PRIVACY OF CONSUMERS IN ELECTRONIC TRANSACTIONS IN NIGERIA: UNVEILING POTENTIAL ISSUES

By

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Abstract

In Nigeria, the unimaginable number of people carrying out different transactions online, having their personal information circulated daily with little or no protective measures has become very worrisome. Prior to 2023, when the Data Protection law was enacted, Nigeria had no consolidated legislation enacted by the National Assembly covering data privacy, and the effect had been that consumers constantly fell victim to issues like lack of redress, misleading advertisement, outright fraud, privacy invaded without the prior consent of the consumer, scams, ex cetera. This article examines the laws governing the privacy of consumers in electronic transactions in Nigeria and insists that the new Data Protection Act of 2023 is not still measurable with international standards as it is associated with certain issues which are fundamental in building the confidence of consumers when transacting online. Therefore, the article sought an amendment to the Act.

Keywords: *Privacy, Consumers, Electronic Transactions, in Nigeria, issues, prospects.*

1.0. Introduction

The growth of the internet has been a great phenomenon all over the world, especially in developed countries having infrastructures available for marketing activities through the Internet.[1] Today, the internet is not only a networking media but has drastically changed commerce from the use of face-to-face methods of transacting to a well-sophisticated and advanced method of transacting. It has revolutionized the mode of business transactions by providing customers with the ability to bank, invest, purchase, distribute, communicate, explore and research from virtually anywhere at any time, provided there is availability of the internet.[2] Despite the tremendous impact of the internet on commerce, it has also emerged with some legal and socio-economic issues. Issues like the risk of the personal data of consumers being invaded without the consent of the consumer, security breaches, unscrupulous activities being conducted online, fraud, substandard products being delivered to the consumers *et cetera*. While the list is not exhaustive, attention in this article is given to negative vices in the areas of Privacy using Nigeria as a case study.

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[1] N Delafrooz, LHJ Paim and A Khatibi, 'Student Online Shopping Behavior: An Empirical Study' [2010] (6) 1, *Journal of American Science*, 137.

[2] UC Okolie and AP Ojomo, 'E-Commerce in Nigeria: Benefits and Challenges' [2020] (28) 2, *Humanities and Social Sciences: Latvia*, 69.

1.1. Privacy

Privacy was first enunciated by Louis Brandies, an American Supreme Court Justice in 1890. In response to the loss of privacy experienced in the nineteenth century photographs and news coverage were invading the sacred precincts of private and domestic lives.[3]

The term Privacy has an extensive meaning. It encompasses freedom of thought, confinement in a particular place, control over personal information, freedom of surveillance etc.[4] Philosophers and academic scholars have come to the realization of the strenuity in defining the concept of Privacy. According to Robert Post, *privacy is a value so complex, so entangled in competing and contradictory dimensions, so engorged with various and distinct meanings, that I sometimes despair whether it can be usefully addressed at all.'*[5] However, some scholars in an attempt to define it, emerged with some definitions.

To Culnan, 'it is the ability of an individual to control the terms under which their personal information is required and used'[6] Smith *et al* defined Privacy as 'The collection of Personal Information, authorized secondary use of personal information, errors in personal information and the improper access to personal information.'[7]

In the USA, "privacy" is used to include everything from anonymity to control over personal information, and to limiting government intrusions into the home.[8] In Europe, the term more commonly used is "data protection," and today, the various terms tend to be used synonymously worldwide.[9]

1.2. Consumers

The term Consumer has no universally acceptable definition. Its definition varies in different legal systems. The Black's Law Dictionary defines a "consumer" as a person who buys goods or services for personal, family, or household use, with no intention of resale; a natural person who uses products for personal rather than business purposes.[10] O'Grady defined a "consumer" as the final or end user of all goods and services produced in an economy.[11] To Harvey and Parry, a consumer is anyone who consumes goods or services at the end of the chain of production.[12]

