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Navigating Digital Marketing and Data Privacy in Nigeria: Lessons from the EU General Data Protection Regulation

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Abstract

Nigeria has witnessed exponential growth in digital marketing driven by increased internet penetration and smartphone adoption. Businesses increasingly depend on digital marketing and targeted advertising that relies on consumer data collection and processing. While this data-driven approach creates unique opportunities for businesses to target and engage consumers, it raises significant concerns about consumer data privacy rights and protection. This need to protect these rights has prompted countries worldwide, including Nigeria, to establish legal frameworks for consumer data privacy protection. This study examined the complex relationship between digital marketing practices and data privacy regulations within Nigeria's legal framework, using the European Union's General Data Protection Regulation (GDPR) as a benchmark for comprehensive data protection legislation. The research employed a mixed-methods approach, distributing online survey questionnaires to 787 randomly selected Nigerian respondents. The study used descriptive and analytical statistics to analyze responses. The study revealed that while Nigeria has made significant progress in developing data protection standards, improvements are needed in areas such as specific authorization requirements for marketing activities, enforcement of data subject rights, and sanctions frameworks for non-compliance. Additionally, while Nigerians are aware of digital marketing operations, including targeted advertising, they largely lack awareness of existing data protection laws and privacy policies. The study recommended enhancing public awareness of data protection rights, implementing robust cybersecurity measures against data breaches, and strengthening existing regulatory frameworks for data protection.

***Keywords**: Data Privacy, Digital Marketing, Data Protection, Law and Technology, Artificial Intelligence*

Introduction

The digital transformation of society has disrupted human activities and businesses, creating opportunities that promote commercial activities worldwide.[1] Thus, companies and businesses that want to stay relevant and thrive in a competitive market must keep up with this digital transformation.[2] Unlike traditional marketing, digital marketing can reach wider audiences.[3] Primarily, the introduction of digital technologies in the conduct of business activities by companies and brands helps to solve the challenge of efficiency and effectiveness,[4] whereas businesses that fail to develop, implement, and adopt digitalization strategies may be unable to meet customer demands, making it unlikely they can compete well in the new digital reality.[5] Notably, the emergence of COVID-19 seems to have played a pivotal role in accelerating this phenomenon.[6]

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[1] Oanh Thi Nguyen, "Factors Affecting the Intention to Use Digital Banking in Vietnam," *The Journal of Asian Finance, Economics and Business* 7, no. 3 (March 2020): 303–10, https://doi.org/10.13106/jafeb.2020.vol7.no3.303.

[2] Todd J. Bacile, "Digital Customer Service and Customer-to-Customer Interactions: Investigating the Effect of Online Incivility on Customer Perceived Service Climate," *Journal of Service Management* 31, no. 3 (June 2020): 441–64, https://doi.org/10.1108/JOSM-11-2018-0363.

[3] Selcuk Okdem and Sema Okdem, "Artificial Intelligence in Cybersecurity: A Review and a Case Study," *Applied Sciences* 14, no. 22 (November 14, 2024): 10487, https://doi.org/10.3390/app142210487; Nachaat Mohamed, "Current Trends in AI and ML for Cybersecurity: A State-of-the-Art Survey," *Cogent Engineering* 10, no. 2 (December 2023), https://doi.org/10.1080/23311916.2023.2272358.

[4] Jinglin Xiao et al., "Overcoming Barriers and Seizing Opportunities in the Innovative Adoption of Next-Generation Digital Technologies," *Journal of Innovation & Knowledge* 9, no. 4 (October 2024): 100622, https://doi.org/10.1016/j.jik.2024.100622.

[5] Ciara Heavin and Daniel J. Power, "Challenges for Digital Transformation – towards a Conceptual Decision Support Guide for Managers," *Journal of Decision Systems* 27, no. sup1 (May 2018): 38–45, https://doi.org/10.1080/12460125.2018.1468697.

[6] Anjar Priyono, Abdul Moin, and Vera Nur Aini Oktaviani Putri, "Identifying Digital Transformation Paths in the Business Model of SMEs during the COVID-19 Pandemic," *Journal of Open Innovation: Technology, Market, and Complexity* 6, no. 4 (December 2020): 104, https://doi.org/10.3390/joitmc6040104; Huwei Wen, Qiming Zhong, and Chien-Chiang Lee, "Digitalization, Competition Strategy and Corporate Innovation: Evidence from Chinese Manufacturing Listed Companies," *International Review of Financial Analysis* 82 (July 2022): 102166, https://doi.org/10.1016/j.irfa.2022.102166.

In recent years, one aspect of commercial activity that has been largely affected by technology is marketing. There has been a global upsurge in the acceptance of data-driven marketing, which enables personalized and targeted advertising.[7] However, the operation of digital marketing increasingly relies heavily on the collection and processing of consumers' data, which today has raised significant concerns about privacy rights and data protection, prompting various countries around the world to develop regulatory framework(s) for the collection, processing, and sharing of consumers' personal data.[8] As consumers' awareness of the collection and use of personal information increases, businesses must navigate a complex web of regulations while remaining competitive in their marketing strategies.[9]

Furthermore, the proliferation of digital technologies has transformed how companies interact with consumers, enabling unprecedented access to data that informs marketing strategies.[10] However, this capability comes with significant ethical and legal responsibilities. Firms have access to vast amounts of consumer data, from basic identifiers such as names and email addresses to more intricate datasets that include behavioral patterns and preferences.[11] Such data is invaluable for creating targeted marketing campaigns that enhance customer engagement and drive sales. Yet this data collection raises critical questions about privacy, consent, and individuals' rights over their personal information. As governments and

[7] Im Ha Na, Yoo In Jae, and Park In Hwa, "Personalized Digital Marketing Strategies: A Data-Driven Approach Using Marketing Analytics," *Journal of Management and Informatics* 4, no. 1 (April 2025): 668–86, https://doi.org/10.51903/jmi.v4i1.149.
[8] Hoda M. Aboalsamh, Laith T. Khrais, and Sami A. Albahussain, "Pioneering Perception of Green Fintech in Promoting Sustainable Digital Services Application within Smart Cities," *Sustainability* 15, no. 14 (July 24, 2023): 11440, https://doi.org/10.3390/su151411440;
[9] Thomas P. Novak Donna L. Hoffman, "Information Privacy in the Marketspace: Implications for the Commercial Uses of Anonymity on the Web," *The Information Society* 15, no. 2 (May 1999): 129–39, https://doi.org/10.1080/019722499128583.
[10] Albérico Travassos Rosário and Joana Carmo Dias, "How Has Data-Driven Marketing Evolved: Challenges and Opportunities with Emerging Technologies," *International Journal of Information Management Data Insights* 3, no. 2 (November 2023): 100203, https://doi.org/10.1016/j.jjimei.2023.100203.
[11] Arfi Azhari, "Legal Review Of Consumer Law Protection On Personal Data On Digital Platform," *Indonesia Private Law Review* 2, no. 1 (March 2021): 59–72, https://doi.org/10.25041/iplr.v2i1.2189.

regulatory bodies respond to the challenges posed by the digital economy, many have implemented stringent privacy laws aimed at protecting consumer rights and holding organizations accountable for their data practices.[12]

In Nigeria, like the rest of the world, businesses increasingly rely on digital marketing, leveraging social media platforms, email, and other digital channels to advertise their products and reach customers worldwide.[13] As digital marketing thrives, breaches of data privacy rights are increasing, raising concerns about the effectiveness of Nigeria's existing legal framework for digital marketing and data privacy rights.[14] Nigeria's data protection laws appear to be struggling to keep pace with the exponential growth of digital technologies, subjecting many vulnerable consumers to identity theft, data theft, data breaches, illegal data transfers, confidentiality breaches, and other forms of exploitation and rights infringements.

That being said, in the global community, the European Union's (EU) General Data Protection Regulation has been applauded for providing a robust framework for the safeguarding of consumers' personal data, including the issue of consent, setting a new standard for the regulation of data protection policies, regulations, or laws globally.[15]

Thus, the novelty and urgency of this study are anchored in the overwhelming legal problems surrounding the current regulatory architecture of data privacy in the context of digital marketing in Nigeria. The study's novelty is further demonstrated by its hybrid methodological approach. Therefore, the novelty of this

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[12] Md Nazrul Islam Khan, "Cross-Border Data Privacy And Legal Support: A Systematic Review Of International Compliance Standards And Cyber Law Practices," *American Journal of Scholarly Research and Innovation* 04, no. 01 (January 2025): 138–74, https://doi.org/10.63125/a4gbeb22.

