

IN THE HIGH COURT OF LAGOS STATE
IN THE IKORODU JUDICIAL DIVISION
HOLDEN AT COURT 2 IKORODU
GENERAL CIVIL DIVISION
BEFORE HON. JUSTICE A.F. POKANU
TODAY FRIDAY, 5TH JUNE, 2026

SUIT NO: IKD/21207MFHR/2026

BETWEEN:

ESTHER AGBOOLA

APPLICANT

AND

1. X COPR.

RESPONDENTS

2. UNKNOWN PERSON

(Using X (Twitter) Parody account
@boutmoney112)

JUDGEMENT

The Applicant by way of an Originating Motion dated 25th January, 2026, brought pursuant to Order 2 Rules 2-4 of the Fundamental Rights Enforcement Procedure Rule 2009; Section 37 of the Constitution of the Federal Republic of Nigeria, 1999; Section 24 (1) (A) and (E) of the Nigeria Data Protection Act, 2023 and under the inherent jurisdiction of the Honourable Court sought for:

1. "A DECLARATION that the actions of the 2nd Respondent, including the unauthorised manipulation, digital alteration, misrepresentation, republication, and abusive misuse of the Applicant's personal information, constitute a violation of the Applicant's right to privacy guaranteed under section 37 of the Constitution of the Federal Republic of Nigeria, 1999.
2. A DECLARATION that the 2nd Respondent's alteration and manipulation of the date on the Applicant's Twitter post, with the intent to mislead and distort facts, is unlawful, unfair, and constitutes a contravention of section 24(1)(a) of the Nigeria Data Protection Act 2023.
3. A DECLARATION that the 2nd Respondent's alteration and manipulation of the date on the Applicant's Twitter post rendered the data inaccurate and misleading, thereby violating the provisions of section 24(1)(e) of the Nigeria Data Protection Act 2023.
4. AN ORDER compelling the 1st Respondent to file an affidavit of disclosure at the registry of this Honourable Court within seven (7) days from the delivery of judgment stating the following information concerning the 2nd Respondent:
 - a. Full name
 - b. Contact information including email addresses, telephone numbers, and registered social media accounts;
 - c. Means of identification

d. Any other data held by the 1st Respondent that can identify or locate the 2nd Respondent, for purposes of enforcement of the orders of this Court.

5. GENERAL DAMAGES in the sum of One Hundred Million Naira (N100,000,000.00) against the 2nd Respondent for the mental anguish, emotional distress, harassment, reputational injury, and humiliation suffered by the Applicant as a direct result of the unlawful acts of the 2nd Respondent.
6. GENERAL DAMAGES in the sum of One Hundred Million Naira (N100,000,000.00) against the 1st Respondent only payable where the 1st Respondent fails, omits or refuses to file the affidavit of disclosure.
7. AN ORDER GRANTING SUCH FURTHER OR OTHER RELIEFS as the Court may deem just and equitable in the circumstances of this case.

The grounds upon which the reliefs are sought are:

- i. "The actions of the 2nd Respondent constitute a direct infringement of the Applicant's constitutional right to privacy guaranteed under Section 37 of the Constitution of the Federal Republic of Nigeria, 1999.
- ii. By unauthorisedly accessing, manipulating, digitally altering, and republishing the Applicant's personal information, the 2nd Respondent interfered with the Applicant's control over her private data, exposing her to public ridicule, harassment, and emotional distress.
- iii. The Respondent failed to clearly, adequately, and intelligibly disclose to the Applicant the nature, scope, purpose, risks, and consequences of its data processing and behavioural profiling activities, in breach of the principles of transparency, fairness, and accountability prescribed by the Nigeria Data Protection Act, 2023.
- iv. The alteration of the date on the Applicant's twitter post by the 2nd Respondent is unlawful and unfair, contravening section 24(1)(a) of the Nigeria Data Protection Act 2023, which mandates that personal data must be processed fairly, lawfully, and transparently.
- v. The 2nd Respondent's identity is currently unknown, as he operates through a parody account on the social media platform (formerly Twitter). X Corp, as the owner and operator of the social media platform X, collects, processes, and stores the personal data of millions of Nigerian users.
- vi. By maintaining control over user data and platform activity logs, X Corp has the capacity and obligation to provide information that would enable the Applicant to identify and hold the 2nd Respondent accountable for the unlawful acts.
- vii. As a result of the 2nd Respondent's actions, the Applicant has suffered mental anguish, emotional distress, harassment, reputational injury, and humiliation."

