



# **DATA PRIVACY & PROTECTION POLICY**





## INTRODUCTION

As part of our operations, National Pension Commission (hereinafter referred to as “the Commission”) collects and processes certain types of information (such as name, telephone numbers, address, etc.) of individuals that makes them easily identifiable. These individuals include current, past and prospective employees, merchants, suppliers/vendors, customers of merchants and other individuals whom the Commission communicates or deals with, jointly and/or severally (“**Data Subjects**”). Maintaining the Data Subject’s trust and confidence requires that Data Subjects do not suffer negative consequences/effects as a result of providing the Commission with their Personal Data. To this end, the Commission is firmly committed to complying with applicable data protection laws, regulations, rules and principles to ensure security of Personal Data handled by the Commission.

This Data Privacy & Protection Policy (“**Policy**”) describes the minimum standards that must be strictly adhered to regarding the collection, use and disclosure of Personal Data and indicates that the Commission is dedicated to processing the Personal Data it receives or processes with absolute confidentiality and security.

This Policy applies to all forms of systems, operations and processes within the Commission’s environment that involve the collection, storage, use, transmission and disposal of Personal Data.

Failure to comply with the data protection rules and guiding principles set out in the Nigeria Data Protection Act, 2023 (NDPA) and the Nigeria Data Protection Regulation, 2019 (NDPR) as well as those set out in this Policy is a material violation of the Commission’s policies and may result in disciplinary action as required, including suspension or termination of employment or business relationship.



## SCOPE

This Policy applies to all employees of National Pension Commission, as well as to any external business partners (such as merchants, suppliers, contractors, vendors and other service providers) who receive, send, collect, access, or process Personal Data in any way on behalf of the Commission, including processing wholly or partly by automated means. This Policy also applies to third party Data Processors who process Personal Data received from National Pension Commission.

## GENERAL PRINCIPLES FOR PROCESSING OF PERSONAL DATA

National Pension Commission is committed to maintaining the principles in the NDPA and the GDPR regarding the processing of Personal Data.

To demonstrate this commitment as well as our aim of creating a positive privacy culture within National Pension Commission, National Pension Commission adheres to the following basic principles relating to the processing of Personal Data:

### **Lawfulness, Fairness and Transparency**

Personal Data must be processed lawfully, fairly and in a transparent manner at all times. This implies that Personal Data collected and processed by or on behalf of National Pension Commission must be in accordance with the specific, legitimate and lawful purpose consented to by the Data Subject, save where the processing is otherwise allowed by law or within other legal grounds recognized in the NDPA and the GDPR.



## **Data Accuracy**

Personal Data must be accurate and kept up-to-date. In this regard, National Pension Commission:

- shall ensure that any data it collects and/or processes is accurate and not misleading in a way that could be harmful to the Data Subject;
- make efforts to keep Personal Data updated where reasonable and applicable; and
- make timely efforts to correct or erase Personal Data when inaccuracies are discovered.

## **Purpose Limitation**

National Pension Commission collects Personal Data only for the purposes identified in the appropriate National Pension Commission Privacy Notice provided to the Data Subject and for which Consent has been obtained. Such Personal Data cannot be reused for another purpose that is incompatible with the original purpose, except a new Consent is obtained.

The purposes for which National Pension Commission will use your personal data includes:

The functions of the Commission include:

1. Regulation and supervision of the Scheme established under the Act.
2. Issuance of guidelines for the investment of pension funds.
3. Approving, licensing, regulating and supervising pension fund administrators, custodians and other institutions relating to pension matters as the Commission may, from time to time, determine.
4. Establishing standards, rules and guidelines for the management of the pension funds under the Act.
5. Ensuring the maintenance of a National Data Bank on all pension matters.
6. Carrying out public awareness and education on the establishment and management of the Scheme.
7. Promoting capacity building and institutional strengthening of pension fund administrators and custodians.

8. Receiving and investigating complaints of impropriety levelled against any pension fund administrator, custodian or employer or any of their staff or agents.
9. Performing such other duties which, in the opinion of the Commission, are necessary or expedient for the discharge of its functions under the PRA 2014.

### **Data Minimization**

National Pension Commission limits personal data collection and usage to data that is relevant, adequate, and absolutely necessary for carrying out the purpose for which the data is processed.

- National Pension Commission will evaluate whether and to what extent the processing of personal data is necessary and where the purpose allows, anonymized data must be used.

