

**INTERNAL AUDIT DEPARTMENT**



<b>Privacy Notice Name</b>	<b>Privacy Notice</b> on Data Protection for CBN External Stakeholders
<b>Department</b>	Internal Audit Department
<b>Directorate</b>	Operations

**Effective Date: 23<sup>rd</sup> June, 2020**

This Privacy Notice is published as a PDF file on the CBN website (<https://www.cbn.gov.ng>)

## Notice and Warning

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## **Introduction**

The Central Bank of Nigeria ("CBN") is the central bank and apex monetary authority of Nigeria. Its regulatory objectives are as stated on its website. The CBN, therefore, plays a major role in the development of the Nigerian economy..

As a central bank and one of the financial sectors regulators, the CBN provides numerous services to both internal (staff and recruits) and external stakeholders within and outside Nigeria. The performance of these services may involve collecting and processing of personal data. The CBN is aware of the importance of safeguarding personal data which it collects in the course of executing its functions or when Stakeholders visit its website or uses its services.

### **1.1 Privacy Notice**

This "Privacy Notice" is a public document that describes how the CBN collects, uses, retains and discloses the personal data of its Stakeholders in the performance of its functions.

### **1.2 Objectives of the Privacy Notice**

The objectives of this Privacy Notice are to inform stakeholders on:

- the type of their personal data that is being processed
- the purpose for which their personal data is processed
- how their personal data is processed and utilized

### **1.3 The CBN's Commitment to Data Protection**

The CBN is committed to the protection of the privacy of the personal data of its Stakeholders and shall ensure that the collection and utilization of such data is in accordance with the requirements of data protection laws and regulations.

Stakeholders are, therefore, encouraged to read this notice carefully.

### **1.4 Access to Privacy Notice**

The CBN Privacy Notice is available on its website (<https://www.cbn.gov.ng>) for the benefit of its Stakeholders. However, a detailed notice would be made available:

- at the time of collection of the personal data directly from the Stakeholders either through the website or elsewhere
- when the Stakeholders' personal data is first shared with another recipient.

## 1.5 Personal Data

The automation of CBN's business information system accentuates the need to safeguard personal data against unauthorized access and usage. Personal data is any information that can be used "directly or indirectly" to describe or identify a person or an individual.

## 1.6 Definition of Stakeholders

Stakeholders are those that relate with the CBN in its business activities.

The CBN collects personal data from the following categories of Stakeholders:

- Consultants to the CBN
- Vendors of the CBN
- Visitors to the CBN
- Individuals/Customers of banks and other financial institutions (OFIs) in Nigeria
- Users of the CBN website
- Employees
- Members of the public who provide their personal data to the CBN; and
- whoever the CBN subsequently designates as a Stakeholder.

## 1.7 Scope of the Privacy Notice

The Privacy Notice covers the following areas:

- Categories of personal data collected
- Methods of collection
- Processing methods
- Third party relationships
- Data retention periods
- Changes to the Privacy Notice
- Stakeholders consents

## 1.8 Sensitive Data

Certain categories of data have been classified as sensitive data by the Data Protection Regulations. The CBN may as part of its functions be required to process such data. Such collection and processing would be done only where necessary and in accordance with the relevant Data Protection laws and Regulations.

## 1.9 Purpose of collecting the personal data

The CBN must only collect personal data for a specific, explicit and legitimate purpose. Personal data will not be collected in a way that is incompatible with the purpose.

## 2.0 Processing of Personal Data

### 2.1 Types of personal data collected from Stakeholders

The CBN collects personal data directly from stakeholders or through any third party with the CBN. These personal data include: Name (in full); Address (which may include Town, Local Government Area, State and Country), Phone number, Login name/account, Password, E-mail, Religion, Age, Title, IP-address, Gender, Position Status/rank, Credit card number, Passport number, Driver's license number, Social security number, International Bank Account Number (IBAN), photograph, Health information, Income, Bank account number, Cookies, Biometric identifiers as well as others defined in applicable Data Protection Regulations.

### 2.2 Grounds for collecting personal data (Consent of the stakeholder)

The CBN shall request for consent, where required, to process the stakeholder's data. Otherwise, it may process such data for the performance of a task carried out in public interest or in the exercise of official authority, or the performance of its legal obligation where in.

A consent form would be available where necessary. However, for all visitors to its website, the CBN requires the Stakeholder to read and agree to the terms of the **Privacy Notice** on its website.

The agreement/consent then becomes the legal basis to collect the personal data. The CBN shall use checkboxes and click wraps to obtain such consent.