[13] Aneka Rahma et al., "Policy Implications of the TikTok Shop E-Commerce Platform in the Contemporary Era: A Siyasah Syar'iyyah Perspective," *MILRev: Metro Islamic Law Review* 3, no. 2 (December 2024): 343–63, https://doi.org/10.32332/milrev.v3i2.9859.

[14] Miracle Eze, "Digital Marketing in Emerging Economies: A Comparative Study of Consumer Engagement Strategies in Nigeria and South Africa," *International Journal of Marketing Studies* 16, no. 2 (November 2024): 65, https://doi.org/10.5539/ijms.v16n2p65.

[15] Naeem AllahRakha, "Cybersecurity Regulations for Protection and Safeguarding Digital Assets (Data) in Today's Worlds," *Lex Scientia Law Review* 8, no. 1 (September 2024): 405–32, https://doi.org/10.15294/lslr.v8i1.2081.

study lies in combining doctrinal and non-doctrinal research methods, which deepens the quality of the study's outcome. While previous studies relied heavily on the doctrinal method, largely focused on analyzing existing laws governing data privacy and digital marketing, this study supports doctrinal analysis with empirical data collected from primary users and relevant stakeholders. For context, this mixed-methods study enhances a detailed evaluation of the regulatory frameworks on data privacy and digital marketing and how they are practically enforced. This approach ensures research is grounded in evidence and produces evidence-based recommendations.

Furthermore, this study is premised on three major identified legal issues. The first issue is that Nigeria's existing data privacy regulatory framework appears to have normative gaps. For instance, while the two primary legislations on data privacy in Nigeria have been lauded for great achievements, they suffer certain deficiencies such as the clear absence of specific provisions protecting children's data, the absence of civil solutions for individual data subjects, and the duty of those playing supervisory roles to offer feedback to anyone who complains about a data breach.

The second legal problem is that the side-by-side operation of the Nigerian Data Protection Regulations, 2019 and the Nigerian Data Protection Act, 2023 creates regulatory confusion. Unfortunately, previous studies did not fully address the harmonization of these laws. The third issue is the implementation deficit. Based on the empirical evidence gathered in this study, the existing regulatory framework on data privacy and digital marketing in Nigeria is ineffective because Nigerians are not even aware that these laws exist, which undermines their effectiveness.

Interestingly, beyond the legal issue identified above, this study seeks to address a significant gap. Following the enactment of the NDPA, previous studies have inadequately addressed how the Act measures up to global benchmarks on data privacy. These issues are a regulatory crisis that requires urgent research attention. Hence, this study.

Thus, this study addresses the gaps identified so far by exploring the intersection of digital marketing and data privacy under Nigerian law, drawing lessons from the EU's General Data Protection Regulation to ensure that Nigerian consumers are effectively protected in the digital economy. To achieve this, the study will answer the following research questions: To what extent does the current legal framework on data privacy address the problems of digital marketing, and what reforms are required to reduce the structural, normative, and implementation gaps identified?

Methods

This study used a hybrid research method that integrated both doctrinal and non-doctrinal legal research. The doctrinal method involved content analysis of both primary and secondary sources of law addressing digital marketing and data privacy in Nigeria and generally. Primary sources included existing legislation, regulations, and judicial precedents related to the ethical and legal issues surrounding digital marketing and data privacy in Nigeria. Similarly, secondary sources included scholarly works on digital marketing and data privacy, which were thoroughly examined to understand the current state of knowledge on digital marketing and data privacy generally and the dimensions of the global discussion on the subject.

The non-doctrinal method, on the other hand, involved the collection of data through an electronic questionnaire, i.e., a Google Form, to interrogate the public perception of digital marketing in Nigeria and the extent of awareness of the issue of data privacy and the existing regulatory framework for the protection of data privacy rights in Nigeria. This approach helped to obtain firsthand information on the public response to digital marketing and the collection and processing of their personal data. The data obtained were then subjected to descriptive and analytical methods to draw logical conclusions about the operation of digital marketing and the ethical issues surrounding the processing of personal data.

For context, the data used for this study were collected electronically through a questionnaire administered via Google Forms. A non-probability convenience sampling method was used in this study. Because the questionnaire was electronically distributed, respondents self-selected into the study, a core feature of convenience sampling. Thus, 787 respondents from different parts of Nigeria and across various age groups participated in the questionnaire.

To ensure the research instrument was reliable and valid, the study established face validity by having two researchers with expertise in data protection law and empirical research review the questionnaire before it was administered. The study also deliberately integrated the experts' responses and feedback to ensure that each question sufficiently measured the intended construct. Regarding content validity, the study ensured alignment between the questionnaire content and the study's objective, as well as the concepts drawn from the regulatory frameworks examined.

Discussion

Legal Framework of Digital Marketing and Data Privacy in Nigeria

The advancement of technology and its impact on commercial activities through the emergence of digital marketing has raised concerns about data privacy breaches, calling for the protection of every Nigerian's data privacy.[16] Concerns have emerged about the need for a clear regulatory framework that addresses the collection, use, and processing of every individual's information or personal data. Thus, this regulatory framework aims to establish ethical standards for the collection and processing of personal data, boost public trust in companies' commercial activities, promote confidentiality, integrity, and transparency in the use of individuals' personal data, and ensure compliance with global standards for data

[16] Gold Nmesoma Okorie et al., "Ethical Considerations in Data Collection and Analysis: A Review: Investigating Ethical Practices in Modern Data Collection and Analysis," *International Journal of Applied Research in Social Sciences* 6, no. 1 (January 2024): 1–22, https://doi.org/10.51594/ijarss.v6i1.688.

privacy and security. Thus, the relevant laws that regulate the operation of digital marketing and data privacy in Nigeria will be duly considered

1) Constitution of the Federal Republic of Nigeria, 1999

Section 4 of the 1999 Constitution confers on the National Assembly the power to enact laws for the good governance of the country. Therefore, legislative action by the National Assembly becomes pivotal in formulating comprehensive legal frameworks that regulate the practice of telemedicine, ensuring ethical standards, patient safety, healthcare professional accountability, and technological standards. The Constitution, particularly Chapter IV, establishes fundamental rights, including citizens' right to privacy.[17] For clarity, Section 37 guarantees citizens' privacy, including their correspondence and communications. In the context of data privacy, this provision underscores the importance of maintaining the confidentiality and data privacy of every person in Nigeria, especially information transmitted electronically, necessitating robust data protection measures and secure communication platforms in digital marketing practices.

Nigerian courts have consistently interpreted Section 37 of the Constitution of the Federal Republic of Nigeria as encompassing data privacy violations. The Court of Appeal in *Emerging Market Telecommunication Services v Barr. Godfrey Nya Eneye* upheld the decision of the Federal High Court.[18] In that case, the claimant instituted an action against the telecommunications company for exposing his data to a third-party company that constantly sends unsolicited text messages to his phone number. The court held that the defendant violated the claimant's data privacy right under section 37 of the Constitution.

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[17] Oluwaseye Oluwayomi Ikubanni et al., "Covid-19 and the Growth of Telemedicine in Nigeria: Prospect, Legal Issues and Challenges," *Jurnal Hukum Magnum Opus* 8, no. 2 (August 2025): 220–41, https://doi.org/10.30996/jhmo.v8i2.13104.

[18] Felix Emmanuel, "Incorporated Trustees of Digital Rights Lawyers Initiative & Ors v National Identity Management Commission: A Milestone towards a Human Right-Based Approach to Data Protection in Nigeria," *The Nigerian Juridical Review* 16 (June 2022): 306–14, https://doi.org/10.56284/tnjr.v16i1.24.

