



Understanding the General Application and Implementation Directive (GAID) 2025: Key Innovations and Compliance Strategies for Data Controllers and Processors.

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Introduction

The issuance of the General Application and Implementation Directive (GAID) 2025 by the Nigeria Data Protection Commission (NDPC) is a significant milestone in the operationalisation of the Nigeria Data Protection Act (NDPA) 2023. As the second key regulatory instrument under the NDPA, GAID provides essential interpretive guidance that shapes the compliance landscape for data controllers and processors across Nigeria. Scheduled to take effect on 19th September 2025, the GAID builds upon the

foundational principles of the NDPA while introducing innovative measures aimed at strengthening Nigeria's data protection framework. This article examines the key provisions of GAID 2025, highlighting its transformative features, the challenges anticipated during implementation, and actionable strategies for compliance. It serves as a comprehensive guide for data protection stakeholders seeking to navigate and align with Nigeria's evolving regulatory landscape.



Rooted in constitutional rights and empowered by the NDPA, the GAID stands as **a comprehensive blueprint for safeguarding data privacy** and ensuring compliance in Nigeria's digital landscape.

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Legal Basis and Structure of the GAID

The GAID derives its legal authority from several fundamental sources, underscoring its relevance within the Nigerian data protection ecosystem. Foremost, Section 37 of the 1999 Constitution enshrines the right to privacy as a fundamental right. Complementing this are key provisions of the NDPA, specifically sections 1(a), 6(c), 61, and 62, which collectively empower the NDPC to issue directives, enforce compliance, and uphold data protection standards.

The GAID is structured into 52 (fifty-two) articles and 12 (twelve) schedules, each meticulously addressing specific areas of data protection and compliance obligations, and enforcement mechanisms under the Nigeria Data Protection

Act. Key provisions of the GAID include its overarching objectives, the lawful bases for data processing, data subject rights, protocols for breach notifications, regulations governing cross-border data transfers, and guidance on the use of emerging technologies in data processing activities. Additionally, the schedules provide supplementary materials, including templates for Data Protection Impact Assessments (DPIAs) and Compliance Audit Returns. The directive aims to provide clear guidelines and responsibilities to ensure data controllers and processors maintain high standards of compliance, fostering a secure digital environment in Nigeria.

Key Highlights of the GAID

The GAID 2025 introduces several forward-thinking measures that aim to clarify ambiguous provisions of the NDPA and bolster the accountability and transparency obligations of data controllers and processors. Key innovations include:

1. Jurisdictional Conflicts and Clarity:

Article 3 of the GAID addresses potential conflicts arising from multiple regulatory frameworks, clarifying that the NDPA takes precedence over inconsistent laws as outlined in section 63 of the NDPA. The issuance of the GAID also marks the discontinuation of the Nigeria Data Protection Regulation (NDPR) 2019, streamlining regulatory processes.

2. Enhanced Compliance Obligations for Data Controllers and Processors:

Article 7 of the GAID outlines the following stringent compliance

obligations for data controllers and processors:¹

- Registration with the NDPC within the specified period, especially if they are of major importance.
- An initial compliance audit within 15 (fifteen) months of starting operations, followed by annual audits. For those classified as Ultra-High Level or Extra-High Level, not later than 31st March each year.
- Preparation of semi-annual data protection reports detailing data processing activities.
- Internal training and sensitisation on data protection practices, extending to personnel, vendors, agents, and contractors.
- Establishing systems for data subjects to request access to their personal data, as well as to correct inaccuracies or request the transfer of their data easily.

3. Registration Requirements (Article 9):

The GAID requires data controllers and processors of major importance to register with the NDPC and submit annual Compliance Audit Reports (CAR).

Specifically, Ultra-High and Extra-High Level data controllers/processors are mandated to submit a CAR each year, while Ordinary-High Level data controllers/processors are required to renew their registration annually, without the obligation to submit a separate CAR. Additionally, any significant changes to their registration details must be reported to the NDPC within 60 days, thereby promoting greater transparency.

4. Deadline for Filing of Compliance Audit Returns (CAR):

Entities established before 12th June 2023 must file their CAR by 31st March each year. Entities incorporated on or after 12th June 2023, must file

within 15 (fifteen) months of incorporation and subsequently on an annual basis. Failure to file within the stipulated timeframe attracts a penalty of 50% of the prescribed filing fee.

5. Data Protection Officer (DPO) Reporting and Credential Assessments (Articles 13 and 14):

Data protection officers must submit semi-annual reports on data processing activities, and their credentials must be verified through annual assessments by the NDPC, ensuring their qualifications remain current.