### 2.3 How CBN collects Personal Data

Personal data are collected from Stakeholders in certain circumstances including but not limited to:

- a transaction done with or for the CBN (e.g. an assignment, task, a project, supply, etc.), the details (contact information) of who did it are collected by the CBN

- Connection to the CBN domain network. the CBN automatically receives the Stakeholder's Internet Protocol (IP) address which enables it to view the browser and the operating system the Stakeholder is using
- Communications with the CBN via e-mails. The CBN receives the personal data of the Stakeholder using that e-mail
- filling a contact form on the CBN website
- when contract agreements with the Bank are being formalized
- when vendors register their organizations online with the CBN
- processing monetary claims (payments) of Stakeholders
- when Stakeholders make telephone calls to the CBN
- when Stakeholders application forms are being processed by the CBN
- when a Stakeholder applies for any of the CBN's intervention products
- when a stakeholder requests for or applies for any of the CBN's services
- in the course of recruitment and employment of staff

## 2.4 How the CBN processes Personal Data

The CBN processes Personal Data whenever it is performing any of the following activities:

- Its regulatory and supervisory functions: Pursuant to its regulatory and supervisory functions, the CBN may process personal data for the purpose of developing policies, regulations and reports, assessing the financial soundness of banks and Other Financial Institutions, ensuring compliance with the Code of Corporate Governance, etc.
- It's banking functions: The CBN may process personal data while providing financial services to Government, Banks, Financial Institutions, International bodies, etc.
- Its Developmental functions: The CBN may require personal data to improve on its services and products (e.g. intervention schemes/products)
- Compliance with any applicable laws or regulations: The CBN may require personal data in order to comply with applicable laws and regulations
- For carrying out its activities as an employer of labour: The Bank may require personal data for its recruitment exercise as well as for staff
- Contractual relationships: The CBN may require personal data to enable it process applications from vendors and also enter into contractual relationships.

If a Stakeholder does not agree to the collection/processing of his/her personal data by the CBN, such a stakeholder would be restricted in accessing the available services.

## 2.5 Posting personal data on CBN blogs

The CBN does not encourage the posting of personal data on its blogs (short for weblog). This is because any personal data that is inputted can be read, collected, or processed by other users of the blogs. The CBN shall not be responsible for any personal data uploaded on its blogs.

To request removal, kindly contact the CBN Data Protection Officer. The removal would be done as soon as possible. Where there are any impediments to the removal, the complainant would be informed accordingly.

## 2.6 Use of Cookies

The CBN website will not use cookies to collect personal data. However, the CBN can use cookies to:

- improve Stakeholders' experience on the CBN website by ensuring that the Stakeholder must sign in before accessing its website
- teach the Stakeholder how to navigate the CBN website
- recognize a Stakeholder on the CBN website and remember the Stakeholder's previously selected preferences on his/her previous visits
- collect information about a Stakeholder's visit to the CBN website, the content that the Stakeholder had viewed on the website, the links that the stakeholder followed and information about his/her browser, device and his/her IP address
- share some of the Stakeholder's information with third parties
- The "Cookies" are not used to collect personal data. They are only used to identify different Stakeholders on the website and to provide a better user experience when navigating the website.

## 2.7 Visiting the CBN Website

The CBN website does not automatically collect or store a Stakeholder's information when browsing the website except the Stakeholder logs in his/her Personal Network Information (e.g. Internet Protocol (IP) address, web browser type, operating system of the computer used and other session information). The session information given is used by the CBN Internet Service Provider (ISP) for system administration purposes. It also provides the Bank with statistics on the use of its website.

It is important to note that this Notice covers only the CBN website <https://www.cbn.org.ng>. Any other link or links within the CBN website to other websites or any interactions with third parties are not covered by this Privacy Notice. Other websites follow different rules regarding the use or disclosure of personal data submitted to them. You are encouraged to read the Privacy Notice of other websites

visited and third parties interacted with. The CBN is not responsible for the content or privacy practices of others.

## 2.8 Status of Children

This Privacy Notice does not cover the personal data of children under 18. If a parent or guardian becomes aware that his or her child has provided the CBN with his or her personal data without their consent, the parent or guardian should contact the CBN immediately for the deletion of the data. Furthermore, if the CBN becomes aware that a child has provided it with his or her personal data, the CBN will delete such data immediately.

## 2.9 Sharing of personal data (with third parties)

It may become necessary for the CBN to share personal data with other organizations; in compliance with provisions of the law; to satisfy request from law enforcement agencies or for any other legitimate reasons.

The CBN is obliged to comply with the data protection principles in both the National Information Technology Development Agency (NITDA) Data Protection Regulation (NDPR) and the European Union General Data Protection Regulation (EU GDPR) in processing of personal data.