Finally, Section 39 makes a groundbreaking provision that encourages the enactment of laws to regulate the use of digital marketing and protect data privacy. Accordingly, Section 39(3) provides thus:

> *"Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society-*
>
> *(a) For the purpose of preventing the disclosure of information received in confidence, maintaining the authority and independence of courts or regulating telephony, wireless broadcasting, television or the exhibition of cinematograph firms…"*

This provision encourages the enactment of any law that prevent the disclosure of information received in confidence, such as the unlawful obtaining and use of anyone's data or information for digital marketing without their consent. Within the context of the 1999 Constitution, data connotes information about an individual that is often received by reason of privilege. Thus, the 1999 Constitution lays the groundwork for laws that regulate personal data and protect individuals' right to data privacy in the era of digital marketing.[19] The Constitutional framework of rights and freedoms provides the scaffold for legislative and regulatory developments in Nigeria, guiding the formulation of laws and policies governing digital marketing and data privacy. Although the 1999 Constitution of Nigeria provides a broad foundation for regulating digital marketing strategies and protecting every individual's data privacy rights, it lacks specific provisions on digital marketing and data privacy regulations in Nigeria. However, judicial interpretation of data protection rights has largely been extrapolated from the constitutional right to privacy.[20]

2) **Nigerian Data Protection Act, 2023**

As evident in Section 2 the Nigerian Data Protection, 2023 (herein referred to as "The NDPA"), the Act has a broad scope of application as it applies where the data

[19] Ahmed Arafa, Haytham A. Sheerah, and Shada Alsalamah, "Emerging Digital Technologies in Healthcare with a Spotlight on Cybersecurity: A Narrative Review," *Information* 14, no. 12 (November 2023): 640, https://doi.org/10.3390/info14120640.
[20] Abba Amsami Elgujja, "A Synopsis on Data Protection under the Nigerian Laws: Has the Universality of Right to Privacy Trickled Down to Nigeria?," October 2020, https://doi.org/10.31219/osf.io/fk5xg.

controller or data processor is either domicile, resident, or operating in Nigeria; where the personal data is being processed in Nigeria, or in instances where the data processor or data controller is not domicile, resident, or operates in Nigeria but it is processing the data of subject who is resident in Nigeria. This implies broad coverage that transcends the borders of the Nigerian State.[21] However, the Act does not apply to the processing of personal data by any person or persons for personal use or the use of the household, provided it does not violate the fundamental rights to privacy of the data subject guaranteed in the Constitution of Nigeria.[22] The provision of Section 24 of the Act unambiguously establish both the ethical and legal standards required of a data processor in the collection and processing of personal data of a subject. Explicitly, Section 24(1) mandates the data controller or processor to ensure a fair, lawful, and transparent processing of personal data of a data subject and not to use the personal data of a data subject for any other purpose other than the legitimate and explicit purpose(s) for which it was obtained. Furthermore, Section 24(1) frowns at the collection of data in excess of what is required and retention of same for a period longer than necessary. These provisions are pivotal to the collection and processing of personal data of data subjects in digital marketing.[23]

The processing of personal data of a data subject raises some privacy concerns that requires compliance with some ethical standards that secures the privacy of the data subject.[24] Section 24(2) and Section 39 address this concern when they mandate a data processor to ensure the adoption of technical measures and

[21] Victor Chibuike Obikaeze and Emeka C. Iloh, "Post-Colonial Nigerian State and Complexities of Irregular Cross-Border Migration," *Journal of Contemporary International Relations and Diplomacy* 4, no. 2 (December 2023): 787–804, https://doi.org/10.53982/jcird.2023.0402.03-j.
[22] Christine Clement Ende, "Examining the Role and Liabilities of Law Firms for Breaches of Data Privacy: A Cursory Appraisal of the Nigeria Data Protection Act (NDPA) 2023," *Global Journal of Social Sciences* 24, no. 3 (November 2025): 385–97, https://doi.org/10.4314/gjss.v24i3.7.
[23] D. J. Harriss, C. Jones, and A. MacSween, "Ethical Standards in Sport and Exercise Science Research: 2022 Update," *International Journal of Sports Medicine* 43, no. 13 (December 2022): 1065–70, https://doi.org/10.1055/a-1957-2356.
[24] Marc Pelteret and Jacques Ophoff, "A Review of Information Privacy and Its Importance to Consumers and Organizations," *Informing Science: The International Journal of an Emerging Transdiscipline* 19 (2016): 277–301, https://doi.org/10.28945/3573.

organizational policies that guarantee the confidentiality and integrity of personal data. Thus, by this provision, digital marketers are under a legal mandate to put in place technical measures that safeguard the confidentiality of the personal data of data subjects, notwithstanding that the data subject consented to the use of their data. Consent is very critical to the collection and processing of personal data for digital marketing.[25] Therefore, Section 25(1) states explicitly that the consent of the data subject is integral to a lawful processing of the personal data for digital marketing. This consent must not be withdrawn and the consent must be given for the specific purpose for which the data was to be processed. This means that where a data subject consents to the processing of his or her data for a particular purpose, such data must not be processed for a purpose different from the one for which consent was granted. Otherwise, the data collector or data processor may be said to have obtained the consent by fraud or misrepresentation. However, in other instances where consent is of the data subject is not required, it must be shown that the processing of the personal data is necessary in compliance with legal obligations imposed on the data collector or data processor, protection of the interest of the data subject or another, and so on. Section 30 has similar provision.

3) **Nigerian Data Protection Regulation 2019**

The Nigerian Data Protection Regulation (NDPR) 2019 is arguably the pioneer and most comprehensive guideline for safeguarding personal data and delineating individuals' rights regarding their data. The NDPR was issued on 25th January 2019 by the National Information Technology Development Agency pursuant to Section 6(a) and (c) of the National Information Technology Development Agency Act (NITDA Act), 2007. The impact of NDPR on digital marketing, data security, and data privacy in Nigeria is significant and multifaceted. Accordingly, Section 1.1 unambiguously laid down the primary objectives of the NDPR which includes the

[25] Roland Akindele, "Data Protection in Nigeria: Addressing the Multifarious Challenges of a Deficient Legal System," *Journal of International Technology and Information Management* 26, no. 4 (December 2017): 110–25, https://doi.org/10.58729/1941-6679.1332.

preservation natural persons' rights to data privacy; promotion of safe behaviour for activities involving the dissemination of personal data; prevention of personal data manipulation; and ensuring that Nigerian companies maintain their competitiveness in global trade by providing them with the protections provided by a fair and just legal regulatory framework on data protection that is in line with best practices.

Regarding the scope of application of the Regulation, Section 1.2 explicitly states that the Regulation applies to all transactions necessary for the processing of personal data, irrespective of the means used, affecting natural persons in Nigeria. While Section 1.2 Paragraph b clearly articulates that the Regulation applies to all natural persons who are either resident in Nigeria or resident outside Nigeria but a citizen of Nigeria, Paragraph C of Section 1.2 places a strong emphasis on safeguarding the rights of every person to their privacy as guaranteed under any legislation, policy, regulation, or contract in Nigeria or any country other than Nigeria. For avoidance of doubt and clarity, Section 1.3 offers the definition of "personal data" in order to aid the interpretation of the Regulation by a court of law or any other body or person and to aid the understanding any other existing law on personal data protection in Nigeria.

The operation of digital marketing may sometimes require the engagement of third-party platforms or service providers[26]. Thus, such third-party organizations may come in contact with people's data, thereby raising concern about the potential breach of data privacy rights. Thus, Section 2.7 mandates explicit contracts between data controllers and these third parties to ensure compliance with data protection standards. This stipulation is crucial for maintaining data integrity and security within digital marketing partnerships. Furthermore, by virtue of Section 2.9, any interpretation of the data privacy right of any person whose data has been obtained

[26] Jiancheng Ye, Lu He, and Molly Beestrum, "Implications for Implementation and Adoption of Telehealth in Developing Countries: A Systematic Review of China's Practices and Experiences," *Npj Digital Medicine* 6, no. 1 (September 2023): 174, https://doi.org/10.1038/s41746-023-00908-6.

must be to the advancement of such privacy right and not the restriction or prohibition of such rights. Thus, granting individuals rights over their data, including access, rectification, erasure, and restriction of processing, is a cornerstone of the regulation in.[27] In the context of digital marketing, this empowers any person whose personal data has been obtained with total control over their data, allowing them to rectify inaccuracies and request data deletion, thereby enhancing autonomy.[28]

4) Cybercrimes (Prohibition, Prevention, etc) Act, 2015

The Nigerian Cybercrimes Act is one of the principal pieces of legislation that regulates and protects data privacy rights in Nigeria. This is evident from the objectives of the Act which are specifically stated under Section 1 of the Act. Section 1(c) specifically states that the Act enhances the promotion of cybersecurity and the protection of computer systems and networks, including electronic communications, data, and privacy rights.[29] Section 38 imposes mandatory obligations on service providers, including digital marketers, to keep customers' data for a period not more than 2 years, and the data may only be released on the request of any law enforcement agency through any of its authorized officers, provided that the latter guarantees the right to privacy of the subscriber under Section 37 of the Constitution of Nigeria.[30] By virtue of Section 38(6) of the ACT, any violation of the provision attracts a fine of #7, 000, 000 or imprisonment for a period not more than 3 years or both.

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[27] Opeyemi Shokunbi, Michael Agbaje, and Emmanuel Ogu, "Measuring Nigeria Data Protection Act (NDPA) 2023 Compliance In Nigerian Universities: A General Compliance Index And Evidence Of Institutional Decoupling," *Fudma Journal of Sciences* 10, no. 6 (March 2026): 291–96, https://doi.org/10.33003/fjs-2026-1006-5085.

