



CONTEXTUALISING POLITICAL ADVERTISING POLICY TO POLITICAL MICRO-TARGETING IN NIGERIAN ELECTIONS

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Executive Summary

The African Internet Rights Alliance (AIRA) embarked on this research project to examine and contribute to the body of work documenting and reporting the impact and use of advertising technologies by political actors during elections. This report specifically focuses on the Nigerian general elections held in February 2023.

This study aimed to shed light on the evolving nature of political campaigning in the digital age by contextually exploring the intersection between political advertising policies and political micro-targeting.

An analysis was conducted using data sourced from the Facebook ad archive to evaluate the extent of micro-targeting in the Nigerian general elections based on three main factors: the level of detail in the policy message, the range of demographic targeting (age and gender), and the accuracy of locational targeting. After narrowing the ads to two major topics, the analysis found that the largest proportion of the target audience fell within the age range of 25 to 34 years, the majority of election ads were targeted towards Lagos during the 2023 election period and the gender feature did not reveal any evidence of targeting by gender within our dataset.

Putting together the results and analysing even further, we conclude that microtargeting may not be a significant concern in the country as there is no evidence of specific targeting based on age or gender in the Nigerian ads. This suggests that political teams may not be utilizing this particular tool extensively, if at all.

The analysis further explored the existing legal and regulatory frameworks governing political advertising in Nigeria and highlighted the need for a comprehensive and contextually relevant policy framework that addresses the complexities and challenges associated with political micro-targeting.

Introduction

The African Internet Rights Alliance (AIRA) is a network of Africa-based civil society organisations (CSOs) that advance digital rights at national, regional, continental and global levels. We cover most of eastern, western and southern Africa and have, since formation, used our collective platform to articulate a common position on topics such as internet shutdowns, online rights and freedoms, internet governance, data protection and so on. As an alliance, we have monitored trends in elections on the continent and globally observing an increased adoption of technologies in both campaigning and election governance. Most especially, we observed an increase in political microtargeting. This research is therefore a part of our contribution to the body of work documenting and reporting the impact and use of advertising technologies by political actors during elections. This report specifically focuses on the Nigerian general elections held in February 2023.

The concept of microtargeting in political campaigns lacks a universally agreed-upon definition. Micro-targeting can be understood as the culmination of several activities, such as the collection of personal data, profiling based on that data, and the transmission of personalized communications to individual voters. Although these activities are often subject to specific regulations, the legal frameworks governing political microtargeting are typically fragmented, encompassing different aspects of data protection, privacy, and electoral laws. Consequently, there are gaps and loopholes within these frameworks that campaigns can exploit.¹

While the practice of political microtargeting raises valid privacy concerns, it also has the potential to significantly impact the functioning of a democracy.² Critics argue that political microtargeting can directly manipulate and suppress voters, exacerbate polarization, perpetuate misinformation, and indirectly lead to long-term effects by encouraging political parties to ignore individuals whom they deem unlikely to vote.³ This can result in increased voter disengagement and lower turnout, ultimately leading to the underrepresentation of certain groups of people.

1 Microtargeting in political campaign: A comparative analysis of legal frameworks - Privacy international and University of Edinburgh Law School

2 Frederik J Zuiderveen Borgesius et al., "Online Political Microtargeting: Promises and Threats for Democracy," *Utrecht Law Review*, 2018, 14, 87).

3 Ibid



Microtargeting is implemented through various electronic tools, including cookies, social plugins, and tracking pixels.⁴ These tools typically track an individual's browsing habits, preferences, and social interactions across the internet to create a profile. This profile is then utilized to customize advertisements according to the person's specific interests. Social media providers may incorporate these electronic tools within their platforms, as well as on other websites interested in audience interactions and engagement. Individuals can be targeted by both social media providers and third parties operating within social media environments.⁵

In the context of the Nigerian elections, microtargeting could have played a significant role in shaping the campaign strategies and influencing voter behaviour. While there is limited specific research or data available on microtargeting in Nigerian elections, we can draw upon general observations and trends related to political campaigns and microtargeting. Given the extensive utilization of social media and online platforms in the country, it is highly likely that political parties and candidates employed microtargeting strategies to reach and engage specific segments of the electorate effectively.

Through the collection and analysis of voter data encompassing demographics, preferences, and behaviours, campaigns had the ability to tailor their messages and advertisements in a manner that resonated with targeted voter groups. The utilization of microtargeting allowed political parties to customize their campaign communication based on various factors, including regional issues, ethnic or religious affiliations, and specific concerns relevant to different voter segments. This personalized approach aimed to address the diverse needs and interests of voters across the entire nation.