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[3] J Wirtz, LO Lwin and JD Williams, 'Causes and Consequences of Consumer Online Privacy Concern' *International Journal of Service Industry Management* [2007] 18 (4) 328.
[4] DL Solove, 'Understanding Privacy, Privacy a Concept in Disarray' (Harvard University Press, London, England, 2008) 1.
[5] RC Post, 'Three Concept of Privacy' *Georgetown Law Journal* [2001] 89 (6) 2087, see also DJ Solove, 'Conceptualizing Privacy' *California Law Review* [2002] 90 1089.
[6] MJ Culnan, 'Protecting Privacy Online: Is Self-Regulation Working' *Journal of Public Policy and Marketing* [2000] 19 (1) 20.
[7] JH Smith, S Milberg and B Burke, 'Information Privacy: Measuring Individuals Concerns About Organizational Practices' *MIS Qquarterly* [1996] 20 (2) 167.
[8] J Wirtz, MO Lwin and JD Williams, 'Causes and Consequences of Consumer Online Privacy Concern' *International Journal of Service Industry Management* [2007] 18 (4) 328.
[9] *Ibid.*
[10] BA Garner, *Black's Law Dictionary* (8th edn. St Paul Minnesota, West Publishing Co Ltd, 2004) 316.
[11] O Grady, 'Consumer Remedies' *Canadian Bar Review* [1982] 60 (4) 549.
[12] BW Harvey and DL Parry, *The Law of Consumer Protection and Fair Trading* (3rd edn. London, Butterworths, 1980) 7.

In Nigeria, The Federal Competition and Consumer Protection Act[13] defines a consumer as a person who purchases goods other than for resale but does not include a person who purchases goods for manufacturing or production of other goods.[14] The Nigerian Communication Act[15] also regards a consumer as a person who subscribes to and uses a communication Service.[16]

In a nutshell, a Consumer is the last person in the chain of distribution, they buy and make use of products in the market and they are affected by every public and private decision made in the economy.

1.3. Privacy of Consumers in Electronic Transactions.

The rapid growth of the internet has made it easy for consumers to access information when they transact online. Consumers' personal information is collected and stored when transacting with the aid of cookies. These cookies are small text files which reside on the hard disc of the computer and contain stored information about the user.[17] When users browse sites using cookies, the personal information of the user is collected and stored in the website server-side database and then connected to the user on subsequent visits to such websites.[18] This collection of consumer's personal information by websites has been a growing concern to consumers. This is because when this personal information of the user is stored in the website database of the seller, there is the possibility that their personal information will be tampered with by a third party if adequate measures are not provided to prevent such breach.

In 2000, research carried out by the University of California at Los Angeles[19] found that two-thirds of American internet users and three-quarters of non-internet users fear that going online endangers their privacy.[20] It has also been agreed worldwide that the greater the perceived effectiveness of the legal and regulatory framework in place for protecting online privacy,[21] the lower the consumer's online privacy concern.[22] It is therefore necessary that to build the confidence of online users and encourage online transactions, laws should be made protecting the personal information of online consumers. The Organization for Economic Co-operation and Development[23] also recognizes the need for privacy in electronic transactions states certain principles governing privacy standards and urges both member states and non-member states to adhere to the guidelines stated when enacting laws protecting online

[13] Herein referred to as FCCPA 2018.
[14] FCCPA 2018, *section*.167(1).
[15] Herein referred to as NCA 2003.
[16] NCA.2003, *section* 157.
[17] L Edwards and J Hatcher, 'Consumer Privacy Law: Data Collection and Targeting' [2009] 1 http://www.papers.ssrn.com/so13/papers.cfm?abstractid=1435105> accessed 12 March 2022.
[18] *Ibid* 2.
[19] Hereinafter referred to as UCLA.
[20] The UCLA Internet Report 'Surveying the Digital Failure' UCLA Centre for Communication Policy (2000) http://www.ccp.ucla.ed/ucla.internet.pdf accessed 11 March 2022.
[21] J. Wirtz, M.O. Lewin, & J.D. Williams, 'Causes and Consequences of Consumer Online Privacy Concern' *International Journal of Service Industry Management* [2007] 18 (4) 333 .
[22] *Ibid* 333.
[23] Herein referred to as OECD.

consumer privacy.[24] It specified principles to be adhered to, thus; the data quality principle, collection principle, security principle, limitation principle, openness and accountability principle.[25]
Furthermore, the General Data Protection Regulation[26] gave a comprehensive provision relating to data protection, it covered the rights of the data subjects,[27] transfer of personal data to international organizations,[28] code of conduct and certification,[29] data protection officer,[30] security of personal data[31] and the responsibilities of the data controller.[32] The GDPR applies to all members of the EU and presently, it serves as a yardstick for other states outside the EU in the collection and processing of personal data.