### **Integrity and Confidentiality**

- The Commission shall establish adequate controls in order to protect the integrity and confidentiality of Personal Data, both in digital and physical format and to prevent personal data from being accidentally or deliberately compromised.
- Personal data of Data Subjects must be protected from unauthorized viewing or access and from unauthorized changes to ensure that it is reliable and correct.
- Any personal data processing undertaken by an employee who has not been authorized to carry such out as part of their legitimate duties is unauthorized.
- Employees may have access to Personal Data only as is appropriate for the type and scope of the task in question and are forbidden to use Personal Data for their own private or commercial purposes or to disclose them to unauthorized persons, or to make them available in any other way.



- Human Resources Department must inform employees at the start of the employment relationship about the obligation to maintain personal data privacy. This obligation shall remain in force even after employment has ended.

## **Personal Data Retention**

- All personal information shall be retained, stored and destroyed by National Pension Commission in line with legislative and regulatory guidelines. For all Personal Data and records obtained, used and stored within the Commission, National Pension Commission shall perform periodical reviews of the data retained to confirm the accuracy, purpose, validity and requirement to retain.
- To the extent permitted by applicable laws and without prejudice to the Commission's Document Retention Policy, the length of storage of Personal Data shall, amongst other things, be determined by:
  - the contract terms agreed between National Pension Commission and the Data Subject or as long as it is needed for the purpose for which it was obtained; or
  - whether the transaction or relationship has statutory implication or a required retention period; or
  - whether there is an express request for deletion of Personal Data by the Data Subject, provided that such request will only be treated where the Data Subject is not under any investigation which may require National Pension Commission to retain such Personal Data or there is no subsisting contractual arrangement with the Data Subject that would require the processing of the Personal Data; or
  - whether National Pension Commission has another lawful basis for retaining that information beyond the period for which it is necessary to serve the original purpose.

Notwithstanding the foregoing and pursuant to the NDPA and the NDPR, National Pension Commission shall be entitled to retain and process Personal Data for archiving, scientific research, historical research or statistical purposes for public interest.



- National Pension Commission would forthwith delete Personal Data in the Commission's possession where such Personal Data is no longer required by National Pension Commission or in line with the Commission's Retention Policy, provided no law or regulation being in force requires National Pension Commission to retain such Personal Data.

## **Accountability**

- National Pension Commission demonstrates accountability in line with the NDPA and the GDPR obligations by monitoring and continuously improving data privacy practices within National Pension Commission.
- Any individual or employee who breaches this Policy may be subject to internal disciplinary action (up to and including termination of their employment); and may also face civil or criminal liability if their action violates the law.

## **DATA PRIVACY NOTICE**

- National Pension Commission considers Personal Data as confidential and as such must be adequately protected from unauthorized use and/or disclosure. National Pension Commission will ensure that the Data Subjects are provided with adequate information regarding the use of their Personal Data as well as acquire their respective Consent, where necessary.
- National Pension Commission shall display a simple and conspicuous notice (Privacy Notice) on any medium through which Personal Data is being collected or processed. The following information must be considered for inclusion in the Privacy Notice, as appropriate in distinct circumstances in order to ensure fair and transparent processing:
  1. Description of collectible Personal Data;
  2. Purposes for which Personal Data is collected, used and disclosed;
  3. What constitutes Data Subject's Consent;
  4. Purpose for the collection of Personal Data;
  5. The technical methods used to collect and store the information;
  6. Available remedies in the event of violation of the Policy and the timeframe for remedy; and



7. Adequate information in order to initiate the process of exercising their privacy rights, such as access to, rectification and deletion of Personal Data.
- The Commission's Privacy Notice is available on this website.

## LEGAL GROUNDS FOR PROCESSING OF PERSONAL DATA

The personal data we collect from our customers and how we collect it depends on the services that our customers subscribe to, how they use our services and how they interact or interface with us. This also applies to persons who are not customers of National Pension Commission but have interacted with National Pension Commission. We may also obtain your personal data from a third party with permission to share it with us.

Please note that we only process your personal data based on the grounds set out in the NDPA and the GDPR. Accordingly, in line with the provisions of the NDPA and the GDPR, processing of Personal Data by National Pension Commission shall be lawful if at least one of the following applies:

- where you give us consent to the processing of your Personal Data for one or more specific purposes. You are at liberty to withdraw the consent and National Pension Commission will cease to process your personal where there is no other basis to do so.
- where the processing is necessary for the performance of a contract to which the Data Subject is party or in order to take steps at the request of the Data Subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which National Pension Commission is subject;
- processing is necessary in order to protect the vital interests of the Data Subject or of another natural person;
- processing is necessary for the performance of a task carried out in the public interest or in exercise of official public mandate vested in National Pension Commission; and



- processing is necessary for the purpose of the legitimate interest pursued by the data controller or data processor, or by a third party to whom the data is disclosed.