## 3.0 Legal basis for processing personal data and Stakeholders Consent

### 3.1 CBN's Legal basis for processing Personal Data

CBN cannot process stakeholder's personal data unless it has a specific purpose for doing so. Also, it would ensure that there is a legal basis for every data processing it does.

The Data Protection regulations provide six legal basis for processing the personal data of a Stakeholder:

- **Consent:** The Stakeholder has given consent to the processing of his/her personal data for one or more specific processing activities or purposes. He/She has consented to the processing activity. Consent must be freely-given, specific, informed and unambiguous – given by a statement or a clear, affirmative action. However, the CBN can process personal data without consent if it's necessary for a contract with the individual; for example, to supply goods or services they have requested; or to fulfil the CBN's obligations under an employment contract



- **Performance of a contract:** The data processing activity is necessary to enter into or perform a contract with the Stakeholder. If the processing activity does not relate to the terms of the contract, then that data processing activity needs to be covered by a different legal basis
- **Legitimate Interest:** The CBN has a legitimate interest in processing the Stakeholder's personal data such as providing Stakeholder support (customer support), Stakeholder service (customer service), agricultural services, research development, interventions, promoting or assisting government to promote some programmes and other common business interests.
- **Vital Interest:** This is a rare processing activity that could be required to save someone's life. Failure to process the personal data would put the Stakeholder's life or someone else's life at risk. It is most commonly seen in emergency medical care situations.
- **Legal Requirement:** Here the processing activity is necessary for a legal obligation. That is, the CBN is legally required to process the stakeholder's personal data.
- **Public Interest** – This is a processing activity that would occur by a government entity or an organization acting on behalf of a government entity. The CBN is carrying out the processing with government (a legal authority) or in the public interest.

Following the above, not all aspects of personal data processing require the Stakeholder's consent.

### 3.2 Consent for Personal Data Processing

The following personal data processing activities will require seeking the Stakeholder's consent before processing.

- Commencing the processing of personal data
- Processing sensitive personal data (CBN will always tell the stakeholder why and how the information will be used)
- Storing sensitive personal data
- Sharing Stakeholders data with third parties
- Using the CBN website and/or any of its services, the Stakeholder has agreed that the CBN may process his/her personal data collected (through the website or through the use of any of its services) in accordance with the provisions of the Privacy Notice.

### **3.3 Stakeholders must freely give and positively affirm their consent to processing their data**

Stakeholders have genuinely free choice to either give consent or not to give consent to the CBN (their Data Controller). If the CBN has obtained a Stakeholder's consent for one type of processing, this does not mean that the CBN has obtained consent for all types of processing.

### **3.4 Stakeholders have the right to easily withdraw their consent at any time**

Stakeholders are allowed to withdraw their consent without undue delay. The request to withdraw consent can be forwarded to [dataprotectionteam@cbn.gov.ng](mailto:dataprotectionteam@cbn.gov.ng).

If a Stakeholder has provided consent for his/her details to be shared with a third party and wishes to withdraw this consent, the relevant third party should be contacted in order for the Stakeholder to amend his/her preferences.

## **4.0 Sharing of Personal Data**

The CBN is responsible for the processing of the personal data collected or received and may subsequently transfer (or share) the data to an external stakeholder (recipient). To be able to provide services and run its's business, the CBN may share data with the following categories of third parties:

- Banks
- Other Financial Institutions (OFIs)
- Government
- Ministries Departments Agencies (MDAs)
- Law Enforcement Authorities
- International Governments
- International Organizations/Agencies (World Bank, IMF, WHO, etc.)
- Others

In some situations, the CBN may be required to disclose personal data in response to lawful requests by public authorities, including to comply with national security or law enforcement requirements.

### **4.1 When is it permissible to share personal data?**

Generally, personal data will not be shared unless the stakeholder has given his or her consent.

### **4.2 Sharing personal data with third parties**

The CBN can, however, decide to share the personal data of her Stakeholders under the following circumstances amongst others:

Where the Stakeholder has given consent, the CBN may from time to time share a Stakeholder's information with other Stakeholders

Before the CBN shares personal information, it would first enter into written agreement with the recipients (third parties) which will contain data protection terms that will safeguard the personal data of the Stakeholder.

If the third party needs access to this data to perform their own services for the CBN, these third parties may have access to the Stakeholder's personal data as necessary to perform their functions and they are contractually obliged to maintain the confidentiality of any personal data they encounter in the course of rendering services to the CBN.