Objectives of the study

The study detailed in this report had the following objectives:

1. To determine the advertising tools available to political actors on Facebook that could have enabled political micro-targeting during the 2023 Nigerian general elections.
2. To infer the targeting criteria in political advertisements on Facebook by political actors involved in the 2023 Nigeria general election campaigns.
3. To determine the type and extent of political micro-targeted ads deployed on Facebook in Nigeria's 2023 electoral process.

4 <https://ico.org.uk/for-the-public/be-data-aware/social-media-privacy-settings/microtargeting/>

5 ibid

4. To investigate whether online political advertising regulations in Nigeria can be designed to restrict and detect online political micro-targeting practices that infringe on Nigerians' rights to privacy and meaningful political participation.
5. To determine the laws applicable to political microtargeting in Nigeria.
6. To contextualise external policy initiatives on political advertising in Nigeria and consider their effectiveness in the country's context.

Methodology

For the first phase, data collection focused on paid Facebook advertisements for political candidates who partook in the 2023 presidential elections in Nigeria. The purpose was to determine the type and extent, if any, of political microtargeting ads deployed. Instead of creating a developer account, the public version of the ad archive on Facebook was used so as to enable the collection of ad information. The version provides a list of advertisements that can be searched by keyword or page. It also includes filters such as country, whether the ad is currently active or archived, the number of impressions, whether the ad had a political disclaimer and the platform on which the advertisement was displayed. The ad image and message are displayed along with additional information, such as the ad ID, date range, who paid for the advertisement, how much was spent on it, the number of people who saw the ad, the province(s) where the ad was displayed, and the age and gender of the people who saw it. The data obtained determined the specificity of political microtargeting based on the targeting criteria and advertising tools used by relevant actors.

In the second phase, data regarding political microtargeting in Nigeria was collected through desktop research. Secondary sources expounding the existing legal framework and its shortcomings were analysed and the findings deduced. Doctrinal research was used for analysis of secondary data, specifically the existing Nigerian laws applicable to political microtargeting. In proposing online political advertising regulation to supplement existing laws, the comparative research method was employed by assessing policy initiatives from other countries and obtaining data from multiple jurisdictions which were ideal for making regulatory and policy recommendations.

Literature Review

In discussing political microtargeting, various authors have coined various definitions of the term. Hashim Mude, the author of *Political Microtargeting in Kenya: An Analysis of the Legality of Data Driven Campaign Strategies under the Data Protection Act*, describes political microtargeting as the *piece de resistance* of data-driven political campaigning. Borgesius et al describes it as a type of personalised communication that entails collecting information about people and using the information to show them targeted political advertisements.⁶ According to Kreiss and Howard, political parties in various countries have built better databases, integrated online and field data and at the same time have established sophisticated analytic tools that enable them to make sense of traces belonging to the electorates.⁷

According to Nathaniel Persily, the author of *Can Democracy Survive the Internet*, an illustration of microtargeting is the Trump campaign which is claimed to have targeted around 13.5 million persuadable voters in sixteen battleground states. Critics have warned of the negative effects of microtargeting for instance William Gorton warns of its ability to manipulate citizens.⁸ Ira Rubinstein the author of *Voter Privacy in the age of big data* avers that the practice of microtargeting has the ability to infringe on the privacy of citizens.

The impact of microtargeting on elections can both be negative and positive. According to Zuiderveen Borgesius et al political microtargeting can help parties to win elections. The author claims that political microtargeting was instrumental in the 2015 UK general elections since it helped the Conservative party secure key marginal constituencies and eventually win the elections. Also, according to the author, political microtargeting facilitates improved targeting since political communications can be targeted 'at individuals or niche audiences and the messages can be adapted to the recipients.'⁹ The author gives an illustration of CampaignGrid and Cambridge Analytica which are US companies that enable politicians to target people with ads on various platforms like Facebook, LinkedIn and other platforms. The practice can also expose voters to information that is only relevant to them and therefore political parties can target voters with information within their preferred policy fields like immigration or education.

