



Commentaries on the Nigeria Data Protection Act Amendment: Social Media Platforms and Data Controllers/Processors Local Office Registration Requirement

Introduction

A Bill titled “A Bill for an Act to Amend the Nigeria Data Protection Act, 2023, LFN, to Mandate the Establishment of Physical Offices within the Territorial Boundaries of the Federal Republic of Nigeria by Social Media Platforms and for Related Matters” (the “Bill”) has successfully passed its first and second reading in the Nigerian Senate and has been referred to the Senate Committee on Information Communication Technology (ICT) and Cybersecurity for further deliberations. The Bill aims to introduce a significant change on how operators of social media platforms, data controllers and data processors operate in Nigeria. We have highlighted the provisions of the Bill and have also highlighted some of its impact on the Nigerian data protection and digital economy landscape.

Key Provisions and Commentary

The available copy of the amendment Bill includes two main provisions, viz-a-viz:

- a. **Mandatory Physical Office Requirement:** The Bill seeks to amend Section 5 of the Nigeria Data Protection Act, 2023 (NDPA) by introducing a new provision that will give power to the Nigeria Data Protection Commission (NDPC) to *mandate all data controllers, data processors, and operators of social media platforms to establish/register and maintain physical offices situated within the territorial boundaries of the Federal Republic of Nigeria*. The physical office is expected to be staffed and authorised to engage with regulators, stakeholders, and the public for the purpose of fulfilling legal and operational obligations. Failure to comply with this requirement for a continuous period of 30 days may render the entity liable to a prohibition from conducting operations within the jurisdiction of Nigeria.
- b. **Proposed Amendments to Terms and Interpretations:** For the purpose of physical office requirement, the proposed amendment includes the definition of (a) Physical Office and (b) Operators of Social Media Platforms amongst others:
 - **Physical Office:** Physical Office means a fixed and operational business location within the Federal Republic of Nigeria.
 - **Operators of Social Media Platforms:** Operators of Social Media Platforms means legal persons or entities responsible for owning, managing, or controlling digital platforms that facilitate user interaction, content sharing, or communication.

We note that this is not the first attempt to ensure that digital platform, including social media platforms register in Nigeria. In fact, the soft approach adopted by the National Information Technology Development Agency (NITDA) in its Code of Practice for Interactive Computer Service Platforms / Internet Intermediaries (NITDA Code) already sets the tone which requires digital platforms generally to register in Nigeria where they meet certain number threshold of registered users in Nigeria and are considered a large platform for this purpose. The current amendment Bill may be casting a wider net in respect of this registration obligation relating to social media platforms.

The registration of all data controllers and data processors is a significant jurisdictional peculiarity, given the global outlook in respect of the same matter. For instance, the EU which recently enacted a similar requirement to its Digital Service Act 2022 only requires the appointment of local representative for regulatory compliance purposes. cursory look at the data protection framework of notable economies has no indication of brick and mortar office requirement for data protection purposes.

Given the meaning of data controller and data processor under the NDPA and the proposed Bill, it would mean that organisation who simply process personal data without economic benefit would need to maintain a physical office in Nigeria, just like a post office, for this purpose. This obligation would be notwithstanding the current requirements for data controller and processor major importance (DCPMI) to register with the data protection authority in line with the NDPA, DCPMI Guidance Note and the General Application and Implementation Directive (GAID) 2025. This requirement will also add extra level of compliance requirement to what is currently obtainable for both data controllers and social media platforms irrespective of their local presence.

In addition to the above definitive provisions, there has also been deliberation on the need to require bloggers to register local office and join recognised national association for bloggers. It is yet unclear how this will be achieved, given there are over 500 million blogs¹ in the world as of 2025, which Nigerians may have access to on the internet.

Implication on Businesses

The Bill, if signed into law, will significantly impact the operations of not just social media operators but also other media platforms (which may not really fall under the primary meaning of social media) and other data controllers and data processors operating in Nigeria.

Some of the considerable impact and possible shortcomings may include:

- a) A numbers game - the eligibility criteria ought to be a numbers game, it should not be the intention of the sponsor of the Bill to capture each and every operator of social media platforms or data controllers or data processors, given the extensive definition of these entities. It would be relevant to create registration threshold for other data controllers and data processors. This is because, it may be practically impossible or unnecessarily burdensome for all data controllers and data processors to register local entities in Nigeria. For instance, some data controllers are not business entities, or they simply just process too little personal data (i.e., a foreigner or foreign entity who employs or contracts with one or two data subject(s) in Nigeria). The current regime for the registration of data controller and data processors of major importance should perhaps still be allowed to govern registration regime of data controllers/data processors which are not social media operators till some maturity is achieved in this regard. Alternatively, registration should perhaps be limited to data controllers/data processor which are social media operators that have met certain processing threshold.
- b) Agency Turf War/Mixed Signals or Duplicity - The conversation around numbers is not new, an effort had been made in 2022 by NITDA in the NITDA Code, as discussed above, to ensure that platform owners considered as *large service platforms* register in Nigeria for compliance purposes. Under the NITDA Code, to qualify for registration, an entity must hit the threshold of 1,000,000 (One million) registered users. This threshold approach may be useful in considering the registration requirement under the Bill, if not, this may undo the approach of NITDA in this regard and thereby create onerous registration requirements for foreign entities with very minimal Nigerian exposure. Lastly, which agency will emerge as the proper agency on this?

¹ Tech Business News accessible via <[How Many Blogs Are There in 2025 - Top Global Blogging Statistics](#)>

- c) Regulatory Obligations - The requirement for data controllers, data processors, and operators of social media platforms to establish a physical office in Nigeria may trigger several obligations tied to having a fixed base within the country which may not be proportionate to the purpose in which the data controller is processing personal data. Typically, these additional obligations include but are not limited to (i) incorporation requirement with the Corporate Affairs Commission (CAC) (ii) tax liabilities (iii) rent and facility costs etc.

It is worthy of note that, social media and other e-commerce platforms are already subject to payment of tax in Nigeria, particularly due to the Significant Economic Presence Order, 2020. Media companies have also started complying with the provision of local representative offices as reported in the NITDA end of the year report of 2024².

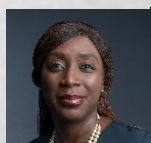
Conclusion

Given the possible impacts of the proposed amendment, it would be relevant for stakeholders to monitor this Bill when made public and participate in the law-making process to ensure that the relevant introductions do not introduce onerous provisions that are likely to stifle growth.

Aluko & Oyebode is a full-service law firm with expertise in data protection and digital economy related matters. For more information kindly reach out to us at tmtpracticegroup@aluko-oyebode.com

² NITDA Report 2024, "An Analysis of Compliance with Laws and Misinformation Management by Social Media Platforms in Nigeria", accessible via [NITDA Report 2024](#)

Contact Details



Sumbo Akintola
Partner

E: Sumbo.Akintola@aluko-oyebode.com



Timothy Ogele
Senior Associate

M: +234 913 937 0642

E: Timothy.Ogele@aluko-oyebode.com



Ameenat Aguda
Associate

M: +234 916 998 4777

E: Ameenat.Aguda@aluko-oyebode.com



Biboye Timipere
Associate

M: +234 707 469 3484

E: Biboye.Timipere@aluko-oyebode.com