated February 2014."

The directive clarifies that while these financial institutions can process outward transfers to banks, they cannot receive fund inflows as their licenses do not permit them to hold customer funds. Consequently, NIBSS has instructed banks, mobile money operators, and microfinance

institutions to deactivate external fund transfers to wallets operated by these companies.

Ministry of Communications, Innovations, And Digital Economy Unveiled Strategic Blueprint

In October, the Minister of Communications, Innovation and Digital Economy, Dr. 'Bosun Tijani, unveiled his ministry's Strategic Blueprint for 2023-2027 titled "Accelerating our Collective Prosperity through Technical Efficiency". The Strategic Blueprint is a 33-page document that provides a detailed and progressive framework that encompasses five key pillars: Knowledge, Policy, Infrastructure, Innovation, Entrepreneurship & Capital (IEC) and Trade. In explaining the 5 pillars, the Minister stated that "Knowledge is the cornerstone upon which innovation thrives and is built upon the bedrock of sound policies. Infrastructure provides the essential backbone for a thriving digital economy, while innovation and entrepreneurship drive economic diversification. Trade, the fifth pillar, represents our commitment to global collaboration and partnerships, recognizing that innovation knows no borders." The Strategic Blueprint provides a well-articulated roadmap that seeks to leverage on the power of knowledge to develop talents, invest in research, and achieve 70% digital inclusion by 2027.

Launch of the Artificial Intelligence Research Scheme



In October the Minister of Communications, Innovation, and Digital Economy launched the Artificial Intelligence Research Scheme when he invited applications. The program's main objective is to encourage the use of AI on a larger scale in order to boost Nigeria's international competitiveness. Its initiative will provide funding to 45 qualifying startups and researchers

and will focus on a variety of topics, including agriculture, banking, government, healthcare, utilities, and sustainability.

Candidates must be affiliated with a tech startup, a Nigerian university researcher, or a foreign researcher in order to be considered for a grant. Additionally, applicants must submit a proposal outlining their project's goals and potential effects on Nigeria's economy. The government's AI priorities must be pertinent to research proposals. AI researchers and companies were encouraged to apply for grants of up to N5 million as part of the initiative which is part of the Ministry's efforts to foster innovation, enhance efficiency in crucial sectors, and position Nigeria as a global centre for AI technology application. This scheme's application period began on October 13, 2023, and ended on November 15, 2023.

Signing into Law of the Copyright Act



The Copyright Act 2023 (the Act) was signed into law on the 17th of March 2023, it repealed the Copyright Act Cap C28 LFN 2004, ratified outstanding treaties and introduced new provision into the Nigerian intellectual property space. The stated objectives of the Act include the protection of the rights of authors and creative works; provide appropriate limitations and exceptions to guarantee access to creative works; to further facilitate Nigeria's compliance with obligations arising from relevant international copyright treaties and conventions it acceded to and to enhance the capacity of the Nigerian Copyright Commission (NCC) for effective regulation, administration, and enforcement of the provisions of this Act.

Among other new provisions, audiovisual works are now protected under Nigeria law⁴. This inclusion now means that content shared online including pictures, videos, sound recordings, and other productions cannot be used without the consent of the creators. Copyrighted work under the Act, now includes the exclusive right to communicate the work to the public, that is, making a work or a performance available to the public by wire or wireless means in such a way that members of the public may access the work or performance from a place and at a time individually chosen by them. Copyright owners have the right to use technological protection measures to protect their copyright content from unauthorized access or use. The owner of copyright in a work, in respect of which copyright has been infringed, may issue notice of the infringement to the relevant service provider requesting the service provider to take down or disable access to any infringing content or link to the content, hosted on its system or network.

TELECOMMUNICATIONS

NCC Issued Guidelines on Promotional Advertisements



With a view to creating minimum standards and requirements for promotional advertisements by licensed communications operators, the NCC issued a guideline on promotional advertisement in July 2023, pursuant to the powers conferred on it by section 70 of the Nigerian Communication Act 2003. The Guidelines aim to protect consumers and ensure ethical marketing and promotional standards by licensees.

NCC Published Guidelines on Technical Specifications for the Deployment of Infrastructure in the Communications Sector in Nigeria

These Guidelines were issued by the NCC in July 2023 to provide standards to guide Communications services providers/operators, designers, fabricators, and installers of Communications mast, towers, and fibre deployment towards ensuring environmental safety and sound engineering practices. It addresses public safety concerns as well as that of personnel and equipment. The guidelines provide minimum installation standards and technical specifications for Fibre Optic installations at the backbone fibre networks, Metro fibre network, Access points, and In-building Physical Plant Installations in towns/cities of the country.

NCC Issued Guidelines on Corporate Governance for the Communications Sector 2023

In December 2023, the NCC released a corporate governance guideline for the communication sector which repealed the former Code of Corporate Governance for the Communications Industry 2016. It was created to foster good corporate governance practices in the industry and ensure that the highest industry transparency standard, due process, data integrity, disclosure requirements, accountability, and ethics are maintained without impeding enterprise or innovation.