The CBN may share Stakeholders' personal data with third parties to process data on its behalf. Here, the CBN would require that these third parties agree to process this data based on contractual agreements.

The CBN may disclose your personal data to: (a) satisfy applicable law, regulations, legal process or valid governmental request; (b) enforce applicable Terms of Service, including investigation of potential violations of Terms of Service; (c) detect, prevent or mitigate fraud or security or technical issues; or (d) protect against imminent harm to the rights, property or safety of staff, its customers or the public as required or permitted by law.

CBN may also disclose to third parties aggregated or other data that does not identify stakeholders individually. For example, how many stakeholders are eligible to participate in promotion examinations?

CBN may share aggregated or anonymized data which cannot be reasonably used to identify stakeholders.

CBN may share personal data between and among the various banks, OFIs, government, international organizations, etc. in order to carry out its functions.

The CBN may from time to time use **third parties** (e.g. CBN Service Providers, consultants, individuals, Ministries Departments and Agencies (MDAs), EFCC, ICPC, FIRS, etc.) to perform/provide certain services. These third parties will have access to the Stakeholders' personal data to carry out jobs assigned to them. In this case, they are obliged not to disclose or use the Stakeholders' personal data for any

other purpose. The CBN shall include mandatory contractual provisions on data protection of its Stakeholders in its contracts with those third parties.

The CBN requires all third parties to respect the security and confidentiality of personal data disclosed to them.

Third parties can only process such personal data given to them for specific purposes and in accordance with the CBN's instruction.

### **4.3 Trans-border sharing of Personal Data**

The CBN may in the course of its transactions or businesses with international organizations, share personal data of Stakeholders. In this situation, the CBN shall continue to ensure the confidentiality of personal data and give Stakeholders notice before their personal data is transferred to international organizations or becomes subject to a different Privacy Policy. CBN shall, however, comply with the provisions of relevant Data Protection laws regarding transfer of personal data to a foreign country (**See Sections 2.11 and 2.12 of NITDA Guidelines**).

### **4.4 Compliance with the Laws and Law Enforcement Agencies**

The CBN shall cooperate with all the levels of governments and the law enforcement agencies to comply and enforce the provisions of the law. In this case, the CBN is obliged to disclose any Stakeholder's personal data to government or law enforcement agencies in response to lawful requests.

## **5.0 Protection of Personal Data during sharing/transmission**

### **5.1 Protection standards when sharing Personal Data (i.e. encrypted, clear text, secured, etc.)**

The safety of Stakeholders' data is paramount to the CBN. Hence, the CBN deploys both physical and technological measures to protect data from unauthorized access both during transmission and upon receipt. However, it is important to note that no method of sharing/transmission over the internet or method of electronic storage is 100% secure. Hence, CBN cannot guarantee absolute security of any personal data.

### **5.2 How data may be transmitted (i.e. encrypted, clear text, secured, etc.)**

The CBN shall transmit personal data using its existing infrastructure and the policy guiding the protection of personal data to be transmitted/shared. For further information please contact the [dataprotectionteam@cbn.gov.ng](mailto:dataprotectionteam@cbn.gov.ng).

## 6.0 Destruction of Personal Data

### 6.1 How long CBN will keep personal data of Stakeholders

CBN will maintain the personal data of her Stakeholders for as long as is necessary to fulfill the purposes for which the data is collected including satisfying any legal obligation, dispute resolution, enforcing agreement, and operational or reporting requirements. The length of time the CBN will retain the personal data will depend on:

- Any legal obligations it has
- The nature of any contracts it has in place with a Stakeholder
- The existence of the Stakeholder's consent
- The CBN's legitimate interest as a business

### 6.2 How CBN will destroy Personal Data

Where CBN does no longer need to process personal data for the purposes described in this Privacy Notice, it will delete the personal data from its system/storage.

Also, where a Stakeholder wishes to cancel or request that the CBN no longer uses or maintains his/her data, he/she may contact the **dataprotectionteam@cbn.gov.ng**.

## 7.0 Stakeholders' Rights

7.1 Stakeholders have a number of rights under the Data protection laws in relation to personal data held by the CBN. They include:

- **Right to be informed** - about How the CBN will use the Stakeholder's Personal Data
- **Right of access** - Stakeholder has the right to request access to his/her Personal Data that the CBN is holding. This is called a subject access request.
- **Right to rectification** - If the data that the CBN is holding is incorrect, the Stakeholder can request for correction of the inaccurate data. The Stakeholder should forward the accurate data while making the request.
- **Right to erasure/deletion/to be forgotten** - The Stakeholder has the right to request the CBN to delete his/her data without undue delay. CBN will do this without undue delay provided that it has no compelling reason to keep it.
- **Right to restrict processing** - The Stakeholder has the right to request restriction from processing his/her data. Request can be made for a number of reasons

such as if the accuracy of the personal data being processed is contested by the Stakeholder or the processing is unlawful.