6. Consent Framework:

Article 17 of the GAID recognises constructive or implied consent in certain scenarios, like when individuals attend public events or accept website terms. However, explicit consent remains necessary for more sensitive situations, such as direct marketing or processing sensitive data.

7. Data Processing for Contractual Purposes:

Article 21 of the GAID stipulates that if a contract is not executed, personal data should be deleted within six months, except where retention is justified by legal obligations or regulatory requirements.

8. Revised Filing Fees for CARs:

The schedule of the GAID introduces a tiered structure for filing fees based on the volume of data subjects handled. Organisations (data controller/processor) processing large volumes of data incur higher fees, promoting proportionality in compliance costs. The revised filing fees are categorised as follows:

Category	Data Subjects	Fee
Ultra-High Level	50,000 and above	N1,000,000
Ultra-High Level	25,000 – 49,999	N750,000
Ultra-High Level	Fewer than 25,000	N500,000
Extra-High Level	Data Processors (10,000 and above)	N250,000
Extra-High Level	Data Controllers (10,000 and above)	N250,000
Extra-High Level	2,500 – 5000	N200,000
Extra-High Level	Fewer than 2,500	N100,000

Note:
The ordinary High-Level (OHL) Category is exempted from the CAR filing fees.

9. Simplified NIN Rectification:

The GAID simplifies the rectification process for National Identification Numbers (NIN), removing the need for affidavits or newspaper publications, thus streamlining administrative processes.

10. Enhanced CAR Template:

A revised Compliance Audit Return template is introduced in Schedule 2, offering five sections that cover governance, data security controls, risk evaluation, cross-border data transfers, and data processors.

11. Legitimate Interest Considerations:

Pursuant to Article 26, data controllers intending to rely on legitimate interest as a lawful basis for processing must undertake a thorough assessment to justify its applicability. This includes strict documentation and the implementation of privacy-by-design and privacy-by-default principles to ensure full compliance.

12. Data Subject Vulnerability Index (DSVI):

Schedule 6 of the GAID mandates that data controllers and processors assess vulnerabilities, such as age, disability, or financial difficulty, when processing data. This provision aims to protect vulnerable individuals by ensuring fair treatment during data processing.

13. Enhanced Provisions on Data Privacy Impact Assessment (DPIA):

Article 28 of GAID mandates DPIAs for high-risk sectors and provides a template to guide compliance. Unlike the NDPA, which broadly requires DPIAs without specific triggers, GAID offers clearer direction. This reduces uncertainty and ensures proactive risk management.

14. Standard Notice to Address Grievances (SNAG):

A new grievance resolution process is introduced, enabling data subjects to directly initiate grievance proceedings with data controllers or processors without first contacting the NDPC. The SNAG provides a formal template, which is detailed in Schedule 6 of the GAID, for addressing concerns.

15. Deployment of Data Processing Software:

Article 31 mandates data controllers and processors to conduct a DPIA before deploying software for tracking or communicating with data subjects. The software must comply with NDPA principles, ensuring privacy by design, data security, and transparency. Businesses are mandated to update existing software within six months to meet GAID requirements, reducing compliance risks.

Compliance Strategies and Industry Readiness

To navigate the GAID 2025 landscape successfully, organisations must adopt a proactive, risk-based, and context-sensitive compliance posture. The following steps are recommended:

1. Early Risk Assessments and GAP Analyses

Organisations should conduct internal audits to assess their current data protection posture relative to the new requirements. GAP analyses can highlight deficiencies and help prioritise remediation actions in alignment with sector-specific risks.

2. Tailored Data Governance Frameworks:

Compliance should not be one-size-fits-all. Enterprises must develop data governance policies and procedures that reflect the scale, complexity, and nature of their processing activities.

3. Engagement with Licensed DPCOs and Training:

Collaborating with NDPC-accredited DPCOs can provide organisations with the technical expertise and regulatory insight needed to comply with audit and record-keeping obligations. Continuous professional development for DPOs and compliance teams is also crucial.

Conclusion

The NDPA 2023 and GAID 2025 together form a comprehensive framework for data protection in Nigeria. While these regulations represent a significant step forward in ensuring the privacy and security of personal data, their successful implementation will require concerted effort from data controllers, processors, and the NDPC.

As Nigeria continues to evolve as a data-driven economy, regulatory instruments like GAID 2025 will play an indispensable role in shaping trust, transparency, and accountability in the digital ecosystem. Stakeholders across both public and private sectors must seize this opportunity to align their operations with global best practices and reinforce the foundational principles of data protection in Nigeria.

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Stren & Blan Partners is a full-service commercial Law Firm that provides legal services to diverse local and multinational corporations. We have developed a clear vision for anticipating our client's business needs and surpassing their expectations, and we do this with an uncompromising commitment to Client service and legal excellence.

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