[28] Ale Felix et al., "Strengthening Data Privacy and Protection in Nigeria: Recommendations for a Comprehensive Approach," 2025, 27–38, https://doi.org/10.2991/978-94-6463-644-4_4.

[29] Abiodun Odusote, "Data Misuse, Data Theft and Data Protection in Nigeria: A Call for a More Robust and More Effective Legislation," *Beijing Law Review* 12, no. 04 (2021): 1284–98, https://doi.org/10.4236/blr.2021.124066.

[30] Onyeka Igwe, "Charting a Bye-Pass to Section 9 of the 1999 Constitution of Nigeria Through the Convocation of the National Conference: Massaging the Soul of the Grundnorm," *SSRN Electronic Journal*, 2014, https://doi.org/10.2139/ssrn.2495652.

Furthermore, Section 29 (1) is explicit on the liability of a corporate body or a service provider for the illegal use of consumers' data or security code for any financial gain. This is a criminal offense that attracts a fine of #5,000,000. However, by Section 29(2) (c), where the offence is committed by an individual, he or she shall be sentenced to a term of imprisonment not exceeding 7 years or fine of #5, 000, 000.00 or both.

5) National Identity Management Commission Act 2007

The National Identity Management Commission (NIMC) Act 2007 was enacted primarily to establish the National Identity Database and the National Identity Management Commission. By Section 26 (1) (a) of the Act, individuals or corporate bodies are prohibited from accessing the personal data of any other individual except with the authorization of the Commission, subject to the consent of the data owner. However, under Section 26(2), the Commission may divulge or disclose an individual's data or information without their consent where it is desirable in the interest of national security or the prevention and detection of crime. Section 28(1) criminalizes unauthorized access to data or information contained in the database, while Section 28(2) penalizes this offense with up to 10 years' imprisonment. This demonstrates the Nigerian government's zero tolerance for violations of citizens' data privacy rights.

Empirical Assessment of the Operation of Digital Marketing and Data Privacy Concerns in Nigeria

1) Sampling Technique and Sample Size

The study designed an online survey questionnaire (using Google Forms) distributed across various internet means of communication) to collect empirical data concerning the operation of digital marketing and other data privacy concerns in Nigeria. Through this method, 787 respondents were randomly selected from different parts of the country and across different age groups. The study acknowledged under the research method heading that it adopted non-probability convenience sampling. Thus, rather than being statistically generalizable to the

whole of the Nigerian population, the findings are indicative, and the limitations identified should be read with this in mind. Nevertheless, the sample size and the consistency of the findings across questions lend them considerable indicative weight for the normative argument advanced in the study.

a) Data Presentation and Analysis

Question one: What is your age?

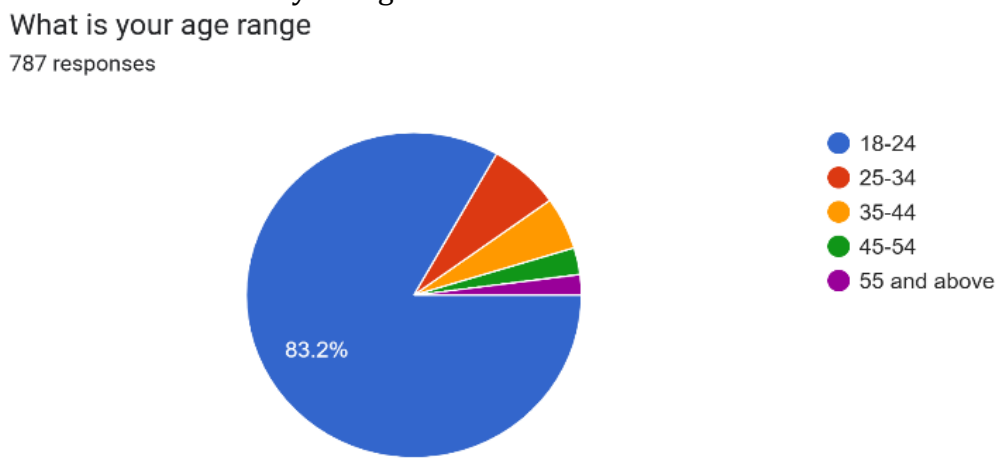


Figure 1. The representation of the respective ages of the randomly selected respondents whose responses are analyzed under this section.

Figure 1 reveals that 83.2% (654 respondents) are within the age within the age brackets of 18years to 24 years. This age brackets are notably the active user of internet and technology in Nigeria. They are mostly consumers of digital marketing products.

Question two: How familiar are you with digital marketing?

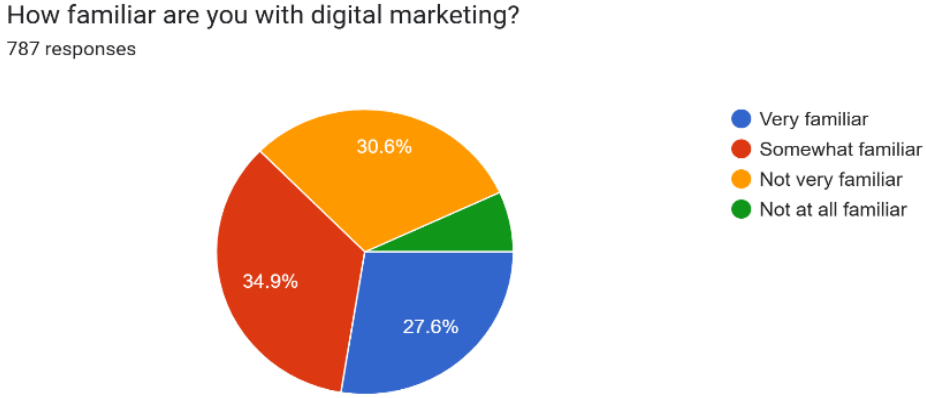


Figure 2. This figure represents respondents' responses to the question about their familiarity with digital marketing.

Figure 2 reveals that 34.9% (275 respondents) are somewhat familiar with digital marketing, while 27.6% (217 respondents) are very familiar with digital marketing. This means that a total of 62.5% (491 of the respondents) are aware of the operation of digital marketing, while the outstanding 37.5% (295 of the respondents) are those whore are not very familiar and not at all familiar with digital marketing. This outcome is suitable for this study.

Question three: Do you receive pop-up messages that promote products, brands, or services on your phone, social media platforms, or email?



Figure 3. Interrogates whether respondents have, at various times, received pop-up messages promoting products, brands, or services on their phone, social media platforms, or email.

Figure 3 reflects respondents' responses to whether they often receive pop-up messages promoting products, brands, or services on their phones, social media platforms, or email. Pop-up messages promoting brands, products, or services are forms of digital marketing. Apparently, 87% (685 respondents) responded positively to the question, while only 13% (102 respondents) responded negatively. This means that digital marketing is commonplace.

Question Four: How often do you receive pop-up messages that promote products, brands, or services on your phones, social media platforms, or emails?

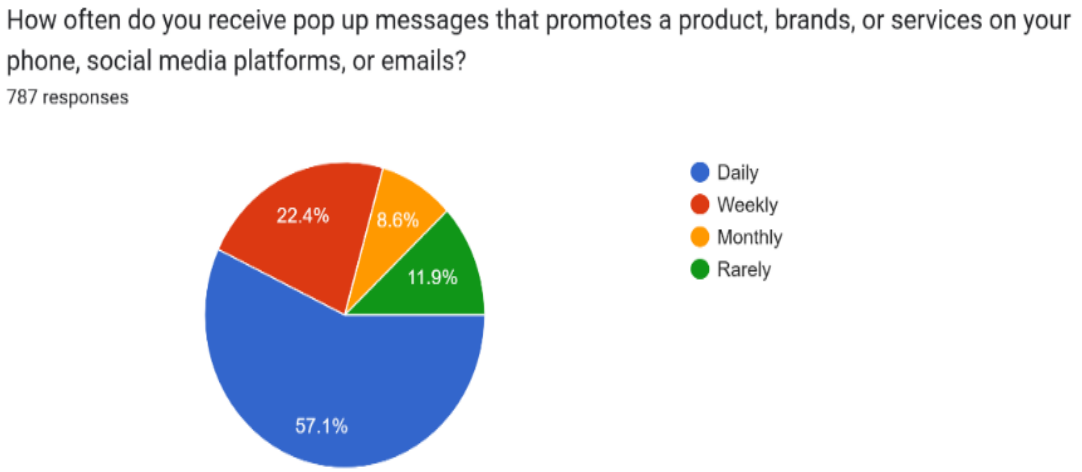


Figure 4. Demonstrates the responses of the respondents to the question relating to the frequency of their reception of pop up digital marketing messages

Figure 4 reflects respondents' responses to the frequency with which they receive pop-up messages that promote products, brands, or services on their phones, social media platforms, or emails. 57.1% (449 of the respondents), more than the average, confirmed that they receive pop-up messages promoting brands, products, or services on their phones daily. This connotes that digital marketing is an everyday experience in Nigeria. Furthermore, 176 (22.4% of respondents) receive these messages weekly, 8.6% (68 of respondents) receive them monthly, and an insignificant number of respondents (11.9%) stated that they rarely receive the messages. A cursory look at these responses shows that digital marketing is a common occurrence in Nigeria, and Nigerians experience it regularly.