2.0. Privacy of Consumers in Electronic Transactions in Nigeria.

Nigeria is not left out, as its constitution recognizes privacy as a right; however, not until 2023 Nigeria, had no comprehensive legislation governing privacy in the country. Thus, the laws governing privacy in Nigeria are;

2.1. The Constitution of the Federal Republic of Nigeria 1999 (as amended 2004)

The Constitution of the Federal Republic of Nigeria[33] is the principal law that governs the country. Its provisions have binding force on the authorities and persons in the Federal Republic of Nigeria.[34] It is regarded as the grundnorm and where any provision in any law of the country is inconsistent with the provisions of the Constitution, such law will be regarded as null and void.[35] The Constitution of Nigeria does not expressly provide for the privacy of consumers in electronic transactions. It rather made certain provisions for privacy as a right. Thus; it provides that "*The privacy of all citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected".*[36]

This provision protects a consumer from any form of inversion of their right to privacy. The most important incidence of the constitutional root for privacy rights is the fact that not even the National Assembly can successfully legislate to impede privacy rights, without having such legislation struck out for its inconsistency with the provisions of the Constitution. [37] However, this right to privacy can be

[24] OECD Guidelines Governing the Protection of Privacy and the Trans -border Flow of Personal Data (2013), C(80) 58/final, as amended on the 11 of July 2013 by C(2013)79, a revise of the Recommendation of the Council Concerning Guidelines Governing the Protection of Privacy and the Trans -border Flow of Personal Data of 23rd of September 1980 (C(80) 58/Final).
[25] OECD Guidelines Governing the Protection of Privacy and Trans Border Flow of Personal Data, PT 2 (2013).
[26]Herein referred to the GDPR. The GDPR is a general data protection regulation applicable in Europe and serves as a yardstick for other nations when setting out principles for data protection.
[27] GDPR 2016, *Article.* 12.
[28] GDPR 2016, *Article.* 44-50.
[29] GDPR 2016, *Article*. 40-43.
[30] GDPR 2016, *Article.* 37-39.
[31] GDPR 2016, *Article*. 32-34.
[32] GDPR 2016, *Article*. 24-31.
[33] Cap C23, LFN 2004, herein referred to as CFRN.
[34] CFRN 1999 *section*1(1).
[35] CFRN *section*1(3).
[36] CFRN 1999 *section.*37.
[37] SC Ifemeje and NM Okwuosa, 'Data Privacy Protection: Overview of the Legal Framework in Nigeria' *International Review of Law Journal* [2021] 3 (3) 112.

derogated for *"the prevention of disorder or crime, for the protection of health, morals or the protection of the rights and freedom of others"*[38].

2.2. The Nigerian Data Protection Regulation 2019

The Nigerian Data Protection Regulation[39] emanates by virtue of the provisions of the National Information Technology Development Agency Act of 2007, mandating the National Information Technology Development Agency[40] to develop regulations for electronic governance in Nigeria.[41] This regulation deals with the protection of the personal data of citizens in Nigeria in adherence with the provision of Section 37 of the Constitution of Nigeria.[42] This regulation is divided into four (4) parts and its scope, applies to all transactions dealing with processing of personal data conducted on natural persons residing in or outside Nigeria and who are citizens of Nigeria.[43] The regulation contains certain governing principles of data processing, what lawful processing entails, procuring consent, conditions for the processing of personal data etc.[44]Lastly, this section ends with the punitive fines for any breach of privacy rights of any data subject and the mode of transfer of personal data to a foreign country.[45] This regulation also provided for the rights of Data subjects and the obligations of the Data controllers to the former. These rights include; the right of the data subject to the data being processed in a concise, transparent, intelligible, and easily accessible form, using clear and plain language.[46] The right to the erasure of the information, restriction in processing the information, and the right to transfer the information to a third party…with the provision that the exercise of the foregoing rights shall conform with constitutionally guaranteed principles of law for the general protection and enforcement of fundamental rights.[47]Finally, the regulation provided for implementation mechanism of the provisions of the regulation where an Administrative Redress Panel is been set up to investigate and determine matters in cases of breach of the provisions of the regulations.