Interests in personal data processing shall not be legitimate for the purposes of Paragraph 5.1. (f), where –

- they override the fundamental rights, freedoms and the interests of the data subjects;
- they are incompatible with other lawful basis of processing listed in Paragraph 5.1.1 above; and
- the data subject would not have a reasonable expectation that the personal data would be processed in the manner envisaged.

## CONSENT

Where processing of Personal Data is based on consent, National Pension Commission shall obtain the requisite consent of Data Subjects at the time of collection of Personal Data. In this regard, National Pension Commission will ensure:

1. that the specific purpose of collection is made known to the Data Subject and the Consent is requested in a clear and plain language;
2. that the Consent is freely given by the Data Subject and obtained without fraud, coercion or undue influence;
3. that the Consent is sufficiently distinct from other matters to which the Data Subject has agreed;
4. that the Consent is explicitly provided in an affirmative manner;
5. that Consent is obtained for each purpose of Personal Data collection and processing; and
6. that it is clearly communicated to and understood by Data Subjects that they can update, manage or withdraw their Consent at any time.

- **Valid Consent**

- For Consent to be valid, it must be given voluntarily by an appropriately informed Data Subject. In line with regulatory requirements, Consent cannot be implied. Silence, pre-ticked boxes or inactivity does not constitute



Consent under the NDPA and the Consent in respect of Sensitive Personal Data must be explicit. A tick of the box would not suffice.

- **Consent of Minors**

In the unlikely event that we deal with minors, the consent of minors will always be protected and obtained from minor's representatives in accordance with applicable regulatory requirements.

## DATA SUBJECT RIGHTS

- All individuals who are the subject of Personal Data held by National Pension Commission are entitled to the following rights:
  1. Right to request for and access their Personal Data collected and stored. Where data is held electronically in a structured form, such as in a Database, the Data Subject has a right to receive that data in a common electronic format;
  2. Right to information on their personal data collected and stored;
  3. Right to objection or request for restriction;
  4. Right to object to automated decision making;
  5. Right to request rectification and modification of their data which National Pension Commission keeps;
  6. Right to request for deletion of their data, except as restricted by law or National Pension Commission's statutory obligations;
  7. Right to request the movement of data from National Pension Commission to a Third Party; this is the right to the portability of data; and
  8. Right to object to, and to request that National Pension Commission restricts the processing of their information except as required by law or National Pension Commission's statutory obligations.

To opt out of marketing and unsolicited messages:

If you no longer want to receive marketing messages from National Pension Commission, you can choose to opt out at any time. If you've previously opted in to receive personalized content based on how and where you use our network, you can also opt out at any time.

These are various ways to opt out:



- Contact our customer services team – **see the contact us page**;
- Click the unsubscribe icon from our email; and
- Disable push notification messages, including marketing messages, at any time in our apps by changing the notification settings on your device or by uninstalling the app.
- National Pension Commission well-defined procedure regarding how to handle and answer Data Subject's requests are contained in National Pension Commission's Data Subject Access Request Policy.
- Data Subjects can exercise any of their rights by completing the National Pension Commission's Subject Access Request (SAR) Form and submitting to the Commission via **info@pencom.gov.ng**

## TRANSFER OF PERSONAL DATA

### Third Party Processor within Nigeria

National Pension Commission may engage the services of third parties in order to process your Personal Data by collected by us. The processing by such third parties shall be governed by a written contract with National Pension Commission to ensure adequate protection and security measures are put in place by the third party for the protection of Personal Data in accordance with the terms of this Policy, the NDPA and the NDPR. We may also share your personal data with law enforcement agencies where required by law to do so.

Where applicable, National Pension Commission will share your information with:

- Partners, suppliers or agents involved in delivering the products and services you have ordered or used.
- Law enforcement agencies, government bodies, regulatory organizations, courts or other public authorities if we have to, or are authorized to by law.
- A third party or body where such disclosure is required to satisfy any applicable law, or other legal or regulatory requirement e.g. to detect or prevent fraud or the commission of any other crime.
- A merging or acquiring entity where we undergo business reorganization e.g. merger, acquisition or takeover.

## **Transfer of Personal Data to Foreign Country**

Where Personal Data is to be transferred to a country outside Nigeria, National Pension Commission shall put adequate measures in place to ensure the security of such Personal Data. In particular, National Pension Commission shall, among other things, conduct a detailed assessment of whether the said recipient of the personal data is subject to a law, binding corporate rules, contractual clauses, code of conduct or certification mechanism that affords an adequate level of protection with respect to the personal data in accordance with **Section 41 of the NDPA**.

