

15 December 2025

The National Commissioner  
Nigeria Data Protection Commission  
No. 12 Dr. Clement Isong Street,  
Asokoro, Abuja,  
Federal Capital Territory, Nigeria.



Dear Sir,

**CONSENT JUDGMENT IN SUIT NO: FHC/ABJ/CS/355/2025 BETWEEN META PLATFORMS, INC. AND NIGERIA DATA PROTECTION COMMISSION: PRE-ACTION NOTICE OF INTENTION TO COMMENCE LEGAL PROCEEDINGS**

We are a professional association of legal practitioners with specialised expertise in privacy and data protection law, established with the primary objectives of promoting, protecting, and advancing privacy and data protection rights in Nigeria. The association is actively engaged in advocacy, capacity building, policy engagement, and legal interventions aimed at strengthening compliance with data protection norms, safeguarding the constitutional right to privacy, and fostering accountability in the processing and use of personal data within Nigeria's legal and regulatory framework.

TAKE NOTICE that our Association hereby gives you **formal pre-action notice** of its intention to commence legal proceedings against the **Nigeria Data Protection Commission** in respect of the consent judgment delivered on the 3rd day of November 2025 by Hon. Justice J.K. Omotosho in Suit No: FHC/ABJ/CC/355/2025 Between Meta Platforms, Inc. And Nigeria Data Protection Commission

**BACKGROUND**

1. Our Association is a civil society organisation committed to the promotion, protection, and enforcement of constitutional and statutory rights, including data protection and privacy rights in Nigeria.
2. Our Association is aware that following investigations conducted pursuant to the Nigeria Data Protection Act, 2023, your Commission issued a Final Order against the Meta Platforms, Inc., finding widespread violations of the data protection and privacy rights of approximately 61 million Nigerians, and imposing a remedial fine in the sum of **USD 32,800,000**.
3. Our Association is further aware that the said Final Order was subsequently set aside by way of Terms of Settlement, which were adopted by the Federal High Court as a consent judgment on 3 November 2025.
4. Our Association maintains that the said consent judgment was entered into:
  - o Without lawful statutory authority;
  - o In violation of the Nigeria Data Protection Act, 2023;
  - o In derogation of the constitutional right to privacy guaranteed under Section 37 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended);

**Our Steering Committee**

**Olumide Babalola**  
Chair

**Dr. Faith Amarachi Okpara**  
Vice Chair

**Mus'ab Awwal Mu'az**  
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Policy & Advocacy  
Director

**Ibrahim Issa Ibtayo**  
Treasurer

**Esther Nkechinyoro Odunze**  
Communications and  
Media Director



- To the grave prejudice of millions of affected Nigerians and the public interest, as well as the Federal Government of Nigeria.

#### **INTENDED LEGAL ACTION**

TAKE FURTHER NOTICE that unless the issues raised herein are urgently addressed, our Association (together with Personal Data Protection Awareness Initiative, Ozzy Nwogbo and other victims) shall, upon the expiration of the statutory notice period, approach the Federal High Court to seek, among other reliefs, the following:

1. **An order setting aside, vacating, and nullifying** the consent judgment delivered on 3 November 2025 on grounds of fraud, collusion, material non-disclosure, lack of statutory authority, and violation of the Nigeria Data Protection Act, 2023.
2. **A declaration** that the consent judgment is null, void, unconstitutional, and of no legal effect.
3. **A declaration** that your Commission lacks statutory authority to waive, compromise, or extinguish liabilities, sanctions, and remedial fines arising from established violations of the Nigeria Data Protection Act, 2023.
4. **An order restoring and reviving** the Final Order issued against the 1st Respondent, including the remedial fine of **USD 32,800,000**.
5. **An order restraining** further reliance on or enforcement of the consent judgment.
6. **Such further or other orders** as the Honourable Court may deem fit in the interest of justice, public accountability, and the protection of constitutional rights.

#### **DEMAND**


In the interest of transparency, accountability, and avoidance of unnecessary litigation, our Association hereby requests that your Commission:


- Provide a written explanation of the legal basis for entering into the Terms of Settlement;
- Clarify the statutory authority relied upon to waive the remedial fine and set aside the Final Order; and
- Take steps to remedy the issues complained of herein.

#### **NOTICE PERIOD**

This letter constitutes the requisite pre-action notice under the applicable law. Unless the issues raised are satisfactorily addressed within **30 days** from the date of receipt of this notice, our Association shall proceed to institute legal proceedings without further recourse to you.

Yours faithfully,

  
**Emmanuel Okpara Esq.**  
Litigation & Compliance Director, Steering Committee

  
**Mus'ab Awwal Mu'az Esq.**  
Secretary, Steering Committee