2.3. The Consumer Code of Practice Regulation 2007

The Consumer Code of Practice Regulation 2007[48], was formulated by the Nigerian Communication Commission[49] pursuant to the provision of section 70 of the NCC Act 2003, empowering the NCC to make regulations or guidelines on matters in which the NCC Act expressly makes provision for. [50] The CCPR 2007, governs the provision of services by licensed telecommunications operators and related consumer practices in Nigeria.[51] The regulation is made up of four parts, having twelve sections and

[38] CFRN 1999 *section* 45.
[39] Herein referred to as NDPR.
[40] Herein referred to as NITDA.
[41] NITDA Act of 2007 *section*. 6 (c), No.28, LFN 2004.
[42] Which provides for the protection of privacy of citizens in the country.
[43] NDPR 2019 Pt 1, *regulation*1.2.
[44] NDPR 2019 Pt 2, *regulation*.1.2.
[45] Part 2, NDPR 2019 pt2, also V Udoh and DA Olajide, 'Data Protection in Nigeria: A Review of the Nigerian Data Protection Regulation 2019 and the Need for Nigeria to Sign the African Convention on Data Protection' [2021], SSRN http://www.com/abstract=3766819 accessed 6 April 2022.
[46] NDPR 2019 Pt 3.
[47]*Ibid*.
[48] Herein referred to as CCPR.
[49] Herein referred to as NCC.
[50] NCC Act 2003 *section*. 70(2).
[51] CCPR 2007 *section*.1(1).

one schedule. The first part is on the scope and objective of the regulation, part two covers the procedure for the consumer code of practice, part three is on compliance and enforcement and part four is on miscellaneous provisions. The first schedule of the CCPR contains the General Consumer Code of Conduct stipulated under the CCPR of 2007. The GCCP provided under the CCPR 2007 includes;

- Licensees should make available on demand a copy of the contract/agreement for the provision of services they offer to the consumer.[52]
- The consumers should be accurately informed of the services the licensees are offering in clear and unambiguous language. Considering the quality of the services, refund or compensation provisions if any, where services are packaged, the prices for such etc.[53]
- Where services are subject to upgrade or migration options, Consumers shall be provided with clear and complete information in regard to that.[54]
- Before a contract is entered into, the licensees should inform the consumer of the applicable rates or charges for the services.[55]
- The contract of service should be documented, having the date of its commencement, duration of the services to be rendered, conditions for termination, etc.[56]

While the standard to be adhered to by the licensees as provided by the GCCP is numerous, the CCPR 2007, provides for compliance with the Regulation and any licensee in default of the provisions of these Regulations will be liable to fines, sanctions, penalties,[57] including any penalties determined under the Nigerian Communications Act (Enforcement Processes, etc.) Regulations 2005.[58]

2.4. The Central Bank of Nigeria Regulation 2016

This regulation provides for data protection and privacy of consumers in the banking sector. Thus, it provides for the privacy and confidentiality of consumer information, ensures the consumers give consent before collecting and processing their data, prohibition to transfer of personal data to third parties without the express consent of the customer, informs consumers whenever data is exchanged *ex cetera*.[59]

2.5. The Nigeria Data Protection Act 2023.

This Act is one of the earliest assented Bills upon the assumption of office of Bola Ahmed Tinubu as President of the Federal Republic of Nigeria in June 2023. It is the first legislation covering the Privacy of electronic transactions in Nigeria. Its scope of operation applies to the processing of personal data whether or not by automated means.[60] The Act requires the collection and processing of personal data to be done lawfully and transparently.[61] Data collectors and data processors are also mandated to

[52] CCPR 2007 1st schedule, *section* 7 of GCCP.
[53] CCPR 2007 1ST schedule, *section* 8 of the GCCP.
[54] CCPR 2007 1st schedule, *section* 8(5) of the GCCP.
[55] CCPR 2007, 1ST schedule, *section* 9 of the GCCP.
[56] CCPR 2007 1ST schedule, *section* 10 of the GCCP.
[57] CCPR 2007 *sections* 8 & 9.
[58] A subsidiary regulation of the NCC for its enforcement procedures.
[59] CBN Consumer Protection Regulation <https//www.cbn.gov.ng.>out.2016.cfpd. accessed 3 February 2025.
[60] NDPA 2023, *section* 2.
[61] *Ibid section* 25 (1) (a)-(f).

implement appropriate technical and organizational measures to ensure the security, integrity and confidentiality of personal data in its possession or under its control including protection against accidental or unlawful destruction, alteration, loss, misuse or unauthorized disclosure.[62] The Act made provisions for legal proceedings, enforcement and penalties. It also established a commission to ensure compliance with the provision of the Act, with a mandate that data processors/controllers should register with the commission and pay dues yearly to the commission.

