

## INCORPORATED TRUSTEES OF PARADIGM INITIATIVE FOR INFORMATION TECHNOLOGY, SARAH SOLOMON-ESEH v. NATIONAL IDENTITY MANAGEMENT COMMISSION, ATTORNEY GENERAL OF THE FEDERATION

- This can be nicknamed the 'Digital Identity' Case
- It was necessitated by the discovery of a breach in the security system of the NIN retrieval USSD code.
- The Code's protocol allowed for anyone to access anyone's National Identification Number (NIN) as long as they can provide their date of birth and surname. This not only put public figures at risk but also the general public.
- We filed our motion and supporting documents on the 18th of January 2019 explaining the situation and seeking that the court make a declaration that the NIMC's release and operation of the USSD Code (\*346#) is likely to infringe on the Applicants' right to private and family life as guaranteed by Section 37 of the Constitution of the Federal Republic of Nigeria. We also demanded a perpetual injunction restraining the NIMC from further requesting the use and/or disclosure of the NIN from the Applicants and their members pending the passage of the Data Protection Bill into law and the coming into effect of the same. We also demanded a perpetual injunction restraining the NIMC from further use or publicity of the USSD code or any other code which reveals NIN before the passage of the Data Protection Bill into law.
- Furthermore, we used the opportunity to advocate for a Data Protection Law in Nigeria to protect the data privacy of data subjects in the country.
- The judgment which was delivered on the 28th of June 2019 stated that the NIMC needs to do more in the area of Security to avoid a breach of Citizens rights to privacy. The Court stated that it is not sufficient to have lofty policies; it must be married with an overall interest of the general public and that protective laws and parameters must be in place for adequate implementation of the policies.
- The court, however, stated that our claim has become academic as during the pendency of the case, the National Information Technology Development Agency (NITDA) released a Data Protection Regulation, therefore, rendering our argument moot.
- The Court concluded by appreciating our laudable steps in instituting this case. The court noted that when responsible civil societies and groups take the mantle as society's Watchdogs, the general public stands to gain in the long run. The court urged us not to rest on our oars.
- Case referenced in August 30, 2019, [Anderson Tax Alert](#)

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