



Introduction

The Nigeria Data Protection Act (NDPA) 2023 recognises the right of data subjects to lodge complaints with the Nigeria Data Protection Commission (NDPC) where they believe their privacy rights have been violated. However, in addition to this statutory right, the NDPC, exercising its power to make regulations for the protection of personal data under Section 61(1)-(2)(b) of the NDPA, has introduced an additional mechanism under the General Application and Implementation Directive (GAID) regarded as the Data Subject's Standard Notice to Address Grievance (SNAG).

This innovative mechanism is intended to serve as an extra layer of protection by enabling data subjects to demand internal remediation from organisations that may have breached their data protection rights. The introduction of SNAG under the GAID is a practical step towards encouraging faster resolution of complaints while reducing the need for immediate regulatory or judicial intervention.

In today's #TMTThursday series, we examined what SNAG is all about, the key provisions relating to its use, and what businesses need to know to remain compliant.



What SNAG entails

SNAG is essentially a formal notice that an aggrieved data subject can serve on a data controller or processor where they reasonably believe that their privacy rights have been infringed. SNAG acts as a structured, standardised request for an organisation to take remedial action internally before the matter escalates to the NDPC or to the courts.

However, it is important to note that SNAG is not a condition precedent to filing a complaint with the NDPC or instituting legal proceedings. Rather, it is a voluntary but recommended tool that promotes early resolution and provides organisations with an opportunity to address grievances before regulatory enforcement or litigation is triggered.



Key Provisions Relating to SNAG

Under the GAID, a SNAG may be served either by the data subject directly, or through an authorised representative, or even by a civil society organisation acting in the public interest. The service of the notice is also flexible, allowing for delivery through physical addresses, email, messaging platforms, courier services, or any other reasonable form of correspondence.

Upon receipt of a SNAG, data controllers or processors are expected to address the grievance internally and communicate their decision to the NDPC using the designated electronic platform. This ensures that the NDPC is aware of the complaint and the remedial steps taken, allowing it to step in if the matter remains unresolved.

The NDPC also reserves the right to take executive notice of unresolved SNAGs and may initiate direct investigations into the conduct of an organisation where it considers it necessary. This creates an additional incentive for businesses to respond promptly and meaningfully when an SNAG is served on them.



What Businesses Need to Know to Remain Compliant

For organisations, SNAG represents an important compliance consideration. It is no longer sufficient to have a privacy policy on paper; businesses must establish internal mechanisms to receive, review, and respond to SNAGs in a timely manner. This means putting in place a clear process for routing SNAGs to the right compliance or data protection personnel, documenting the steps taken to address the complaint, and maintaining an audit trail of correspondence with the NDPC.

Organisations should also view SNAGs as a valuable feedback mechanism. Recurring complaints can help identify systemic weaknesses in data protection practices, enabling businesses to proactively strengthen their controls and reduce regulatory risk. By treating SNAGs as an early-warning system rather than a mere compliance burden, businesses can build trust with their customers and demonstrate accountability in line with the NDPA's core principles.



Conclusion

The GAID anticipates the creation of an electronic platform by the NDPC to track SNAGs and monitor how they are handled by data controllers and processors. While this platform has not yet been deployed, its eventual rollout will mark a significant step forward in enhancing transparency and strengthening the grievance redress framework under the NDPA. We look forward to its implementation and the benefits it promises to deliver for data subjects and the wider data protection ecosystem.