National Pension Commission shall record the basis for transfer of personal data to the recipient of the personal data under Paragraph 8.2.1 and the adequacy of protection stated in **Section 42 of the NDPA**.

Where National Pension Commission is unable to transfer Personal Data to a country outside Nigeria in accordance with Paragraph 8.2.1 above, National Pension Commission will transfer such Personal Data out of Nigeria under one of the following conditions:

- The consent of the Data Subject has been obtained;
- The transfer is necessary for the performance of a contract between National Pension Commission and the Data Subject or implementation of pre-contractual measures taken at the Data Subject's request;
- The transfer is necessary for the sole benefit of a Data Subject and:
  - it is not reasonably practicable to obtain the consent of the Data Subject to that transfer, and
  - if it were reasonably practicable to obtain such consent, the Data Subject would likely give it.
- The transfer is necessary for reason of public interest;
- The transfer is for the establishment, exercise or defence of legal claims;



- The transfer is necessary in order to protect the vital interests of the Data Subjects or other persons, where the Data Subject is physically or legally incapable of giving consent.

Provided, in all circumstances, that the Data Subject has been manifestly made to understand through clear warnings of the specific principle(s) of data protection that are likely to be violated in the event of transfer to a third country, this proviso shall not apply to any instance where the Data Subject is answerable in duly established legal action for any civil or criminal claim in a third country.

National Pension Commission will take all necessary steps to ensure that the Personal Data is transmitted in a safe and secure manner. Details of the protection given to your information when it is transferred outside Nigeria shall be provided to you upon request.

## DATA BREACH MANAGEMENT PROCEDURE

- A data breach procedure is established and maintained in order to deal with incidents concerning Personal Data or privacy practices leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, Personal Data transmitted, stored or otherwise processed.
- All employees must inform their designated line manager or the Data Protection Officer of National Pension Commission immediately about cases of violations of this Policy or other regulations on the protection of Personal Data, in accordance with National Pension Commission's **Personal Data Breach Management Procedure** in respect of any:
  1. improper transmission of Personal Data across borders;
  2. loss or theft of data or equipment on which data is stored;
  3. accidental sharing of data with someone who does not have a right to know this information;
  1. inappropriate access controls allowing unauthorized use;
  2. equipment failure;
  3. human error resulting in data being shared with someone who does not have a right to know; and
  4. cyber-attacks.



- A personal data breach notification must be made immediately after any data breach to ensure that:
  1. immediate remedial steps can be taken in respect of the breach;
  2. any reporting duties to Nigeria Data Protection Commission (NDPC) or any other regulatory authority can be complied with,
  3. any affected Data Subject can be informed and
  4. any stakeholder communication can be managed.
  
- When a potential breach has occurred, National Pension Commission will investigate to determine if an actual breach has occurred and the actions required to manage and investigate the breach as follows:
  1. Validate the Personal Data breach.
  2. Ensure proper and impartial investigation (including digital forensics if necessary) is initiated, conducted, documented, and concluded.
  3. Identify remediation requirements and track resolution.
  4. Report findings to the top management.
  5. Coordinate with appropriate authorities as needed.
  6. Coordinate internal and external communications.
  7. Ensure that impacted Data Subjects are properly notified, if necessary.
  
- You can read more about National Pension Commission's Personal Data Breach Management Procedure on this website.

## DATA PROTECTION IMPACT ASSESSMENT

National Pension Commission shall carry out a Data Protection Impact Assessment (DPIA) in respect of any new project or IT system involving the processing of Personal Data to determine whenever a type of processing is likely to result in any risk to the rights and freedoms of the Data Subject.

National Pension Commission shall carry out the DPIA in line with the procedures laid down in the Commission's **Data Protection Impact Assessment Policy**.



## DATA SECURITY

- All Personal Data must be kept securely and should not be stored any longer than necessary. National Pension Commission will ensure that appropriate measures are employed against unauthorized access, accidental loss, damage and destruction to data. This includes the use of password encrypted databases for digital storage and locked cabinets for those using paper form.
- To ensure security of Personal Data, National Pension Commission will, among other things, implement the following appropriate technical controls:
  1. Industry-accepted hardening standards, for workstations, servers, and databases.
  2. Full disk software encryption on all corporate workstation/laptops operating systems drives storing Personal and Personal/Sensitive Data.
  3. Encryption at rest including key management of key databases.
  4. Enable Security Audit Logging across all systems managing Personal Data.
  5. Restrict the use of removable media such as USB flash disk drives.
  6. Anonymization techniques on testing environments.
  7. Physical access control where Personal Data are stored in hardcopy.