In support of the Originating process is an 18 paragraphs affidavit deposed to on 28th January, 2026 by Esther Agboola, the Applicant. Attached to the affidavit are 7 Exhibits i.e. EXHIBIT 1: Post on Twitter celebrating Applicant's 25th Birthday; EXHIBIT 2: Post on Twitter celebrating Applicant's 24th Birthday; EXHIBIT 3: Copy

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of altered post; EXHIBIT 4: Copy of offensive posts arising from the 2nd Respondent's manipulated post; EXHIBIT 5: Copy of Legal Fees receipt; EXHIBIT 6: Copy of report of decision in a Court in Netherlands; EXHIBIT 7: Copy of Code of Practice for Interactive Computer Platforms/Internet Intermediaries. In further support of the application is a Written Address dated 26th January, 2026.

Originating processes were served on the Respondents with proof of service in the court's file from pages 67 - 74. The Respondents refused failed and or/ neglected to file any processes in this suit.

AFFIDAVIT EVIDENCE

The facts according to the Applicant is that she is Student and has a Twitter account (@agirlnamed_esth) maintained by the 1st Respondent under the platform currently branded as X (formerly Twitter). That the 1st Respondent is corporate entity and the owner of the social media platform currently known as X which collects, processes, and manages the personal data of millions of Nigerian users, including but not limited to account information, posts, messages, and other user-generated content, and is therefore responsible for ensuring compliance with applicable data protection and privacy laws in Nigeria. That the 2nd Respondent is an unknown and unidentifiable individual who operates a parody account on the social media platform X (formerly Twitter) - "@boutmoney112" and his true identity are currently unknown to the Applicant. That on 9th January 2026, she posted certain pictures on her Twitter account @agirlnamed_esth with the caption "Chapter 25. Happy Birthday to me!" indicating that she was celebrating her 25th birthday. That subsequently the 2nd Respondent, an unknown party, operating through a parody account named @boutmoney112" accessed her Twitter timeline and dug up her last year - January 2025 post, in which I celebrated she 24th birthday. That the 2nd Respondent altered the timestamp of the post to reflect January, 2022, thereby misrepresenting the timing of the post and creating a false narrative that she had lied about her age. That the altered and manipulated post was then published on the platform, causing massive cyberbullying, harassment, incitement, mental distress, including public ridicule and reputational damage. She averred that as a result of the 2nd Respondent's actions, she has suffered an unlawful interference with her right to privacy, arising from the unauthorized manipulation, misrepresentation, and republication of her personal information; Serious damage to her personality and credibility, occasioned by the false and misleading portrayal of person; Exposure to public ridicule, misunderstanding, and misjudgment as a result of being portrayed in a false light; Mental anguish, anxiety, and emotional distress arising from the circulation of inaccurate and misleading content attributed to her; Ongoing harm due to the continued availability and dissemination of the manipulated content on digital platforms, with the potential for further sharing and amplification; Increased exposure to online harassment, unwarranted criticism, and hostile commentary triggered by the false and misleading representation of her post as well as avoidable financial expenses on legal fees.

ARGUMENT

By the Applicant's written address dated 26th January, 2026, settled by Olumide Babalola, Esq., four (4) issues were raised for determination thus:

- a. *"Whether or not the actions of the 2nd Respondent, including the unauthorized manipulation, digital alteration, misrepresentation, republication and abusive misuse of the Applicant's personal information, constitute a violation of the Applicant's right to privacy guaranteed under Section 37 of the Constitution of the Federal Republic of Nigeria, 1999.*
- b. *Whether or not the 2nd respondent's alteration and manipulation of the date on the Applicant's Twitter post, with the intent to mislead and distort facts, is unlawful, unfair and a contravention of Section 24(1)(a) of the Nigeria Data Protection Act, 2023, which requires personal data to be processed lawfully, fairly and transparently.*
- c. *Whether or not the alteration and manipulation of the date on the Applicant's twitter post by the 2nd Respondent rendered the data inaccurate and misleading, thereby violating Section 24(1) (e) of the Nigeria Data Protection Act 2023, which mandates that personal data must be accurate and not misleading.*
- d. *Whether or not the 1st Respondent, X Corp, as the owner and operator of the social media platform x (formerly Twitter), can be compelled by an order to provide, within seven (7) days of the judgment, all available information sufficient to identify the 2nd Respondent."*