Question Five: Have you ever opted-out of receiving targeted advertisement?

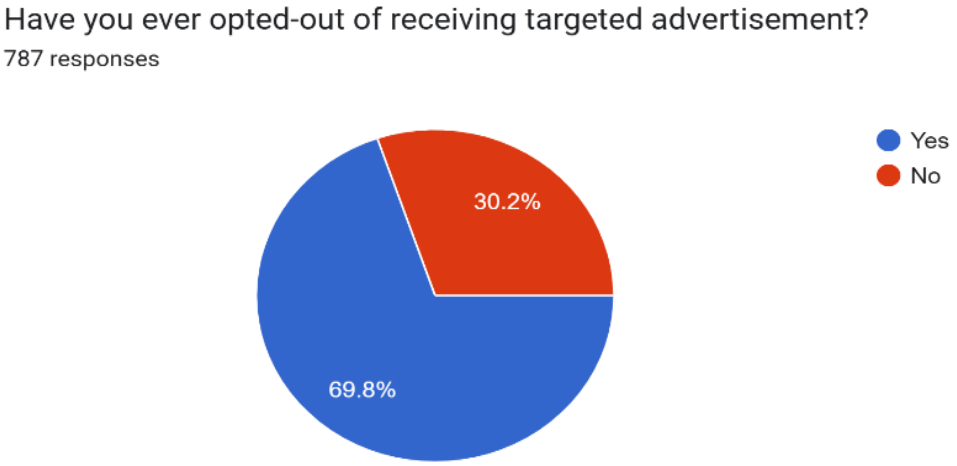


Figure 5. This figure reflects Nigerians' attitudes toward digital marketing and targeted advertising

Figure 5 shows Nigerians' attitudes toward targeted advertising, a form of digital marketing. Clearly, a larger proportion of respondents, 69.8 percent (549 people), confirmed that they always opt out of receiving targeted advertisements, while 30.2 percent, or 238 respondents, said they do not usually opt out.

Question Six: Are you aware of the rights granted to you under the Nigerian Data Protection Regulation?

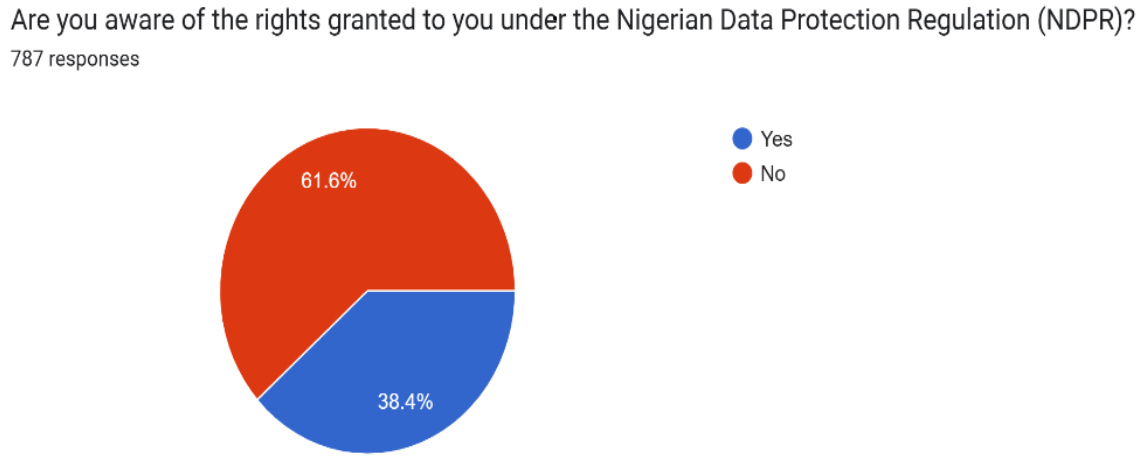


Figure 6. Nigerians' level of awareness of their rights under the Nigerian Data Protection Regulation

Figure 6 clearly shows that most Nigerians are unaware of their rights under Nigerian law governing digital marketing. While 61.6%, or 485 respondents, are not aware of their rights under the law concerning digital marketing, only 38.4%, or 302 respondents, are aware of their rights. Normatively, these findings are relevant. This is because they show that data controllers have consistently ignored the NDPR and NDPA provisions requiring them to notify data subjects of their rights in the context of digital marketing. Therefore, the lack of awareness of data rights in digital marketing is not exactly the by-product of illiteracy but regulatory non-compliance by digital marketing operators.

Question seven: Have you exercised your rights under the Nigerian Data Protection Regulation?

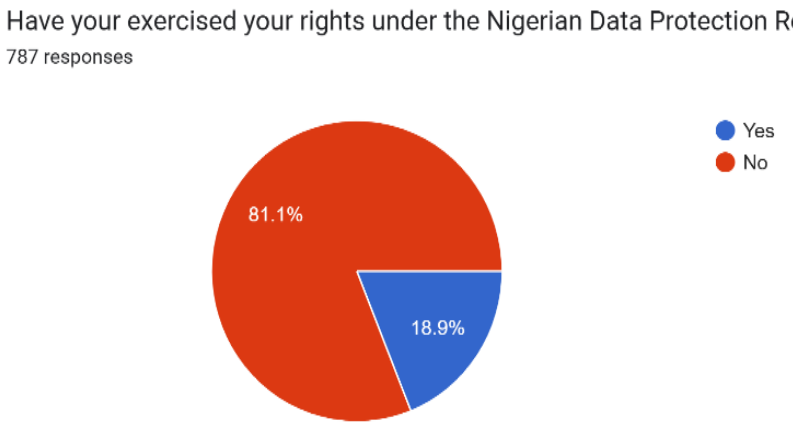


Figure 7. Presents respondents' responses to whether Nigerians have called for the accountability of corporate bodies that engage in digital marketing for advertising.

Figure 7 reflects that Nigerians do not usually legally challenge the activities of corporate bodies that violate their rights through digital marketing. For reference, 81.1% of respondents, or 638 people, confirmed that they never exercised their rights under the Nigerian Data Protection Regulation, while only 18.9% claimed to have exercised their rights under this law. This finding supports the normative debate that the existing legal framework on digital marketing suffers from functional ineffectiveness because of limited access to civil remedies under both the NDPR and the NDPA. This study asserts that when it is impracticable for people to enforce their rights due to illiteracy, lack of awareness, lack of access to remedies, etc., the value of existing legal protections becomes limited.

Question Eight: How trusting are you of companies in Nigeria when it comes to protecting your personal data?

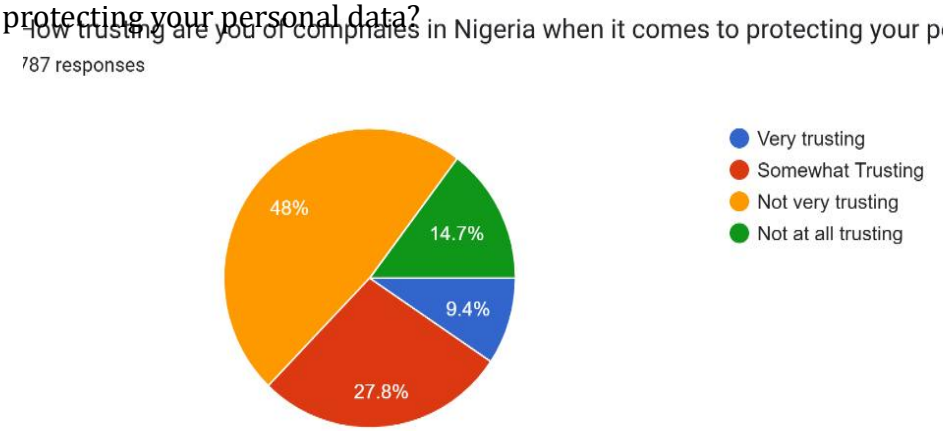


Figure 8. Question of Trust in Nigerian Companies to Protect Personal Data.