NCC Issued Guidelines on Disaster Recovery for the Nigerian Communications Industry

In a bid to address the major causes of communications system failures such as emergencies, disasters, terrorist or cyber-attacks, loss of infrastructure, and network congestion, the NCC issued the Guidelines on Disaster Recovery for the communications space. It is meant to aid disaster preparedness and provide a recovery regulatory framework for

⁴ Section 2 (1) (d)

telecommunications network facilities and service providers.

NDPC Published a Guidance Notice on the Filing of Data Protection Compliance Audit Returns (CAR) For 2022



The Guidance Notice was issued pursuant to section 6 (c-d) of the Nigerian Data Protection Act 2023 which preserves the filing of Data Protection Compliance Audit Returns (CAR) by data controllers and processors under the former 2019 Regulations. It outlines the role of Data Protection Compliance Organizations in the filing of CAR and makes provision for a compliance memorandum to serve as a compliance commitment on the part of data controller to the NDPA.

Telcos Get NCC's Approval to Disconnect Banks over N120 Billion USSD Debt

In May, the Association of Licensed Telecommunications Operators of Nigeria (ALTON) announced that it had obtained approval from the NCC to disconnect Deposit Money Banks (DMBs) from using their Unstructured Supplementary Service Data (USSD) service offerings. The proposed disconnection stems from the long-term disagreement between DMBs and network operators relating to the pricing model for the USSD service and the alleged indebtedness of over NGN 120 billion by DMBs.

However due to the critical nature of the service and its importance to financial inclusion, the parties entered into discussion with a view to resolving the issue. It however appears that the matter has not been resolved as it was reported that as at November the debt had risen to about

200 billion naira and the telcos were considering either commencing court processes or suspending the service

Nigerian Mobile Network Operators adopt new Unified USSD Codes

Following the implementation of the initiative of the NCC relating to the harmonization of USSD shortcodes, Telcos discontinued the usage of their own codes and adopted the uniform USSD codes as prescribed by the NCC. This means that the code for checking airtime balance is the same across all mobile networks for the same function, irrespective of the network a consumer uses. With the new codes, the telecom consumers using the over 226 million active mobile lines in the country, can now use the same codes to access services across the networks

Investment in the Telecoms Sector down by 61.22% in first 3 quarters of 2023

According to information released by the National Bureau for Statistic (NBS), investment in the Nigerian telecommunications sector dropped to \$111.91 million in the first three quarters of 2023, down 61.22 per cent from \$288.55 million in the same period of 2022. In actual fact, total foreign investments into Nigeria during the period fell to \$2.82 billion, a 33.99% decline from \$4.27 billion in the same period of 2022.

Osun and Anambra State Governments Waive Right-Of-Way Charges for Telcos

To further the cause of deepening broadband penetration, the Osun and Anambra State governments approved the implementation of a waiver for the payment of right-of-way charges payable by Telcos to boost the development of broadband infrastructure in their states and attract investors, innovators and businesses to the states. Anambra state announced that the waiver was in line with the 'Everything Technology and Technology Everywhere' vision of the State Governor.

Project Train 3M on ICT Skills

This programme is an initiative of the Minister of Communications, Innovation and Digital Economy, Dr. Bosun Tijani, to enlist and train three million Nigerians over a period of four years

in order to increase Nigeria's pool of technically-skilled professionals in the global market. This programme, which has commenced already with over 1 million applications by potential trainees, is expected to increase the level of digital and technical skills among Nigerians, especially young and middle-level talents, to 70% by the end of 2027.

Launch of 5G Technology



Airtel and , MAFAB Communications, launched their 5G network services in addition to MTN which launched its 5G network services in 2022. The provision of the 5G technology is expected to boost internet services in Nigeria as well as the development of the telecommunications sector.

In June 2023, Globacom launched its Fourth Generation Long Term Evolution (LTE) Advanced network, 4G-LTE Advanced, and further plans to deploy an additional 4,000 LTE Advanced sites in Nigeria's main cities in 2023.⁵

Appointment of new Executive Vice Chairman/Chief Executive Officer of the NCC

Dr. Aminu Maida was appointed the Executive Vice Chairman/Chief Executive Officer of the NCC by President Bola Tinubu, on October 11, 2023. Dr. Maida holds a MEng in Information Systems Engineering from Imperial College, London in 2002, and a PhD in Electrical & Electronic Engineering from the University of Bath, United Kingdom. Until this appointment by the President, Dr. Maida was the Executive Director, Technology and Operations at Nigeria Inter-Bank

Settlement System Plc (NIBSS), the country's central switching company owned by the Central Bank of Nigeria (CBN) and all licensed Deposit Money Banks (DMBs) in Nigeria.⁶

NCC Restores Regulatory Services to Globacom

The NCC announced the restoration of regulatory services to one of its licensees, Globacom Limited after it successfully cleared its outstanding debt obligations to it for unpaid Spectrum Fees, Numbering Fees, and Annual Operating Levy (AOL). The NCC had earlier suspended the services over Globacom's breach of extant regulations for failure to pay its debts despite several demand notices.