In arguing issue one, Counsel submitted that section 37 of the Constitution of the Federal Republic of Nigeria, 1999 guarantees the right to privacy of citizens specifically mentioning their homes, correspondence, telephone conversations and telegraphic communication, while the Nigerian courts particularly since 2014 have recognized that the phrase "privacy of citizen" encompasses not only physical spaces but also personal informational autonomy as held in the case of *Emerging Markets Telecommunication Services Ltd V Barr Godfrey Eneye* (2014) LPELR - 22452 (CA). That the Applicant's personal data being her twitter post celebrating her birthday was manipulated by the 2nd Respondent thus such act falls squarely within the protective ambit of Section 37. That a constitutional violation is not measured by the act itself but also by its effects on the individual and the Applicant in the instant has suffered mental anguish, emotional distress and reputational harm which are direct consequences of the 2nd Respondent's interference with the Applicant's private information that are integrally linked to human dignity and harm to personal dignity while referring the Court to the case of *Incorporated Trustees of Digital Rights Lawyers Initiative V National Identity Management Commission* (2021) LPELR - 55623. That the violation arises not from the mere posting but from contextual misuse of the data to create a misleading impression and as such a breach of Section 37 of the constitution in relation with the Applicant.

In arguing issue two, Counsel submitted that Section 65 of the Nigeria Data Protection Act (NDPA) 2023 has clearly defined what personal data means and the

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Applicant's twitter post which contained her image, her age constitutes her personal data within the meaning of the section. Counsel submitted further that by Section 24(1)(a) of the Nigeria data protection act, 2023, a personal data must be processed lawfully, fairly and in a transparent manner thus providing the foundational principle of data protection and imposing a mandatory obligation that any processing of data must satisfy the cumulative requirements. That the 2nd Respondent's actions were arbitrary and malicious, lacking any lawful basis recognized under NPDA. That such conduct is inherently unfair as it weaponized personal data against the data subject and uses it as a tool for harassment.

In arguing issue three, Counsel submitted that Section 24(1)(e) of the Nigeria data protection act, 2023 personal data must be accurate, complete, not misleading and where necessary, kept up to date whereas in the instant case the 2nd Respondent's deliberately altered the timestamp to January 2022 thus creating a factually false record of when the post was made. That while Section 24(1)(e) does not require proof of intent, the deliberate nature of the manipulation aggravates the violation and the 2nd Respondent in this instant suit intentionally altered the timestamp, republished the manipulated post and used it to incite public ridicule and cyberbullying. That the section must be interpreted to prohibit conduct that distorts personal data, creates false impressions and causes reputational or emotional harm.

In arguing issue four, Counsel referred the Court to Section 6 of NITDA code of practice for interactive computer service platforms/internet intermediaries which mandates social media platform owners to make disclosures and the clearly recognizes that the court can make orders compelling such disclosure in connection with wrongdoings. That the code provides a statutory framework for enforcing accountability in the digital ecosystem, ensuring that users cannot escape liability simply by operating anonymously online and also binds social media platforms operating in Nigeria to comply with court orders. Counsel submitted further that the Applicant has satisfied all conditions set out in Section 3(2)(e) of the Nigeria data protection act 2023 thereby justifying the grant of the order against the 1st Respondent as the 1st Respondent owes a legal and statutory duty to assist in identifying the perpetrator of a rights violation.

RESOLUTION

I have carefully examined the Applicant originating application for the enforcement of her fundamental rights and the argument of Counsel thereto. The issue for determination is:

Whether the Applicant has established a breach of right to privacy as guaranteed by the constitution?