- **Right to data portability** - The Stakeholder has the right to receive his/her personal data from the CBN (a data controller) and transmit the same data to another data controller hindrance (e.g. difficulty in the structure or format of the data) to the new data controller.
- **Right to object** - The Stakeholder has the right to object to the processing of his/her personal data if the processing is necessary for the purposes of the legitimate interests pursued by the CBN or a third party and there is something about the Stakeholder's position that necessitates the objection.
- **Rights related to automated individual decision making including profiling** - The Stakeholder has the right not to be subject to a decision based solely on automated processing including profiling.
  - Stakeholders can exercise these rights by calling the Data Protection Officer of the CBN on 07080650081 or sending an email to the dataprotection team@cbn.gov.ng . Such request would be dealt with as soon as practicable. In certain cases, the CBN would require further information before it can process the Stakeholder's request.
  - In certain situations the CBN may be required by law to still hold/retain the personal data, or may need to retain the data in order to continue providing a service.
  - Furthermore, the scope of certain rights may be subject to certain restrictions or exceptions provided for under the Data Protection laws.

**7.2 Dispute Resolution (including remedies in the event of violation of, and any limitation clause to the Privacy Notice)** : In the event of any dispute, controversy or claim arising between the CBN and its Stakeholders, the parties shall resort to amicable settlement within 30 business days of the dispute arising. Where this fails, the parties shall have recourse to mediation within 7days of deadlock, failing which they shall subject themselves to Arbitration in line with the Rules of Arbitration of the Regional Centre for International Commercial Arbitration, Lagos within 14 days of failure of the mediation process. Each party shall nominate one arbitrator who has demonstrated expertise in the field of information technology and data processing, all of whom would jointly nominate another arbitrator with proven expertise on information technology and data processing. The venue and seat of the arbitration shall be Nigeria and the language of arbitration shall be English.

## 8.0 Confidentiality and Security

The CBN employs industry standard security measures to ensure the security of all data in the CBN. Stakeholders' Personal Data are protected by physical, electronic,

and procedural safeguards in compliance with applicable laws as well as further administrative, managerial, and technical safeguards, including firewalls and data encryption.

## 9.0 Ensuring compliance with the Data Protection Regulations

The CBN is a Data Controller by virtue of interpretation under the Regulation. The CBN's Board of Directors through the relevant departments (Internal Audit Department, Banking Supervision Department, Other Financial Institutions Department) is responsible for compliance with the Regulation.

The Data Protection Officer appointed by the CBN handles the day-to-day issues related to data protection.

## 10.0 Updating this Privacy Notice

The CBN will update this Notice as the need arises. Any such changes will be communicated on the CBN website ([www.cbn.gov.ng](http://www.cbn.gov.ng)). The update is effective as of the date written on the front page of the Privacy Notice document titled “**Last Update**”.

## 11.0 Questions, Suggestions and Concerns

If a stakeholder has issues, observations, questions, suggestions and concerns regarding this notice or his/her personal data, he/she should please contact the Data Protection Officer of the CBN via [dataprotectionteam@cbn.gov.ng](mailto:dataprotectionteam@cbn.gov.ng).

## 12.0 Where this Privacy Notice will be kept

The Privacy Notice will be hosted on the homepage of the CBN website and on its domain network.

A hard copy of the Privacy Notice will also be made available on request. Such a request should be forwarded to: [dataprotectionteam@cbn.gov.ng](mailto:dataprotectionteam@cbn.gov.ng).

## 13.0 Contact Information of the CBN

Stakeholders can contact the CBN concerning enquiries, questions, complaints or suggestions about this Privacy Notice or the CBN data protection practices or how the CBN uses Stakeholders' personal data by using any of the contacts below:

- Central Bank of Nigeria,  
**Attention:** Data Protection Officer,  
Internal Audit Department,

Central Bank of Nigeria, Corporate Headquarters  
Central Business District,  
Garki – Abuja FCT, Nigeria.

- Email is:

[dataprotectionteam@cbn.gov.ng](mailto:dataprotectionteam@cbn.gov.ng)

- Visiting a page on the CBN website using the link:

<https://www.cbn.gov.ng>

- Phone call using the number:

(+234)07080650081

#### 14.0 **Effective Date**

23<sup>rd</sup> June, 2020 (Date approved by Management).