

Implications of Data Protection Law on Media and Communication in Nigeria

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Abstract:

The enactment of data protection laws has significantly reshaped the landscape of media and communication in Nigeria. As the country increasingly integrates digital technology into journalism, broadcasting, and online communication, the legal framework surrounding data privacy has become a crucial factor in defining how information is collected, stored, and disseminated. The Nigeria Data Protection Act (NDPA) and other regulatory instruments seek to balance the rights of individuals to privacy with the freedom of expression and access to information, both of which are essential for a thriving democratic society. This paper attempts to explore the possible effect of the new data protection law in Nigeria, on media and communications, specifically PR, advertising and journalism practices respectively. The paper employs qualitative methodology and relies on the interviews; using snowballing and purposive techniques. The study utilizes interpretative phenomenological analysis using in-depth interview. The outcome of the study shows that Mass Communications and its varied specializations (Advertising, PR and Journalism) rely heavily on reliable data since it deals with audiences of distinct characteristics and so messages tailored to these audiences' needs are backed by the knowledge of their personal data. The study concludes that as a fundamental human right that data protection is, relevant laws that guarantee it are welcome but amendments of such laws have to be continuous and addition to its global harmonization to fill up numerous gaps to ensure fullest protection.

Keywords:

Implications, Data, Protection Law, Media, and Communications

I. Introduction

The emergence of data protection laws in Nigeria has brought about a paradigm shift in the media and communication landscape, influencing how information is gathered, stored, and disseminated. With the increasing reliance on digital technology for journalism, broadcasting, and online communication, safeguarding personal data has become a legal and ethical priority (Maikaba & Msughter, 2019). The Nigeria Data Protection Act (NDPA) and other regulatory frameworks seek to establish a balance between individual privacy rights and the fundamental principles of press freedom and access to information. While these laws aim to protect citizens from data breaches, unauthorized access, and misuse of personal information, they also introduce new challenges for media practitioners, journalists, and communication professionals (Msughter et al., 2021).

One of the most significant implications is the potential restriction on investigative journalism, where accessing and publishing certain personal data could now be deemed unlawful. This raises concerns about the extent to which journalists can hold public officials and

institutions accountable without violating data protection regulations. Additionally, compliance with these laws places a financial and administrative burden on media organizations, requiring them to implement stringent data security measures, conduct regular audits, and ensure transparency in data processing activities (Msughter et al., 2023).

Beyond legal compliance, the enforcement of data protection laws in Nigeria also affects the ethical responsibilities of media practitioners. Journalists must navigate the fine line between reporting in the public interest and respecting individuals' rights to privacy. The challenge of balancing free speech with data protection obligations highlights the evolving nature of press freedom in the digital age, where misinformation, cyber threats, and privacy breaches complicate the media's role in society.

As Nigeria continues to refine its data protection framework, the media and communication industry must adapt to these regulatory changes while ensuring that press freedom and public access to information are not unduly compromised. The implications of these laws will shape the future of journalism, digital communication, and the broader information ecosystem, making it essential for stakeholders to engage in ongoing dialogue to reconcile data protection with the principles of a free and democratic society (Mojaye & Aondover, 2022).

The way people communicate with one another in the twenty-century has evolved rapidly, page with the exponential increase in the use of personal data by individuals and businesses in the technology age, data protection is at the forefront of the agendas of many countries worldwide. In Nigeria, consumers and data subjects now have greater rights in relation to the use of their personal data, following the issuance of the Nigeria Data Protection Regulation 2019 NDPR or the Regulation. The Regulation contains principles and prescriptions that organisations, government, and businesses have to adhere to, to keep their data subjects' personal data accurate, safe, and secure. For instance, Regulation 17 of the Regulation grants data subjects who have suffered "material or non-material damages" as a result of a violation, the right to an effective judicial remedy against a controller or processor and to receive compensation from them.

This right to effective judicial remedy through a dispute resolution mechanism is largely synonymous with litigation, and sadly, arbitration is yet to gain widespread acclaim as a viable and effective dispute resolution method for data privacy disputes. Much of the focus has been on the adjudication of data protection disputes in the court room. This is partly because in the context of the Nigerian framework as provided under the Regulation, arbitration is not expressly referenced as a dispute resolution mechanism for breach of data protection and data privacy (Alao & Ojelabi, 2023)

In the EU, the recently introduced General Data Protection Regulation (GDPR) requires that when obtaining information online that could be used to identify individuals, their consents must be obtained. Among other things, this affects many common forms of cookies, and users in the EU have been presented with notices asking their approvals for data collection. The statement above, also applies to Nigeria where the new data protection regulation is in effect since June 2023. The Nigeria's NDPR, modeled after the General Data Protection Regulation (GDPR), emphasizes the importance of protecting individuals' personal data. Organizations are required to obtain consent for data processing, and individuals have the right to know how their data is used.