NCC announced Changes to Fixed Lines Numbering Format

The NCC, announced a new numbering format for fixed lines. Nigeria's Fixed-Lines Numbering Format changed from eight digits to ten digits by just the addition of "02" prefix before existing fixed number. This change only affected the Fixed Telephone Numbers and there is no change to the existing mobile numbering format. This change is consistent with the practices of the International Telecommunication Union (ITU), the United Nations arm supervising Information and Communication Technologies (ICT).

Issuance of MVNO licensees

The NCC in a bid to improve the telecommunication output of the country, enable the expansion and availability of quality mobile coverage, and close the gap between the unserved/underserved Nigerian population notified the public of its intention to issue MVNO Licenses in various tiers. Pursuant to the License Framework for the Establishment of Mobile Virtual Network Operators in Nigeria, an initial 25 licenses were issued by the NCC to operators in 5 tiers/categories. Reports currently indicate that

⁶ <https://www.ncc.gov.ng/media-centre/news-headlines/1405-meet-dr-aminu-maida-executive-vice-chairman-chief-executive-officer-nigerian-communications-commission-ncc>

41 licenses have been issued as of December 2023.

MEDIA AND DATA PROTECTION

Enactment of the Nigerian Data Protection Act (NDPA)



The NDPA was signed into law by President Bola Tinubu on the 12th of June 2023. The NDPA is Nigeria's comprehensive legal framework for the protection of personal information and establishes the Nigeria Data Protection Commission (NDPC) as an impartial, independent, and effective regulatory Commission to superintend over data protection and privacy issues and supervise data controllers and data processors. The Act among other things establishes a framework for the protection and processing of personal data; guarantees that personal data is processed fairly, legally, and in an accountable manner; attempts to reduce the negative effects of misuse or abuse of personal data on data subjects and protects their constitutionally protected rights to privacy and freedom.

The Act applies whether or not the processing of personal data is automatic or not and where the (a) data controller and processor is domiciled, resident, or operating in Nigeria; (b) the processing of personal data takes place in Nigeria; or (c) situations in which the data controller or the data processor is not domiciled, resident, or operating in Nigeria but is processing personal data of a data subject in Nigeria. However, the Act will not apply to the processing of personal data carried out by a data controller

primarily for personal or domestic needs, provided that such processing is done so without violating the subject's fundamental right to privacy or where it is necessary for an investigation or national security.

ARCON granted Court's Approval to Summon Meta in N30 Billion Suit

The Advertising Regulatory Council of Nigeria (ARCON) obtained leave from a Federal High Court in Abuja to serve Meta, Inc with a writ of summons in connection with a suit filed by ARCON seeking a declaration that the publication of advertisements targeted at Nigerians on Meta social media platforms such as Instagram and Facebook without prior approval is illegal, unlawful, and a violation of extant advertising laws. Further to the breach of the advertising laws, ARCON sought a fine of N30 billion.

NDPB investigates Banks and other Institutions over alleged Data Breaches

The former Nigeria Data Protection Bureau (NDPB) commenced investigation of four banks, one telecommunications firm, consulting firms and many loan app companies for various alleged data breaches. It was discovered that loan companies were particularly guilty of gross data privacy infringements.

Banks, Telcos, and other Data Controllers/Processors to Complete Registration with NDPC before December 2023

The Nigeria Data Protection Commission (NDPC) has announced that all banks, telecom operators, and other Data Controllers or Processors must register with the NDPC before December 2023, for the purposes of monitoring compliance with data protection laws. The compliance is in line with the provisions of the Nigerian Data Protection Act which mandates all data controllers and data processors to get registered within 6 months of the enactment of the law.

Nigeria Data Protection Bureau delists 19 DPCOs

The former Nigeria Data Protection Bureau (NDPB) revoked the operating license of 19 Data Protection Compliance Organizations (DPCOs) in a bid to sanitize the sector as it battles with growth and transitional challenges. DPCOs are licenced to provide compliance services and guide their clients both in the public or private sectors in the area of adherence to privacy guidelines under the NDPR. The 19 DPCOs were delisted as licensed operators having failed to meet the minimum requirements of the NDPR as well as shoddy filing of annual compliance audit returns on behalf of their clients.⁷

CONCLUSION

There were significant developments, policies, legislation, and reforms in the TMT sector in the year 2023. These developments have had varied impacts on stakeholders in the TMT space and further effects on the ecosystem may start manifesting in 2024. This would be particularly significant in how the sector operationalizes the new legislations, Guidelines, directives, and circulars issued in 2023.

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⁷ <https://ndpc.gov.ng/Home/NewsDetails/18>