Section 37 of the Constitution of Federal Republic of Nigeria 1999 (as Altered) provides that:

"The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected"

In the case of **Emerging Markets Telecommunication Services Ltd V Barr Godfrey Eneye** (2014) LPELR - 22452 (CA), the Court of Appeal per Tani Yusuf Hassan, J.C.A. at paras. C-D, page 29 held that section 37 of the Constitution includes the right to privacy of a personal telephone line. I make bold to say that the phrase "privacy of citizen" encompasses not only physical spaces but also personal informational spaces on social and electronic media. In this wise, the Court in **Incorporated Trustees Of Digital Rights Lawyers Initiative & Ors v. NIMC** (2021) LPELR-55623(CA) per A. B. Mohammed, J.C.A. (Pp. 20-21, para. F-F) held that:

"The kernel of both the provision of Section 37 of the Constitution and these illuminating decisions is to my mind, that privacy of a citizen of Nigeria shall not be violated. From these decisions, privacy to my mind can be said to mean the right to be free from public attention or the right not to have others intrude into one's private space uninvited or without one's approval. It means to be able to stay away or apart from others without observation or intrusion. It also includes the protection of personal information from others. This right to privacy is not limited to his home but extends to anything that is private and personal to him including communication and personal data." [Underlining mine]

The Applicant's case involves serious allegations of privacy violation, data manipulation, and cyberbullying, which fall squarely within the ambit of Nigerian data protection and privacy laws. The core legal issues revolve around the right to privacy guaranteed by the Constitution, the obligations of data controllers and processors under the Nigeria Data Protection Act, 2023, and the potential liability of both the social media platform (1st Respondent) and the individual operating the parody account (2nd Respondent).

The Applicant's claim that the actions of the 2nd Respondent constitute a violation of her right to privacy under Section 37 of the Constitution of the Federal Republic of Nigeria, 1999, is well-founded. Nigerian jurisprudence has established a clear link between the constitutional right to privacy and the protection of personal data.

In **Incorporated Trustees Of Digital Rights Lawyers Initiative & Ors v. NIMC** (Supra), the Court of Appeal explicitly held that matters of personal data protection, as provided for under the Nigeria Data Protection Regulation, 2019 (the predecessor to the current Act), fall under the right to privacy guaranteed by **Section 37** of the 1999 Constitution. This judicial pronouncement confirms that the unauthorized manipulation, misrepresentation, and republication of the Applicant's personal information, without her consent and for purposes of ridicule and harassment, directly infringes upon her constitutionally protected right to privacy.

The harm suffered, including reputational damage, mental distress, and exposure to cyberbullying, are direct consequences of this privacy breach.

The Nigeria Data Protection Act, 2023 (NDPA), is the primary legislation governing the processing of personal data in Nigeria. Its applicability to the present facts is established by Section 2 of the Act.

Section 2(1) states that the Act applies to the processing of personal data, whether by automated means or not. The actions of the 2nd Respondent in accessing, altering, and publishing the Applicant's posts on a digital platform clearly constitute "processing of personal data" by automated means.

Furthermore, **Section 2(2)** outlines the territorial scope of the Act. It applies where:

1. The data controller or data processor is domiciled in, resident in, or operating in Nigeria (Section 2(2)(a)). The 1st Respondent (X/Twitter) operates in Nigeria and processes the personal data of millions of Nigerian users, including the Applicant.
2. The processing of personal data occurs within Nigeria (Section 2(2)(b)). The manipulation and publication of the Applicant's data occurred on a platform accessible and widely used within Nigeria.
3. The data controller or data processor is not domiciled in, resident in, or operating in Nigeria, but is processing personal data of a data subject in Nigeria (Section 2(2)(c)). Even if the 1st Respondent's global headquarters are outside Nigeria, its processing of the Applicant's data (a data subject in Nigeria) brings it under the purview of the Act.

Therefore, the Nigeria Data Protection Act, 2023, is fully applicable to both the 1st Respondent as a data controller/processor and the actions of the 2nd Respondent.

As a corporate entity that collects, processes, and manages the personal data of its users, the 1st Respondent (X/Twitter) qualifies as a data controller or processor under the NDPA. It therefore has significant obligations to ensure the lawful and secure processing of personal data.