## DATA PROTECTION OFFICER

National Pension Commission shall appoint a Data Protection Officer(s) (DPO) responsible for overseeing the Commission's data protection strategy and its implementation to ensure compliance with the NDPA and NPDR requirements. The DPO shall be a knowledgeable person on data privacy and protection principles and shall be familiar with the provisions of the NDPA and the NPDR.

The main tasks of the DPO include:

1. administering data protection policies and practices of National Pension Commission;
2. monitoring compliance with the NDPA, the NPDR and other data protection laws, data protection policies, awareness-raising, training, and audits;
3. advice the business, management, employees and third parties who carry on processing activities of their obligations under the NDPA and the NPDR;
4. acts as a contact point for National Pension Commission;



5. monitor and update the implementation of the data protection policies and practices of National Pension Commission and ensure compliance amongst all employees of National Pension Commission;
6. ensure that National Pension Commission undertakes a Data Impact Assessment and curb potential risk in National Pension Commission data processing operations; and
7. maintain a database of all National Pension Commission data collection and processing operations of National Pension Commission.

## TRAINING

National Pension Commission shall ensure that employees who collect, access and process Personal Data receive adequate data privacy and protection training in order to develop the necessary knowledge, skills and competence required to effectively manage the compliance framework under this Policy, the NDPA and the NDPR with regard to the *protection* of Personal *Data*. On an annual basis, National Pension Commission shall develop a capacity building plan for its employees on data privacy and protection in line with the NDPA and the NDPR.

## DATA PROTECTION AUDIT

National Pension Commission shall conduct an annual data protection audit through a licensed Data Protection Compliance Organization (DPCOs) to verify National Pension Commission's compliance with the provisions of the NDPA, the NDPR and other applicable data protection laws.

The audit report will be certified and filed by the DPCO to the NDPC as required under the NDPA and the NDPR.

## RELATED POLICIES AND PROCEDURES

This Policy shall be read in conjunction with the following policies and procedures of National Pension Commission:





- Personal Data Breach Management Policy
- IT Security Policy
- Document Retention Policy
- Cookies Policy
- Privacy Notice
- Data Protection Impact Assessment Procedure

## CHANGES TO THE POLICY

National Pension Commission reserves the right to change, amend or alter this Policy at any point in time. If we amend this Policy, we will provide you with the updated version.

## GLOSSARY

<b>“Consent”</b>	means any freely given, specific, informed and unambiguous indication of the Data Subject's wishes by which he or she, through a statement or a clear affirmative action, signifies agreement to the processing of Personal Data relating to him or her.
<b>“Database”</b>	means a collection of data organized in a manner that allows access, retrieval, deletion and processing of that data; it includes but not limited to structured, unstructured, cached and file system type Databases.
<b>“Data Processor</b>	means a person or organization that processes Personal Data on behalf and on instructions of National Pension Commission.
<b>“DPCO”</b>	means an organization registered by NDPC to provide data protection audit, compliance and training services to public and private organizations who process Personal Data in Nigeria.



**“Data Subject”** means any person, who can be identified, directly or indirectly, by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

**“NDPA”** means the Nigeria Data Protection Act, 2023.

**“NDPR”** means the Nigeria Data Protection Regulation, 2019.

**“Personal Data”** means any information relating to an identified or identifiable natural person (‘Data Subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person; It can be anything from a name, address, a photo, an email address, bank details, posts on social networking websites, medical information, and other unique identifier such as but not limited to MAC address, IP address, IMEI number, IMSI number, SIM, Personal Identifiable Information (PII) and others.

**“Sensitive Personal Data”** means data relating to religious or other beliefs, sexual orientation, health, race, ethnicity, political views, trades union membership, criminal records or any other sensitive personal information.



## APPROVAL SECTION

This document was approved by the Director General

### a. General Information

<b>Title</b>	<b>Data Privacy and Protection Policy</b>
<b>Status</b>	Mandatory
<b>Issuing Department</b>	National Pension Commission
<b>Distribution/Target Audience</b>	All employees, including contracted staff, vendors/ suppliers and customers of National Pension Commission
<b>Approver</b>	Director General
<b>Effective Date</b>	November 2024
<b>Version</b>	1.0

### b. Version Control

Version	Last Updated	Reason for Amendment



## **CONTACT DETAILS OF THE COMMISSION'S DATA PROTECTION OFFICERS (DPOS)**

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