Figure 8 shows that Nigerians do not trust Nigerian companies to protect their personal data. For the avoidance of doubt, 74 respondents (9.4%) declared that they are not very trusting. 14.7%, which is 116 respondents, have zero trust in Nigerian companies to protect their personal data. On the other hand, while 378 respondents (48%) are not very trusting, 219 (27.8%) are somewhat trusting. This figure indicates that a combined 62.7% have little to no trust, highlighting a problem of institutional legitimacy in Nigeria's digital marketing sector. Apparently, the current legal framework has failed to boost public confidence that helps the growth and functionality of the market. The core function of any law is to generate people's confidence. This trust deficit is a serious institutional problem that requires attention.

Question Nine: Do you think targeted advertising is an invasion of your privacy?

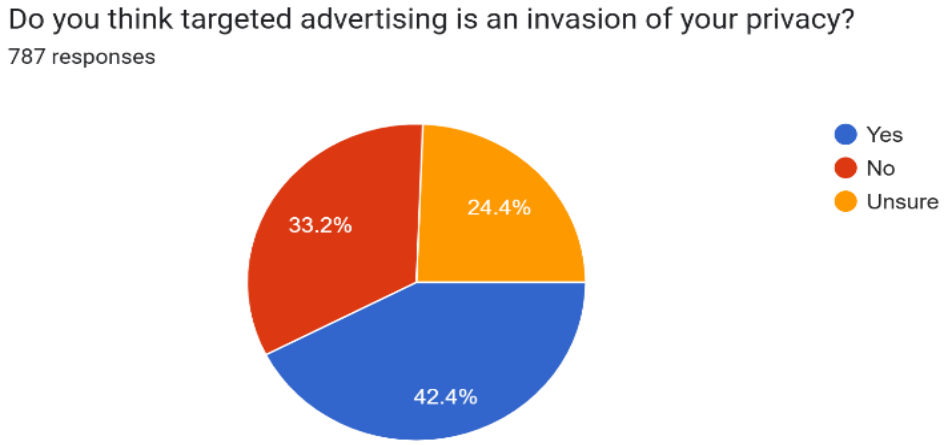


Figure 9. Respondents' reactions to questions about whether targeted advertising invades their privacy.

Figure 9 reflects respondents' knowledge of how digital marketing operates and its impact on privacy. The majority of respondents, 42.4% (334 people), stated that targeted advertising invades their privacy. Unfortunately, while 33.2% indicated that it is not an invasion, 24.4% (192 respondents) are not sure whether it is an invasion of their privacy.

Question Ten: What are the possible solutions to addressing breaches of data privacy rights in Nigeria?

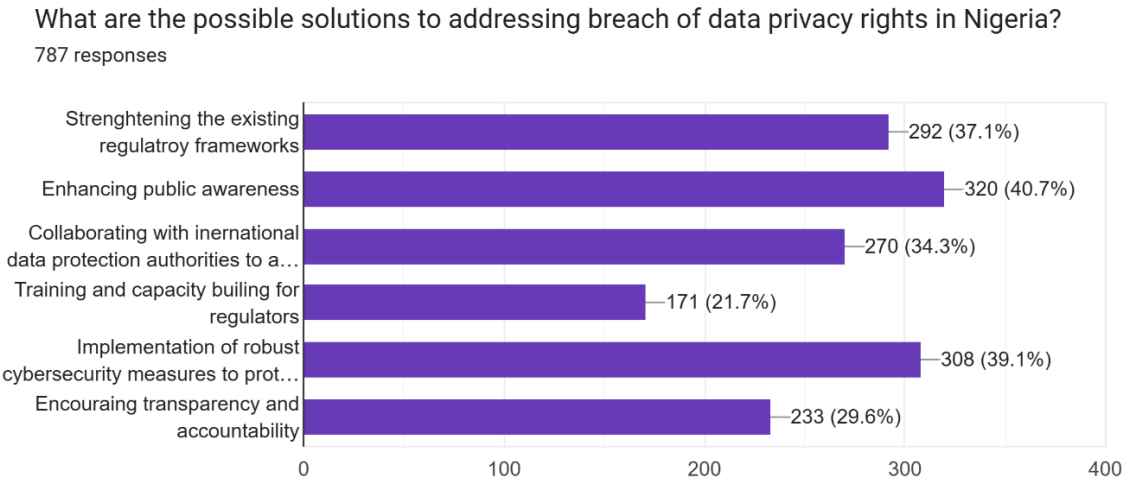


Figure 10. Represents the suggestions of the respondents regarding the breach of data privacy in Nigeria.

Figure 10 clearly reflects the various solutions recommended by the respondents to address data privacy breaches in Nigeria. The enhancement of public awareness on data privacy concerns and digital marketing, and the implementation of robust cybersecurity measures for the protection of data privacy rights in Nigeria appeared to be the most recommended solutions, with 320 (40.7% of the respondents) and 308 (39.1% of the respondents), respectively, approving these recommendations.

2) Analysis and Findings

Demographically, the research targeted different ages across different parts of Nigeria. Overall, 787 respondents were randomly selected. The study found that, among these respondents, 83.2% (654) were within the 18 to 24 age bracket. This demography supports Buchanan et al.'s postulation that these age brackets are notably the active users of the internet and technology in Nigeria. They are mostly consumers of digital marketing products.[31] Regarding digital marketing in Nigeria, it is desirable to ascertain Nigerians' level of awareness of its operation. Figure 2 demonstrates that 34.9% (275 of the respondents) are somewhat familiar with

[31] Limin Buchanan et al., "The Effects of Digital Marketing of Unhealthy Commodities on Young People: A Systematic Review," *Nutrients* 10, no. 2 (January 2018): 148, https://doi.org/10.3390/nu10020148.

digital marketing while 27.6% (217 of the respondents) are very familiar with digital marketing. This means that a total of 62.5% (491 of the respondents) are aware of the operation of digital marketing while the outstanding 37.5%(295 of the respondents) are those whore are not very familiar and not at all familiar with digital marketing. This outcome is suitable for this study. Impliedly, there is a high-level of ignorance amongst Nigerians concerning how digital marketing operates.

Furthermore, digital marketing operates in different ways, including advertising through pop-up messages on mobile phones, social media platforms, or emails about products, brands, or services offered by business organizations. Pop-up messages are small windows that appear while users are using the internet to advertise a product, brand, or service, designed to capture the user's attention and ultimately generate a potential customer.[32] Figure 3 indicates that 87% (685 of the respondents) receive pop-up messages that promote products, brands, or services on either their phones, emails, or social media platforms. Whereas, only 13% (102 of the respondents) gave a negative response. This finding confirms Suzen and Basal's study that pop-up messages are one of the means of digital marketing.[33]This means that digital marketing via this means is common in Nigeria.

Similarly, Figure 4 reflects respondents' responses on how often they receive pop-up messages promoting products, brands, or services on their phones, social media platforms, or emails. 57.1% (449 of the respondents), which is more than the average number of respondents, confirmed that they receive pop-up messages promoting brands, products, or services on their phones daily. This connotes that digital marketing is an everyday experience in Nigeria. Furthermore, 176 (22.4% of respondents) receive these messages weekly, 68 (8.6% of respondents) receive them monthly, and an insignificant number of respondents (11.9%) stated that they rarely

[32] Vanessa Yusuf, "The Potential of Pop-Up Artworks for Visual Communication in Digital Media," *K@ta* 26, no. 00 (March 2024): 159–68, https://doi.org/10.9744/kata.26.00.159-168.
[33] Murat Başal And Ekrem Süzen, "Difference Between Organizational Justice And Brand Personality Perceptions In Social Media Marketing: An Application In The Aviation Industry," *3. Sektör Sosyal Ekonomi Dergisi*, 2023, https://doi.org/10.15659/3.sektor-sosyal-ekonomi.23.08.2128.

receive the messages. A cursory look at these responses shows that business owners mostly use pop-up messages for product or service advertising, confirming the postulations of Shabbir and Qui that pop-up messages are the most frequently used form of digital marketing.[34] Mehta et al reaffirmed this conclusion, too.[35] Figure 5 shows Nigerians' attitudes toward targeted advertising, a form of digital marketing. Clearly, a larger proportion of respondents, 69.8 percent (549 people), confirmed that they always opt out of receiving targeted advertisements, while 30.2 percent, or 238 respondents, said they do not usually opt out. This supports existing studies that consumers often consider pop-up messages annoying, which impacts consumers' perception of the brand.[36]

Furthermore, the empirical data collected, combined with the current legal framework, demonstrate a serious problem within the digital marketing sector. Normatively, Nigeria's data protection regime is incomplete: although it lays the foundation for data protection, it neglects accessibility and implementation. In fact, it is not fully adaptable to Nigeria's digital marketing sector. For context, 62.7% of respondents lack trust in Nigerian companies' ability to protect their data. Interestingly, while 61.6% are unaware of their rights under the current legal regime on data protection, 81.1% have never even attempted to enforce these rights. These findings indicate a lack of an effective legal education mandate.