The general principles of data protection require data controllers to implement appropriate technical and organizational measures to protect personal data against unauthorized or unlawful processing and against accidental loss, destruction, or damage.

Crucially, **Section 36** of the Nigeria Data Protection Act, 2023, grants a data subject the right to object to the processing of personal data relating to them. Section 36(1) states that "A data subject shall have the right to object to the processing of personal data relating to the data subject." In this case, the Applicant has a clear right to object to the continued processing and dissemination of her manipulated personal data. Section 36(2) further mandates that "A data controller

shall discontinue the processing of personal data, unless the data controller demonstrates a public interest or other legitimate grounds, which overrides the fundamental rights and freedoms, and the interests of the data subject." **Section 65** of the Nigeria Data Protection Act (NDPA) 2023 has clearly defined what personal data means and the Applicant's twitter post which contained her image, her age constitutes her personal data within the meaning of the section.

From the affidavit evidence, I find that on 9th January 2026, the Applicant posted certain pictures on her Twitter account @agirlnamed_esth with the caption "*Chapter 25. Happy Birthday to me!*" indicating that she was celebrating her 25th birthday. Subsequently the 2nd Respondent, an unknown party, operating through a parody account named @boutmoney112 accessed the Applicant's Twitter timeline and dug up her previous year - January 2025 - post, in which she celebrated her 24th birthday. I find from "**Exhibit 3**" that the 2nd Respondent altered the timestamp of the post to reflect January, 2022, thereby misrepresenting the timing of the post and creating a false narrative that she had lied about her age. The said altered and manipulated post was then published on the platform, causing cyberbullying, harassment, incitement, mental distress, including public ridicule and reputational damage.

I therefore find that the actions of the 2nd Respondent constitute a violation of her right to privacy under Section 37 of the Constitution of the Federal Republic of Nigeria, 1999, in that her personal information was unauthorizedly manipulated, misrepresented, and republished, without her consent, for purposes of ridicule and harassment. The fact that the 2nd Respondent was able to access, alter, and republish the Applicant's data, leading to significant harm, suggests a potential failure in the 1st Respondent's duty to ensure data integrity and prevent unauthorized processing.

The actions of the 2nd Respondent are a direct violation of the Applicant's data protection rights. By accessing her timeline, altering the timestamp of her post, and republishing it to create a false narrative, the 2nd Respondent engaged in unauthorized and unlawful processing of personal data. This constitutes a clear breach of data integrity and privacy principles, leading to severe personal and reputational damage for the Applicant. The 2nd Respondent's actions are not only malicious but also directly contravene the spirit and letter of the NDPA, which aims to protect individuals from such misuse of their personal information. The mental anguish, emotional distress and reputational harm which are direct consequences of the 2nd Respondent's interference with the Applicant's private information that are integrally linked to human dignity and harm to personal dignity. See: **Incorporated Trustees of Digital Rights Lawyers Initiative V National Identity Management Commission (Supra)**.

Going by **Section 24(1)(a)** of the Nigeria Data Protection Act, 2023, a personal data must be processed lawfully, fairly and in a transparent manner thus providing the foundational principle of data protection and imposing a mandatory obligation that

any processing of data must satisfy the cumulative requirements. I therefore hold that the 2nd Respondent's action was arbitrary and malicious, lacking any lawful basis recognized under NPDA. Such conduct is inherently unfair as it weaponised personal data against the data subject and uses it as a tool for harassment.

The Applicant's Counsel referred of a Dutch court order compelling a social media platform to disclose the identity of a user is relevant to the potential remedies available. In Nigeria, to effectively seek redress and hold the 2nd Respondent accountable, it would be necessary to identify them. While the NDPA primarily focuses on the obligations of data controllers, a court, in exercising its inherent powers and to ensure justice, can compel a data controller (like the 1st Respondent) to disclose the identity of a user (the 2nd Respondent) where there is clear evidence of unlawful activity and significant harm. This would involve balancing the 2nd Respondent's right to anonymity (if any, given their unlawful conduct) against the Applicant's right to remedy and access to justice. The National Information Technology Development Agency (NITDA) Code of Practice, as mentioned, also aims to establish best practices for Interactive Computer Service Platforms, which would likely include provisions for addressing harmful content and potentially facilitating identification in cases of severe abuse.