3.0. Privacy Issues in Electronic Transactions in Nigeria

Prior to the enactment of the Nigeria Data Protection Act of 2023, Nigeria had no legislation covering the Privacy of Electronic Transactions in the country. What was in operation were pocket regulations enacted by statutory bodies in order to incorporate and coordinate electronic transactions in the country. Thus, section 37 of the CFRN, the Consumer Code of Practice Regulation 2007, the Central Bank of Nigeria Regulation 2016 and the Nigeria Data Protection Regulation 2019.

Sec 37 of the Constitution of Nigeria is mainly a fundamental human rights provision and is not sufficient enough to cover online transactions. It has been argued to be contentious and ambiguous considering its scope, which could lengthen judicial processes.[63] The Consumer Code of Practice Regulation 2007, is been formulated by the NCC pursuant to section 106 of the NCA of 2003. This regulation provided some consumer code of practice requirements to be adhered to by telecommunication operators in the course of carrying out their services in the country. It includes among others the aspect of ensuring adequate privacy of personal data collected about consumers, stating the purpose of the collection of the data and also non-disclosure of such data to a third party without the prior consent of the consumer or the appropriate authority. The Consumer Protection Framework issued by the Central Bank of Nigeria in 2016 on the other hand, contains provisions that restrain financial institutions from disclosing the personal information of their customers thereby covering an aspect of privacy.[64] However, the Consumer Code of Practice Regulation 2007 and the Central Bank of Nigeria Regulation 2016 are not suitable for electronic transactions as their scope is limited only to telecommunication operators and also the banking industry respectively.

The NDPR 2019 provided a more comprehensive provision covering data protection in the country. It is a subsidiary Legislation and presumed to be couched from the GDPR. It was formulated by National Information Technology Development Agency[65] pursuant to section 6(c) of its enabling Act,[66] in the course of carrying out their functions specified under the Act. The NDPR of 2019, though formulated to cover data privacy in the country by NITDA, is still been evident with irregularities and non-compliance in its provisions. The NDPR;

[62] *Ibid section* 40.
[63] O Abiodun, 'Data Misuse, Data Theft and Data Protection in Nigeria: A Call for a More Robust and More Effective Legislation' *Beijing Law Review* [2021] 12 (4) https://www.scrip.org/journal/paperinformation.aspx?paperid=114265 accessed 23 June 2022.
[64] E Ekweozor, 'An Analysis of the Data Privacy and Protection Laws in the Nigeria' [2020] https://www.papers.ssrn.com/ssrn 3639129> accessed 29 June 2022.
[65] Herein referred to as NITDA.
[66] NITDA Act 2007.

First, restricted protection under the regulation to cover only natural persons, neglecting the fact that artificial persons such as institutions and organizations can also be victims of privacy breaches.[67] Research recently has shown that more than eight in every ten organizations in Nigeria have been victims of privacy breaches Nigeria companies are presently ranked 2nd in cyberattacks globally.[68]

Secondly, it was just restricted to personal data collection, whereas, there are non-personal data, electronic data etc. Some proponents posit the existence of qualitative and quantitative data,[69] while others insist on descriptive, prescriptive, and predictive data collection depending on what classification they intend to use[70]

Furthermore, it only stated penalties for breaches but was silent on the remedies for breach of data privacy[71]and also no requirement to report privacy breaches to the authorities or data subjects.[72] It only provides that data controllers are been mandated to ensure that there are security measures to prevent privacy breaches.[73]

The aspect of non-compliance with the provisions of the NDPR has always been a concern in Nigeria. For instance, the provisions of the NDPR stipulated consent of the data subject prior to the collection of their data, also stating the purpose of the collection of the data and consent before giving details of that data to a third party. The reverse is the case in practice, where consent has been abused frequently. The data collectors often take advantage of the data saddled on them and issue unauthorized access to anyone they deem fit without the consent of the data subject. An example is the recent case where the immigration services published the data page of the international passport of a Nigerian, resident in the UK on social media without the consent of the data subject or disclosing the name of the 3rd party in the audit report to the Data Protection Compliance Organization[74] as specified under the NDPR, yet no reported sanction has been issued on the immigration services.[75] Also, the cases of continuous violations by money lenders in the country, where they get all the phone contacts of the data subject and send incriminating messages of the data subject to the phone contacts, thereby infringing on the fundamental human right of the data subject. With the list being unexhaustive, non-compliance with the provisions of the NDPR by data collectors the irregularities in its provisions coupled with the inadequate mechanism for enforcement has increased the issue of lack of privacy in online transactions in the country.