6 Frederik J. Zuiderveen Borgesius and others, 'Online Political Microtargeting: Promises and Threats for Democracy' (2018) 14 (1) Utrecht Law Review 82-96

7 Daniel Kreiss and Philip N Howard, 'New Challenges to Political Privacy: Lessons from the First U.S Presidential Race in the Web 2.0 Era' (2010) 4 (19) International Journal of Communication 1032-1050

8 William A. Gorton, 'Manipulating Citizens: How Political Campaigns' Use of Behavioral Science Harms Democracy' (2016) 38(1) New Political Science 61-80

9 Borgesius (n 6)

Brian Hamel in his paper argues that Microtargeting techniques can have a positive impact on democracy by encouraging political participation and increasing voter turnout by honing in on three key campaign-controlled variables: information, intensity, and Mobilization.¹⁰ While the verdict is not yet in on whether the voting populace is ill-informed or well-informed, one can discern from years of research that an increase in information has a positive effect on political participation and voter turnout. In “*The Effect of Information on Voter Turnout: Evidence from a Natural Experiment*,” David Dreyer Lassen, a professor of Political Economics at the University of Copenhagen, uses empirical estimates based on survey data from a Copenhagen referendum election to conclude that there is a “sizable and statistically significant causal effect of being informed on the propensity to vote”

Besides the positive impact discussed above, Hashim Mude avers that political microtargeting can be an existential threat to the functioning of a democracy since acts like profiling, carving up and sending different political messages has the ability to sow division, perpetuate disinformation and also aggravate voter polarization. In 2016 for instance, the Donald Trump campaign is reported to have targeted African-American voters with advertisements that reminded them of Hillary Clinton’s earlier remarks that referred to African-American males as ‘super predators’ in order to suppress African-American votes.¹¹

According to Schäwel et al in their paper, “Political Microtargeting and Online Privacy: A Theoretical Approach to Understanding Users’ Privacy Behaviors” political microtargeting can be regarded as a pivotal tool amongst the different campaign instruments that exist. Oftentimes, microtargeting takes place on Social media which often allows political parties to conduct political behavioural targeting in order to address and persuade specific groups of users and potential voters. This has been criticized, as most social media users do not know about these microtargeting strategies, and the majority of people who are aware of targeted political advertising say that it is not acceptable. This intrusion on personal privacy is viewed as problematic by users and activists alike.

10 Brian Hamel, *Microtargeting: Politics of Participation, Politics of Polarization* < <https://ed-space.american.edu/atrium/wp-content/uploads/sites/1901/2022/05/Hamel-Brian.pdf>> accessed 7 July 2023

11 ibid

Tom Dobber notes that microtargeting has gained popularity largely in European political campaigns.¹² However with technological advancements and the widespread use of social media all over the world, the practice is gradually seeping into the African continent. An example of this is in Kenya where it has been reported that a British data analytics firm helped to rebrand a well-known political party, writing their manifesto and conducting research and analysis for them.¹³ Vast literature pertaining to the practice of political microtargeting is mainly focused on European countries. However, given the reality of rapid digitisation, it is fundamental that research on political microtargeting is conducted on African countries to compare similarities and differences with European countries.

State of Political Microtargeting in Nigeria

Four to five election cycles ago, political advertising in Nigeria looked like this: expensive national media tours and press conferences across traditional media outlets with the largest audience; millions of naira paid to print companies for flyers, banners, and other traditional publicity materials, as well as tons of TV, radio, and newspaper advertisements in aureate language.¹⁴ Political campaigning in Nigeria is still largely conducted in the traditional ways (broadcast, print, out-of-home [OOH] media, etc.), with most political advertisements still appearing primarily on TV, radio, and newspapers. However, as the internet revolution sweeps the globe and fundamentally alters how people work, communicate, transact business, and make decisions political campaigning has also changed, with politicians paying more attention to social media and other digital technology platforms.¹⁵

The 2015 elections in Nigeria saw the beginning of a spike in online political campaigning, particularly on Twitter and Facebook.¹⁵ More than 60% of Nigeria's population is under

¹² Tom Dobber and others, 'Effects of an issue-based microtargeting campaign: A small-scale field experiment in a multi-party setting' (2023) 39(1) *The Information Society* 35-44

¹³ BBC, *Cambridge Analytica's Kenya election role 'must be investigated'* < <https://www.bbc.com/news/world-africa-43471707> > accessed 5 July 2023

¹⁴ Alayande, A. (2022a). *Running Digital: Online Political Advertising and Nigeria's 2023 General Elections*. Retrieved January 1, 2023, from Dataphyte website: <https://www.dataphyte.com/latest-reports/special-report/running-digital-online-political-advertising-and-nigerias-2023-general-elections/>

¹⁵ Alayande, A. (2022a). *Running Digital: Online Political Advertising and Nigeria's 2023 General Elections*. Retrieved January 1, 2023, from Dataphyte website: <https://www.dataphyte.com/latest-reports/special-report/running-digital-online-political-advertising-and-nigerias-2023-general-elections/>

