



THE NIGERIAN COMMUNICATIONS COMMISSION REQUIRES ALL NETWORK OPERATORS AND SERVICE PROVIDERS TO SUBMIT A DISASTER RECOVERY PLAN¹

In exercise of its powers under Sections 70,² and 149³ of the Nigerian Communications Act 2003, the Commission published a Guideline on Disaster Recovery in 2023⁴ (the Guideline).

Based on the above, and pursuant to Schedule 2, Paragraph 1.9 of the Guideline,⁵ the commission has recently reiterated that:

1. The Guidelines on Disaster Recovery, 2023, remain in force.
2. Each licensee is required to formulate and submit a Disaster Recovery Plan (DPR) following the checklist outlined in Schedule 2 of the Guideline.
3. All Network Operators and Service Providers must strictly comply with the contents of the Guideline. The commission stands ready to utilize its enforcement authority as entrenched in the Nigerian Communications Act, 2003 and all other relevant regulations to ensure compliance.⁶

The primary aim of the Guideline is to ensure business processes are restored within the agreed recovery time in the event of an unplanned interruption to service or denial of access to staff.⁷

¹ NCC, 'Publication of Disaster Recovery Checklist', available at <https://www.ncc.gov.ng/media-centre/public-notice/1459-guidelines-on-disaster-recovery-2023> accessed 13th July 2024.

² See, section 70 Nigerian Communications Act 2003, which empowers the Commission to make and publish regulations or guidelines addressing various communications issues outlined in paragraphs a-g of Section 70 of the said section.

³ See, section 149 Nigerian Communications Act 2003, which empowers the commission to direct a licensee or class of licensees to develop, in consultation with the authorities specified by the Commission, a disaster plan for the survivability and recovery of any services or network facilities in case of a disaster, crisis or civil emergency.

⁴ See, the Nigerian Communication Act 2003, Guideline on Disaster Recovery 2003, available at <https://www.ncc.gov.ng/accessible/documents/1089-guideline-on-disaster-recovery/file> accessed 13th July 2024.

⁵ Ibid.

⁶ See, section 148 Nigerian Communications Act 2003, which grants the Commission the authority to employ enforcement measures in cases of public emergencies or in the public interest.

⁷ See, Schedule II, Paragraph 1.0 of the Nigerian Communication Act 2003, Guideline on Disaster Recovery 2003.

Additionally, the Guideline empowers the Commission to direct a licensee or class of licensees to develop a disaster plan for the survivability and recovery of any services or network facilities in case of a disaster, crises or civil emergency.⁸

The Guideline, which provides a framework for telecom providers to mitigate impact of disasters on their networks, infrastructures, and services, was developed by the Nigerian Communications Commission in collaboration with industry stakeholders, including telecommunications operators and disaster management agencies.⁹

The guideline defines disaster recovery as "the putting in place procedures to be undertaken to restore normalcy of operations in the aftermath of disasters, and includes identifying the recovery strategies for all critical business functions, establishing recovery management organization and process, and creating recovery plans for various levels of business functions."¹⁰

It also identifies the types of disasters that can affect the telecoms industry, including natural disasters such as floods, earthquakes, and storms, as well as human-made disasters such as terrorist attacks, cyber-attacks, and vandalism.¹¹

The Guideline outlines the steps that telecommunications operators must take to prepare for and respond to disasters. These steps include:

1. **Conducting a risk assessment:** Telecommunications operators must identify potential risks to their networks, infrastructure, and services and develop a risk management plan.¹²
2. **Developing a disaster recovery plan:** Telecommunications operators must develop a plan for responding to disasters, including procedures for evacuating personnel, assessing damage, and restoring services.¹³
3. **Testing the disaster recovery plan:** Telecommunications operators must regularly test their disaster recovery plan to ensure that it is effective and up-to-date.¹⁴

⁸ See, section 149 Nigerian Communications Act 2003, and the Nigerian Communication Act 2003, Guideline on Disaster Recovery 2003, available at <https://www.ncc.gov.ng/accessible/documents/1089-guideline-on-disaster-recovery/file> accessed 13th July 2024.

⁹ Technology Times Staff, "Disaster Recovery: NCC hands down three-month ultimatum to telcos", available at <https://technologytimes.ng/disaster-recovery-plan-for-nigerian-telcos/> accessed 22nd July 2024.

¹⁰ See, Article 10 Nigerian Communication Act 2003, the Guideline on Disaster Recovery 2003.

¹¹ Ibid.

¹² See, Schedule II, Paragraph 1.4 of the Nigerian Communication Act 2003, Guideline on Disaster Recovery 2003.

¹³ See, Article 7 Nigerian Communication Act 2003, Guideline on Disaster Recovery 2003.

¹⁴ See, Article 3 Nigerian Communication Act 2003, Guideline on Disaster Recovery 2003.

4. **Training personnel:** Telecommunications operators must provide training to personnel on disaster response procedures and protocols.¹⁵

The Guideline further delineates the roles and responsibilities of various stakeholders in disaster recovery, including the NCC, telecommunications operators, disaster management agencies, and other pertinent governmental bodies.

Access an electronic copy of the notice on Disaster Recovery 2023 [here](#) to read up on the Guideline.

Access the Disaster Recovery Checklist [here](#) as a guide in drafting your Disaster Recovery Plan (DRP).

¹⁵ See, Schedule I, Paragraph 1.5 of the Nigerian Communication Act 2003, Guideline on Disaster Recovery 2003.