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[67] NDPR 2019, section 1.0(a).

[68] E Paul, Nigerian Companies Rank 2nd in Global Cyberattacks, July 17, 2020 https://www.techpoint.africa/2020/07/17/nigerian-companies-global-cyberattacks> accessed 23 June 2022.

[69]O Babalola, 'My Thoughts on the NDPR 2019 4th March, 2020. <https://www.mondaq.com/nigeria/privacy-protection/900174/my-thoughts-on-the-nigeria-data-protection-regulation-ndpr-2019> accessed 23 June 2022.

[70] *Ibid.*

[71] *Ibid.*

[72] S Oyewole and A Salami, 'Law in Nigeria: DLA Piper Data Protection Laws of the World https://www.dlapiperdataprotection.com/index.htlm> accessed 23 June 2022.

[73] NDPR 2019, section 2.6

[74] Herein referred to as DPCO.

[75] B Olumide, 'Data Protection and Privacy Challenges in Nigeria (Legal Issues)' 2020, https://www.mondaq.com/nigeria/dataprotection/901494/data-protection-and-privacy-challenges-innigeria-legal-issues accessed 29 June 2022. See also MC Diyoke and ST Edeh, 'The Analysis of Data Protection and Compliance in Nigeria' *International Journal of Research and Innovation in Social Science* [2020] 4 (5) 381.

3.1. Privacy Issues with the Nigeria Data Protection Act 2023

With the commencement of the Nigeria Data Protection Act of 2023, it was anticipated that it would curb and handle a lot of privacy issues arising from electronic transactions since it is the first comprehensive legislation on the privacy of electronic transactions in the country. However, it is eminent with certain fundamental issues that need urgent attention;

i. The Ambiguous Nature of the Provisions of the Act
The use of ambiguous and open-ended phrases in some provisions of the Act will result in a lot of enforcement issues.[76] Phrases like; 'Data Controller and Data Processors of major importance' will result in great difficulty in ascertaining who is of major importance, whether a data controller or a data processor.[77] Other ambiguous phrases include; 'Legitimate interest'[78] and 'persons capable of giving consent'[79]

ii. Independence of the Supervisory Authority
The NDPA 2023, created a supervisory authority; the Commission, and made a provision in section 7 of the Act to be independent. It also provided that the appointment and removal of its members shall be subject to the approval of the president.[80] This is worth questioning whether, in reality, the commission is independent, bearing in mind its composition and the possible influence that the president can have on its members.

iii. Jurisdictional Issues. The Act was unclear as to which court had jurisdiction to handle issues arising from the Act. It Act just defined the term court to be 'any court of competent jurisdiction' without an express indication of which court in particular has jurisdiction to handle disputes arising from the Act. This is a potential issue that will be highly contentious bearing in mind that in Nigeria, each court has specific areas where it is ascertained with jurisdictions.

4.0 Conclusion

Lack of Privacy of online consumers has been an issue prevailing in Nigeria. It has long been argued to be associated with the inadequate legislative provisions in the country. The enactment of the Data Protection Act of 2023 is a welcoming step in enhancing online privacy as it provides more comprehensive provisions for privacy protection compared to other data protection regulations. Notwithstanding this, if those notable issues of the Act are not tackled, the after-effect will be more abuses of the privacy of online consumers in Nigeria.

[76] EO Adeoti, 'A New Era of Data Protection and Privacy: Unveiling Innovations and Identifying Gaps in the Nigeria Data Protection Act of 2023' (2023) https://www.papers.ssrn.com accessed 5 February 2025.
[77] *Ibid*.
[78] NDPA 2023 Section 25(1)(b) and (v).
[79] NDPA 2023, Section 31.
[80] NDPA 2023, Section 9 and section 11.