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[34] Benish Shabbir and Xiaodong Qiu, "Digital Sales &Amp; Marketing Impact on Asian Market during Pandemic with the Effect of Creating Online Demand: Robust Optimization of Digital Marketing Intelligence," *American Journal of Industrial and Business Management* 13, no. 02 (2023): 13–28, https://doi.org/10.4236/ajibm.2023.132002.

[35] Sanggya Gana bisatya and I Made Sukresna, "Effect of Pop-Up Advertising and Perceived Intrusiveness on Brand Awareness and Advertising Avoidance With Advertising Value As A Moderation Factor," *International Journal of Scientific Research and Management* 10, no. 12 (December 2022): 4303–13, https://doi.org/10.18535/ijsrm/v10i12.em04.

[36] Osman Yetkin and Murat Basal, "Brand Attitude Process of Pop-Up Ads Used in Digital Marketing," *Open Journal of Social Sciences* 12, no. 04 (2024): 148–59, https://doi.org/10.4236/jss.2024.124011; Oluwayomi Ikubanni Oluwaseye and Adekunle Saheed Abiola, "Impact of Technology on Alternative Dispute Resolution in Nigeria and the Birth and Challenges of Online Dispute Resolution," *Global Journal of Politics and Law Research* 10, no. 4 (April 30, 2022): 1–13, https://doi.org/10.37745/gjplr.2013/vo10.n4pp113; Oluwaseye Oluwayomi Ikubanni et al., "Live Telecast of Judicial Proceedings as Means to Access to Justice in Nigeria: A Comparative Study," *DiH: Jurnal Ilmu Hukum*, August 2025, 238–58, https://doi.org/10.30996/dih.v0i0.131890.

Challenges of Digital Marketing in Nigeria

This study has demonstrated the importance of digital marketing in the era of digital technologies. Despite the numerous opportunities for businesses, it faces several challenges. One major challenge of digital marketing in Nigeria is consumer privacy concerns. Consumer data is integral to digital marketing strategies. Businesses often require customer data to develop new ideas, products, and services that are customer-oriented.[37] Thus, business owners usually collect and process customer data for these purposes, raising ethical concerns about customer privacy.[38] For example, cookies are often used by companies to monitor the consumer's movement on the website. In some regions, such as the European Union, a cookie notice is mandatory to allow users to give informed consent. In contrast, in some regions, business owners collect and process consumers' personal data without their consent.[39] This situation often generates issues such as identity theft, fraud, and other breaches of privacy rights, which harm consumers.[40] Thus, this privacy concern discourages consumers from sharing their personal data with organizations.

Figure 6 clearly reveals that most Nigerians are ignorant of their rights under the Nigerian law that regulates digital marketing in Nigeria. While 61.6%, or 485 respondents, are not aware of their rights under the law concerning digital marketing, only 38.4%, or 302 respondents, are aware of their rights. Figure 7 shows

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[37] Alexander Bleier and Maik Eisenbeiss, "Personalized Online Advertising Effectiveness: The Interplay of What, When, and Where," *Marketing Science* 34, no. 5 (September 2015): 669–88, https://doi.org/10.1287/mksc.2015.0930.

[38] Alexander Bleier, Avi Goldfarb, and Catherine Tucker, "Consumer Privacy and the Future of Data-Based Innovation and Marketing," *International Journal of Research in Marketing* 37, no. 3 (September 2020): 466–80, https://doi.org/10.1016/j.ijresmar.2020.03.006.

[39] Ramanpreet Kaur, Dušan Gabrijelčič, and Tomaž Klobučar, "Artificial Intelligence for Cybersecurity: Literature Review and Future Research Directions," *Information Fusion* 97 (September 2023): 101804, https://doi.org/10.1016/j.inffus.2023.101804.

[40] Antonio João Gonçalves de Azambuja et al., "Artificial Intelligence-Based Cyber Security in the Context of Industry 4.0—A Survey," *Electronics* 12, no. 8 (April 19, 2023): 1920, https://doi.org/10.3390/electronics12081920; Lauren I. Labrecque, Ereni Markos, and Aron Darmody, "Addressing Online Behavioral Advertising and Privacy Implications: A Comparison of Passive Versus Active Learning Approaches," *Journal of Marketing Education* 43, no. 1 (April 2021): 43–58, https://doi.org/10.1177/0273475319828788.

that Nigerians do not usually legally challenge corporate bodies that violate their rights through digital marketing. For reference, 81.1% of respondents, representing 638 people, confirmed that they never exercised their rights under the Nigerian Data Protection Regulation, while only 18.9% claimed to have exercised their rights under this law. Furthermore, Figure 8 shows that Nigerians do not trust Nigerian companies' ability to protect their personal data. For the avoidance of doubt, 74 respondents (9.4%) declared that they are not very trusting. 14.7%, which is 116 respondents, have zero trust in Nigerian companies to protect their personal data. On the other hand, while 378 respondents (48%) are not very trusting, 219 (27.8%) are somewhat trusting.

Although digital marketing is an everyday experience for internet users in Nigeria, most Nigerians are unaware of the position of Nigerian law on protecting their personal data and privacy.[41] This is evident from the responses garnered from the respondents as indicated in Figure 9. The majority of respondents, 42.4% (334 people), stated that targeted advertising is an invasion of their privacy. Unfortunately, while 33.2% indicated that it is not an invasion, 24.4% (192 respondents) are not sure whether it is an invasion of their privacy.

Empirically, the findings of this study confirm the depth of the challenge. For instance, the crisis of trust poses a significant threat to the success of digital marketing in Nigeria. The distrust expressed by 62.7% of respondents in Nigerian companies' ability to protect data presents a serious obstacle to the development and growth of digital marketing in Nigeria.

Suggested Solutions to the Challenges

Given these challenges, it became necessary to identify the possible solutions to the data privacy issues that arise from digital marketing, particularly breaches of data privacy rights. To this end, Figure 10 clearly reflects the various solutions

[41] Fadhel Arjuna Adinda et al., "The Challenge of Admitting Electronic Evidence in Civil Procedure Law," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 3 (December 25, 2025): 656–80, https://doi.org/10.29303/ius.v13i3.1873.

suggested by the respondents to address data privacy breach challenges in Nigeria. The respondents identified and suggested the following solutions:

a. 37.1% which indicates that 292 respondents suggested strengthening the existing regulatory frameworks;
b. 40.7% which is a total of 320 respondents suggested that enhancement of public awareness is a fundamental solution for breach of data privacy rights in Nigeria. This suggestion is valid in that Figure 6, Figure 7, and Figure 9 reveal that ignorance on the operation of digital marketing and awareness of data privacy rights under the Nigerian Data Privacy Regulation are major problems for the acceptance and smooth operation of digital marketing in Nigeria, including respect for data privacy rights by business owners;
c. 34.3% which equates 270 respondents, suggested that collaborating with international data protection authorities;
d. 21.7% (171 respondent) suggested that training and capacity building for regulators can enhance positive response to data privacy breach in Nigeria;
e. 39.1% (308 respondent) suggested the implementation of robust cybersecurity measures to protect personal data; and
f. 29.6% (233 respondents) recommended the encouragement of transparency and accountability

Lesson from the EU's General Data Protection Regulation

This section employs a functional-contextual methodology. It analyzes the justification for every provision of the EU's GDPR and its functional relevance. Rather than simply showing the differences between the GDPR and the Nigerian legal framework, this study demonstrates the practical implications of the NDPR or NDPA lacking some GDPR provisions and how that affects data subjects in Nigeria, especially in the context of digital marketing.[42]

[42] Nicholas Mutegyeki, Valentine Tebi Mbeli, and Godswill Owoche Antai, "Reconfiguring Corporate Governance in Uganda: Legal Rerspectives on Adaptation to Digital Innovation," *Kampala International University Law Journal* 8, no. 1 (April 2, 2026): 56–73, https://doi.org/10.59568/KIULJ-2026-8-1-04.