Arising from the legal position above, I have found in this Judgement and further hold for the Applicant that:

- i. The actions of the 2nd Respondent constitute a direct infringement of the Applicant's constitutional right to privacy guaranteed under Section 37 of the Constitution of the Federal Republic of Nigeria, 1999.
- ii. By unauthorisedly accessing, manipulating, digitally altering, and republishing the Applicant's personal information, the 2nd Respondent interfered with the Applicant's control over her private data, exposing her to public ridicule, harassment, and emotional distress.
- iii. The Respondent failed to clearly, adequately, and intelligibly disclose to the Applicants the nature, scope, purpose, risks, and consequences of its data processing and behavioural profiling activities, in breach of the principles of transparency, fairness, and accountability prescribed by the Nigeria Data Protection Act, 2023.
- iv. The alteration of the date on the Applicant's twitter post by the 2nd Respondent is unlawful and unfair, contravening section 24(1)(a) of the Nigeria Data Protection Act 2023, which mandates that personal data must be processed fairly, lawfully, and transparently.
- v. The 2nd Respondent's identity is currently unknown, as he operates through a parody account on the social media platform (formerly Twitter). X Corp, as the owner and operator of the social media platform X, collects, processes, and stores the personal data of millions of Nigerian users.
- vi. By maintaining control over user data and platform activity logs, X Corp has the capacity and obligation to provide information that would enable the Applicant to identify and hold the 2nd Respondent accountable for the unlawful acts.

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vii. As a result of the 2nd Respondent's actions, the Applicant has suffered mental anguish, emotional distress, harassment, reputational injury, and humiliation.

The Applicant's originating motion dated 25th January 2026 succeeds and it is hereby ordered in the following terms:

1. It is declared that the actions of the 2nd Respondent, including the unauthorised manipulation, digital alteration, misrepresentation, republication, and abusive misuse of the Applicant's personal information, constitute a violation of the Applicant's right to privacy guaranteed under section 37 of the Constitution of the Federal Republic of Nigeria, 1999.
2. It is further declared that the 2nd Respondent's alteration and manipulation of the date on the Applicant's Twitter post, with the intent to mislead and distort facts, is unlawful, unfair, and constitutes a contravention of section 24(1)(a) of the Nigeria Data Protection Act 2023.
3. It is hereby declared that the 2nd Respondent's alteration and manipulation of the date on the Applicant's Twitter post rendered the data inaccurate and misleading, thereby violating the provisions of section 24(1)(e) of the Nigeria Data Protection Act 2023.
4. An Order is made compelling the 1st Respondent to file an Affidavit of Disclosure at the Registry of this Honourable Court within fourteen (14) days of the service of the Enrolled Order of this Judgment stating the following information concerning the 2nd Respondent:
 - a. Full name
 - b. Contact information including email addresses, telephone numbers, and registered social media accounts;
 - c. Means of identification
 - d. Any other data held by the 1st Respondent that can identify or locate the 2nd Respondent, for purposes of enforcement of the orders of this Court.
5. General Damages in the sum of Twenty Million Naira (₦20,000,000.00) against the 2nd Respondent for the mental anguish, emotional distress, harassment, reputational injury, and humiliation suffered by the Applicant as a direct result of the unlawful acts of the 2nd Respondent.
6. General Damages in the sum of Fifty Million Naira (₦50,000,000.00) against the 1st Respondent payable conditionally where the 1st Respondent fails, omits or refuses to file the Affidavit of Disclosure as mandated by this Judgement.

Judgement is entered accordingly.

HON. JUSTICE A.F. POKANU

Judge

05/06/2026

Appearances in this suit:

Dr. Olumide Babalola, M. Owodunni and H. Tofi for the Applicant
No legal representation for the 1st and 2nd Respondents

DLAGUNJU G.A
CHIEF EXECUTIVE OFFICER

COURT OF LAGOS

HIGH

STATE

Sign: _____ Date: _____

CASH OFFICE, IKORODU