

Ethical Innovation: Prioritising Privacy by Design

Authors



**Gbemisola
Mosuro**
Partner



**Sharon
Okpo**
Senior Counsel



**Ayomi
Temisan**
Associate

Ethical Innovation: Prioritising Privacy by Design

One of the most significant concerns in this era of rapid technological growth is data privacy. As companies and organisations increasingly rely on data and technology to personalise services, enhance efficiency, and reach wider markets, it is crucial to safeguard individuals' privacy rights. With growing concerns about data breaches, identity theft, and mass surveillance, individuals are demanding greater control over their personal information.

While laws and regulations provide a framework for protection of consumers'/customers' data, businesses are expected to go beyond mere compliance with these laws to show ethical responsibility in the collection and use of its customers'/data. To truly prioritise privacy in technology design, businesses companies must adopt a proactive approach that balances innovation with respect for user rights.



What is Privacy by Design?

Privacy by Design is an ethical data protection principle, which advocates for integrating privacy considerations into technology from the conception of the product/service to its deployment to end-users or customers.

Privacy by Design is built upon certain foundational principles that guide businesses in making decisions in technology development. It ensures that privacy is not an afterthought but a core component of innovation. These principles include:

- a **Proactive, Not Reactive; Preventative, Not Remedial** – businesses are expected to anticipate privacy risks and address them before they occur, rather than fixing issues after the fact.
- b **Privacy as the Default Setting** – this principle requires that businesses ensure that users' data are automatically protected without requiring any action on the users' part.
- c **Privacy Embedded into Design** – this entails integrating privacy safeguards directly into systems, processes, and technologies from the outset.
- d **Full Functionality– Positive-Sum, Not Zero-Sum** – privacy by design advocates for a balance between privacy ideals and other business objectives, such as security and business efficiency, without unnecessary trade-offs.
- e **End-to-End Security – Lifecycle Protection** – businesses are also encouraged to put systems in place to secure data throughout its entire lifecycle, from collection to deletion.
- f **Visibility and Transparency – Keep It Open** – a business' privacy practices and policies should be clear and accessible, ensuring accountability and trust.
- g **Respect for User Privacy – Keep It User-Centric** – systems should be designed with the user's best interests in mind, providing control and choice over personal data.

By adopting these principles, businesses can create privacy-centric products and services that foster trust, compliance, and long-term success.



Why Does Privacy by Design Matter?

While the principles of Privacy by Design may seem intended solely for the benefit of consumers, it offers valuable advantages for companies such as:

- a Regulatory Compliance and Risk Reduction**
Laws such as the Nigeria Data Protection Act, 2023 and global regulations like the EU GDPR impose strict privacy requirements on entities who are data controllers and processors. Embedding privacy from the outset helps businesses avoid legal penalties, reputational damage, and costly remediation efforts.
- b Building Consumer Trust and Brand Reputation**
Businesses that demonstrate a commitment to privacy earn customer trust, which can lead to stronger brand loyalty and a competitive advantage.
- c Minimising Costs and Enhancing Security**
Data breaches and privacy violations can result in financial losses due to fines, legal fees, and operational disruptions. Proactively securing data through Privacy by Design reduces these risks and lowers long-term costs associated with cybersecurity threats.
- d Innovation and Futureproofing**
Privacy regulations continue to evolve. Businesses that embed privacy into their products and services from the outset are better positioned to adapt to new legal requirements without major overhauls.
- e Strengthening Business Partnerships**
Many businesses require their partners to meet strict data protection standards. Adopting Privacy by Design ensures compliance with industry's best practices, making businesses more attractive to potential collaborators and investors.



How can you Integrate Privacy by Design in your Technology Development?

- a **Minimisation of Data Collection** – Only collecting the data that is absolutely necessary for a product or service to function.
- b **User Control and Transparency** – Give users clear, accessible options to manage their data and privacy settings.
- c **Strong Security Measures** – Encrypt sensitive data and implement safeguards against unauthorised access.
- d **Anonymisation and Pseudonymisation** – Reduce the risks associated with personal data by removing or masking identifiers.
- e **Conduct Privacy Impact Assessments** - A privacy impact assessment analyses your data-handling practices and identifies potential risks and vulnerabilities. It ensures compliance with regulatory requirements and helps mitigate risk.
- f **Conduct Regular Privacy Audits** – Assess potential risks and analyse your data-handling practices frequently to identify potential risks and vulnerabilities.
- g **Train Employees on Data Ethics** - Foster a culture of privacy awareness and ensure compliance.



You May Need Help

Navigating Privacy by Design can feel overwhelming, especially when balancing it with other business priorities and regulatory requirements. You may be unsure where to start, how to implement privacy safeguards effectively, or how to stay compliant without disrupting operations. This is where a Data Protection Officer (“DPO”) can make a difference.

A DPO helps businesses integrate privacy into their systems seamlessly while ensuring compliance with laws like the Nigeria Data Protection Act, 2023. They provide expert guidance, allowing you to focus on growing your business while maintaining strong data protection practices.

With a DPO on board, you gain:

- a** **A Clear Roadmap** – Step-by-step guidance on implementing Privacy by design across your organisation.
- b** **Regulatory Compliance** – Ensuring your business meets all legal obligations, reducing the risk of fines or data breaches.
- c** **Efficient Data Management** – Streamlining data collection, processing, and storage in a secure and lawful manner.
- d** **Risk Mitigation** – Identifying and addressing potential privacy risks before they become major issues.
- e** **Employee Awareness & Training** – Educating staff on best practices for handling sensitive data responsibly.

As technology continues to evolve, so must our approach to privacy. By embracing Privacy by Design principles, businesses can build trust, enhance security, and comply with applicable legal frameworks.



The information contained in this article is solely for educational purposes. It does not and is not intended to constitute legal or any other professional advice.

If you require any further information or professional advice on data privacy by design, you can reach out to us at contactus@tundeadisa.com and we will be happy to provide any assistance you may need.