Akintayo (2023) observed that privacy is a contested concept lacking in precise meaning or content. But the widespread collection and usage of data have given rise to challenges related to data privacy. For example, Carrascosa et al., (2015) observed that business models around personal information, that include monetizing personal information via Internet advertising and e-commerce are behind most free Web services. Information about consumers browsing for products and services is collected, e.g., using tracking cookies, for the purpose of developing tailored advertising and e-marketing offerings (coupons, promotions, recommendations, etc.). While this can be beneficial for driving web innovation, companies, and consumers alike, it also raises several concerns around its privacy implications.

The invention of internet by Tim Berners Lee, redefined the communications and interactions of people. This development led people to crave for connections across far and wide which is what internet is known for. This urge and consistent interest led to significant development in the web from 1.0, 2.0 and 3.0 respectively. More so, valid and reliable data is a valuable asset that drives good decision-making, effective personalization, and innovation across various sectors, used by organizations to understand consumer behavior, optimize operations, and create tailored experiences. The media and communication sector realizing this early enough, also tilted its focus in this direction, re-weave their messages and with the aid of certain connected tools continue to dish out messages that align with their target audiences (Vitalis et al., 2025).

Several developments have consistently pointed out these strategies and mode of operations by these firms are compromising of the audiences' privacy rights; which led to the enactment and signing into law of data protection. However, while there have been considerable number of data protection related studies, the possible effects of the recent regulation or otherwise on the media and communication sector, is yet to be explored. And it is on this ground that the study is stimulated.

Objectives

1. To find out the linkage of data protection with the media and communications sector.
2. To ascertain the approaches utilized by the PR, advertising and journalism to acquire data prior the data protection regulation in Nigeria.
3. To find out how these sub-sectors adapt to the data protection framework and navigate the ethical dilemmas.
4. To investigate the implications of the new law on PR, advertising and journalism practices.
5. To find out the level of preparedness modes of data collections employed in the fields of PR, advertising and journalism.

II. Review of Literature

With reference to the relevant literatures reviewed, this study suggests that sub-divisions of communications over the years, have shifted to over reliance of collections of online users' personal data in crafting messages because of the regards for the models of revenues streams; resulting in the impossibility of prevention of personal data and privacy breaches at various levels. For example, Sani (2023, p.23) avers that "the internet environment is like a big market square that has numerous numbers of people carrying out distinct interactions and searching for different information. This peculiarity makes it a necessity for news and advertising organizations respectively, to evolve means that study and understand these netizens' needs in order to craft desired messages that resonate with their distinct interests."

Makau (2016) postulation is in sync with this reality when he said, with online advertising, behavioural targeting is emerging as a prominent trend which is expected to account for major advertising revenues; as it permits websites to discriminate advertisements according to consumers surfing patterns. The essence for these strategies is to increase online user engagement and effective targeting, which equally raise privacy issues and can have adverse effects on the online consumer. Both Sani and Makau's studies raised concerns for risks associated with the internet users' personal data and blamed such on money-making ideologies of these sites which give enough ground for regulations in relation to data protection. Aside from the protective buffers data protection law gives to the personal data of the online users, it also enhances the culture of transparency among data collectors and processors respectively, since there has to be a clear privacy notice or consent form, to inform participants about the data processing practices.

Yet, Lee et al., (2016) expressed concerns that absence of internationally harmonized regulation in relation to data protection has created loopholes and complications, especially in terms of cross-border transfers. This revelation from this literature, still makes larger number of netizens (internet citizens or users) across the globe, highly vulnerable to data protection breaches regardless of the distinct regulations in their countries because big sites such as Google, Facebook, Alibaba and so on are owned and controlled by people of different nationalities. Lee *et al* (2016) note (in paraphrase) that to make data protection law universally meaningful and fully protective, there must be harmony among the US Federal Trade Commission's Fair Information, European's standards (e.g. Data Protection Directives 95/46EC and the General Data Protection Regulation), Asian Regulations (e.g. Hong Kong Personal Data Privacy Ordinance) and the international benchmarks (the Organization for Economic Co-operation and Development(OECD) Privacy Framework Basic Principles).

The study by Lee et al., (2016) further revealed that data privacy regulation tends to focus on a traditional human rights approach, neglecting the fact that nowadays data are usually given away voluntarily upon contractual agreement. This argument stands valid in view of the fact that a data subject who agrees to the prompt of consent message sought, could hardly expect protection of his data. Google the biggest search engine in the world and others who offer free web services are known to be hidden under this big lacuna in the Data Protection law. The revelations and arguments adduced from these literatures are not pleasant enough considering numerous grounds that still embody data breaches.