The EU's General Data Protection Regulation which came into effect on the 18th May 2018 has been lauded as influencing data protection laws across the globe[43], including Nigeria.[44] Scholars have posited that placing the GDPR and the NDPR side by side, for all intents and purposes, the NDPR drew inspiration from the GDPR because both regulations are similar in many ways though with slight differences.[45] Notably, this study identifies an aspect of the GDPR relating to a child that the NDPR must drew significant lessons from. According to Article 6 (1) (f) of the GDPR, the processing of personal data shall be lawful except if the data subject is a child. For this purpose, Article 8(1) pointedly states that where a person is below the age of 16 years, the processing of the personal data of such child shall be lawful only if and to the extent to which consent has been given by the parent or guardian of the child. However, where the child is at least 16 years, consent is not required. However, the GDPR grants the power to the member states to by law lower the age for the purposes stated herein provided that shall not be below 13 years.

Contrarily, regarding the processing of personal data or information relating to a child, the NDPR does not make any specific provision on whether the consent of the parent or guardian of the child may be required before such data or information is processed or supplied. The NDPR under Section 3.1 (1) mandate the controller to ensure that any information relating to a child be provided in "…a concise, transparent, intelligible and easily accessible form, using clear and plain language…" without any unique way to determine that the consent of the child is properly sought and obtained. Furthermore, the NDPR does not set an age limit for consent, which is very critical to the interests of a child. The NDPR appears to offer no special

[43] Alessandro Mantelero, "The Future of Data Protection: Gold Standard vs. Global Standard," *Computer Law & Security Review* 40 (April 2021): 105500, https://doi.org/10.1016/j.clsr.2020.105500.
[44] Otuekong Ekpo, Abasifiok Okokon, and Monday Akpakpan, "Data Protection in the Digital Age: A Comparative Analysis of Nigeria's NDPA and the EU's GDPR.," in *Proceedings of the 13th International Conference on Information & Communication Technologies and Development* (New York, NY, USA: ACM, 2024), 48–56, https://doi.org/10.1145/3700794.3700799.
[45] Olumide Babalola, "The EU GDPR and Nigeria's NDPR: A Comparative Analysis," *Journal of Data Protection & Privacy* 4, no. 4 (September 2021): 372, https://doi.org/10.69554/PZLE3205.

protection for a child's interests, unlike the GDPR. This is a serious lesson to take from the GDPR to improve the NDPR.

Further, while the GDPR restricts the processing of some special categories of personal data unless an exemption applies, including the consent of the data subject, the NDPR lacks a provision outlining the prerequisites for processing some sensitive data. For instance, under Article 9 (1) of the GDPR, any personal data that reveals the subject data's racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation are prohibited unless as provided under Article 9(2). Whereas, throughout the entire provisions of the NDPR, including Section 6, no such restriction was found. The danger in this is that the NDPR appears to violate the fundamental human right to privacy of the subject data protected under the 1999 Constitution of Nigeria, especially bordering on privacy. Thus, there is a need for the NDPR to be improved, drawing insight from the GDPR regarding the restriction of processing of certain personal data.

Another aspect of the GDPR that the NDPR should draw lessons from is the area of civil remedies for individuals where there is an infraction. By virtue of Article 79(1) and (2), individuals, that is the data subject is conferred with cause of action to institute an action and seek compensation from the court against the data controller or processor in the even that there is a violation of any provision of the GDPR whereas the NDPR lacks such provision.[46] Therefore, it becomes practically impossible for the data subject to personally hold the controller legally accountable for any violation of the provisions of the NDPR. Unless the supervisory authority addresses the infractions, it means there is no wrong committed since the data subject are deprived of the right to maintain action. This impacts negatively on the

[46] Mahmood Alaloosh, Ali Shaker Mahmood, and Sabir Hussien Eliwy, "Securing Digital Trade: A Techno-Legal Analysis of E-Commerce Safeguards in Iraq's Regulation No. 4/2025," *Nusantara: Journal of Law Studies* 5, no. 1 (2026): 44–60, https://doi.org/https://doi.org/10.5281/zenodo.18452737.

confidence of the Nigerians on the readiness of the Nigerian government to guarantee the protection of their privacy rights during processing of their personal data.[47]

Further to this, Article 77(1) of the GDPR confers the data subject with the right to lodge complaint to the supervisory authority where there is infringement of the GDPR during the processing of his personal data while Article 77(2) imposes an obligation on the supervisory authority to consistently notify the data subject who is the complainant of the progress of his complaint. Unfortunately, while Section 3.1(3) of the NDPR confers similar right as provided in Article 77(1) of the GDPR on a data subject to complaint to the supervisory authority in case of any infringement, the NDPR lacks provisions regarding the need for supervisory authority to give the complainant feedback or progress report regarding his complaint. The implication of this omission is that the supervisory authority does not owe the complainant the of transparency which defeats the who essence of the regulation.[48] Thus, there is the need for the NDPR to be improved as to accommodate the necessity for transparency in the handling of complaint lodge by the data subject over infringements of the regulation emanating from the processing of data by controller or processor.

Holistically, while the NDPR is a good law that had drawn inspiration from the GDPR, there are areas that require improvement so that the regulation may be of global standard and capable of securing the interests of Nigerians regarding the ways and manners of the collection and processing of their personal data

Emerging technologies play a vital role in facilitating compliance with data privacy standards.[49] For instance, artificial intelligence (AI) and machine learning

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[47] Souad Ezzerouali et al., "Rivers Rights in Islamic Law: Between Implicit Recognition of Legal Personality and Sustainable Use Regulation," *Journal of Property, Planning and Environmental Law* 18, no. 2 (June 2, 2026): 180–95, https://doi.org/10.1108/JPPEL-11-2024-0054.

[48] Naser Al-Sherman, "Legal Protection from Artificial Intelligence Technology Used to Filter Visual Contents via the Internet," *Pakistan Journal of Criminology* 16, no. 1 (January 17, 2024): 505–17, https://doi.org/10.62271/pjc.16.1.505.517.

[49] Rd. Dewi Asri Yustia, Faris Fachrizal Jodi, and Firdaus Arifin, "Society, Technology, and Child Protection: Synergy in Monitoring Former Perpetrators of Sexual Offenses," *Jurnal IUS Kajian Hukum Dan Keadilan* 14, no. 1 (April 30, 2026): 182–200, https://doi.org/10.29303/ius.v14i1.1854.

can improve data management practices by automating consent management, minimizing data retention, and ensuring secure data processing procedures.[50] Moreover, technologies such as blockchain offer novel solutions for enhancing data security and transparency, potentially simplifying compliance with strict privacy regulations.[51] Organizations need to leverage these technological advancements to enhance their compliance posture while maintaining effective marketing capabilities.

Conclusions

This study has contributed significantly to the discourse on data protection in digital marketing in Nigeria. These contributions are in three basic senses. First, this study makes a normative contribution to scholarship in areas of law. By analyzing the existing legal framework on data privacy in Nigeria and comparing it with the GDPR, it found that normative gaps exist in Nigerian law in areas such as child data protection, among others. Second, the study contributes empirically to the discourse on data privacy right in the context of digital marketing. This study is the first primary survey on the level of public awareness, data subjects' attitudes, and the enforcement of data privacy rights in Nigeria as it relates to digital marketing. These empirical findings justify the need for reform within the digital marketing sector of the Nigerian economy. The third contribution of the study is policy contribution, which concerns the proposition of reform recommendations specifically grounded in legally informed findings and empirical data.

In Nigeria, as digital marketing surges, it still faces the challenge of broad acceptance, despite existing laws regulating digital marketing, given concerns about personal data protection and a lack of trust in marketing companies' ability to

[50] Marijn Janssen et al., "Data Governance: Organizing Data for Trustworthy Artificial Intelligence," *Government Information Quarterly* 37, no. 3 (July 2020): 101493, https://doi.org/10.1016/j.giq.2020.101493; Ikubanni et al., "Live Telecast of Judicial Proceedings as Means to Access to Justice in Nigeria: A Comparative Study."
[51] Ikubanni et al., "Live Telecast of Judicial Proceedings as Means to Access to Justice in Nigeria: A Comparative Study."

safeguard it. Moreover, the level of illiteracy among Nigerians about how digital marketing operates is a serious concern. The empirical data collected and analyzed in this study justifies this conclusion. Thus, there is a clear need to implement respondents' suggestions to address the challenges of digital marketing in Nigeria. Furthermore, as data privacy regulations tighten, marketers must adapt their strategies. Marketers must invest in user-friendly consent management systems to obtain and manage customer consent for data processing. This includes clear opt-in and opt-out options, ensuring transparency about how data will be used. Furthermore, the principle of data minimization, promoted by GDPR and also included in the NDPR, urges marketers to collect only the data necessary for their specific purpose. This means re-evaluating data collection practices and resisting the temptation to hoard data. With privacy regulations being enforced, businesses are adopting privacy-first marketing strategies. This entails using aggregated data and implementing anonymous analytics tools to respect user privacy while still gaining insights into market trends.

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