Theoretical Framework

Theories are phenomenon that guide our assumptions and give us ground to pin investigations. They are needed as compass to guide the direction of studies, especially in Humanities and Social Sciences disciplines which include Mass Communications. To have clear insight and direction of this study therefore, Privacy Theory was used. This theory stems from the work of Helen Nissenbaum, who argues that grounds to claim for privacy depends on where and how information is shared. She thinks that privacy goes beyond keeping a person's secret but also ensuring that the information shared, is shared in the right way (Aondover et al., 2022). On the grounds of applicability, the theory grants framework for understanding the regulations of personal information in relation to media and communications practices in addition to linkage between people's rights to privacy and media's responsibility to provide information.

III. Research Methods

The study is qualitative in nature as it makes use of in-depth interview method. In terms of the sampling method, it makes use of purposive sampling technique as only the experts in the field of communications and media sectors were selected for the interview. The researcher also utilizes snowballing method, because these experts serve as links to other experts elsewhere for the researcher, at the end, interviews were conducted with a total number of ten experts in the sub-divisions of media and communications (PR, advertising and journalism practices), whom collectively, form the population for this study. Five participants were selected for the study.

IV. Result and Discussion

This study makes use of in-depth interview as a method of data analysis using Interpretative Phenomenological Analysis. Interpretative Phenomenological Analysis (IPA) method is essentially concerned with understanding lived experiences and with how participants make sense of their experiences (Aondover et al., 2023). In other words, it is centrally concerned with the meanings which those experiences hold for the participants (Deacon et al., 2007). Most IPA is conducted using intensive qualitative research approaches such as in-depth interviews (Baran & Davis in Idris & Msughter, 2022), as used in this study. It enables the participants to provide a full and rich account of events or experiences while allowing the researcher considerable flexibility in probing interesting areas. To ensure confidentiality of the respondents, this study has coded the responses as INT 1-5.

4.1 Understanding legislation (Data Protection law) in Nigeria

All the interviewees' answers went to one direction which were yes, they understand and they foresaw the new law in place. They based their reasons on varied planks. For example, INT 5 believes that '...trust is like a bridge and this law helps build a strong one' while INT 1 bases his reason on the idea that '...many people at the same time are not aware of the risks on getting online. Knowing the law and how it protects them is a step in the right direction.

4.2 Relationship of data protection with the PR practice/activities of PR firms

INT 5, in his answer to this question, avers that, '...the connection is that the media have to operate within the law and make sure they don't violate privacy and use data to intimidate people' while INT 2 thinks '... the media industry in the country is vulnerable, thus the law can sanitize the industry and bring about certain level of professionalism.' On the one hand, INT 1 responded that 'the communications disciplines are interconnected-the new development will apply across the board to all sub-divisions of communication.'

4.3 Comments on the broader methods or channels commonly utilized

In relation to this question, INT 1, gives his answer as 'before the internet revolution in the 1990s there was no practical way data be gathered by firms and publishing houses about their readers because that would require a cumbersome process of sending forms and getting people-who would be suspicious to fill and post back. It was too much trouble that the thought did not occur. What brought about the data protection law was the easy access to the subscribers' information- thus the need to protect them.'

As for the INT 4, '...before the new Data Protection Law PR, advertising and news folks tried to learn about people's interests to connect better. They often used surveys, social media and website cookies (like digital breadcrumbs) to understand what people like. This helped them

create ads, stories and news that people might enjoy. It is like making sure we talk about things you care about.’

4.4 Implications of this new law on the activities of all the branches of Mass Communication

INT 4, also answers like this: ‘...imagine you are making a cake. Before, you could use any ingredients you wanted. But now, with the new law, you have to be more careful about what you use. similarly, in PR, advertising and news, we use to collect lots of information to make things that people like. But the new law says we need to ask permission and use only what’s really needed. ...this means we need to find new and smarter ways to connect with you.’ As for INT 2, there shall be ‘...more hard work, less data to work with but ethical and professional journalism.’

V. Conclusion

This study undertook an examination on the possible impacts of the new data protection regulation on various sub-divisions of media and communications. To enable the conclusions drawn, to stand on scientifically valid grounds, it used structured interview with the population of the study drawn from the purposive and snowballing techniques respectively and Interpretative Phenomenological Analysis (IPA) was used for the analysis and discussions of the findings. From the findings, the study concludes that there is impact of the new regulation on the sub-divisions of communication; but also argues that the new law still does not grant protective buffers to the internet users’ personal data. The study also believes, that while the legal dimension could still make it possible to mis-handle personal data, including selling to the third-party, ethics which relies on the functionality of human conscience could prevent the practitioners in the media and communications sub-sector from such.

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