¹⁶ Ahmed, S., Madrid-Morales, D., & Tully, M. (2023). Social media, misinformation, and age inequality in online political engagement. *Journal of Information Technology & Politics*, 20(3), 269-285.

the age of 25, and most of this young generation obtains its political news from social media¹⁶, therefore the monetary advantages of digital advertising for politicians are considerable. Information spreads more quickly on digital media, and online advertisements can have an impact beyond their target demographic. Another factor is the swift, mobilizing, and social adaptation capacity of social media. On digital media, information spreads more quickly, and online advertisements can have an impact that extends beyond their intended target. Analysing customer involvement and response to an advertisement is much simpler on digital platforms than it is on conventional media.¹⁵

The low cost of using precise strategies to target voters is probably the main factor driving the growing use of digital political marketing. With the help of social media technologies, politicians can now target their advertisements to demographic groups, at times, and with wordings that make it easier to particularly sway undecided voters — all while spending significantly less money than they would with traditional advertisements. This tactic, also known as microtargeting, has been regarded as harmful to democracy since it may influence voters' opinions on the public dialogue in ways they are not consciously aware of.¹⁵

The availability of extensive data from social media, coupled with machine learning, has empowered governments and private companies to conduct highly effective algorithmic influence operations. This has led to subtle yet powerful impacts on individuals' judgments, opinions, attitudes, and behaviours, which can be manipulated by non-human autonomous systems. Without robust regulations in place, social media and content curation companies possess significant control over what information Nigerian youths consume.¹⁶

In 2019, Facebook introduced its Ad Library - a feature that allows users to track a repository of adverts that have been placed on the platform, using location, topic, and timeline as filters. The platform, which was primarily introduced due to policymakers' concerns of transparency in political advertising, includes 3 features: the Meta Ad Library, the Ad Library Report, and the Meta Ad Library API - a more sophisticated feature requiring a basic knowledge of coding to conduct customized searches of ads on Facebook.¹⁷

16 Dakuku Peterside. (2022). Social media as the new political wrestling ground. Retrieved January 1, 2023, from Businessday NG website: <https://businessday.ng/opinion/article/social-media-as-the-new-political-wrestling-ground/>

17 Alayande, A. (2022a). Running Digital: Online Political Advertising and Nigeria's 2023 General Elections. Retrieved January 1, 2023, from Dataphyte website: <https://www.dataphyte.com>

Computational Analysis

The study analysed Facebook political advertisements deployed in Nigeria's 2023 election to determine the extent and means of microtargeting in the elections. Details of this study are provided in the subsequent sections below.

Facebook Data Collection

We utilized Facebook's public ad archive to collect the pertinent data. This archive provides a list of advertisements that can be searched by keyword or page. It also includes filters such as country, whether the ad is currently active or archived, the number of impressions, whether the ad had a political disclaimer, and the platform on which the advertisement was displayed. The ad image and message are displayed along with additional information, such as the ad ID, date range, who paid for the advertisement, how much was spent on it, the number of people who saw the ad, the province(s) where the ad was displayed, and the age and gender of the people who saw it.

The collected data was from September, 2023 (the official campaign kick-off date) until February, 2023 (one day before the General election), which resulted in a dataset of 9,061 Facebook ads. For text pre-processing, NLP data analysis and cleaning tasks, such as limiting the Nigerian ads to the ads that were in English language only; special character removal, and text tokenization, was performed. After the NLP pre-processing tasks were done, the dataset had 9,018 Facebook ads.

Design Framework

By using the Facebook archive, it is possible to evaluate the extent of micro-targeting based on three main factors: the level of detail in the policy message, the range of demographic targeting (age and gender), and the accuracy of locational targeting. These three variables can be combined in different ways to produce eight different levels of messaging. We used this framework to analyse Facebook advertising patterns and to examine the nature of political micro-targeting that is observed.

The analysis conducted also made no separation between ads meant to persuade and those aimed at mobilizing voters. However, our goal is to understand how the targeted messages appear to the voters. Within the constraints of our study, we aim

[com/latest-reports/special-report/running-digital-online-political-advertising-and-nigerias-2023-general-elections/](https://www.icaad.org/press-releases/icaad-reports-on-the-impact-of-digital-political-advertising-in-nigeria-2023-general-elections/)

to determine if these messages meet the criteria for micro-targeting and if they are intrusive. With these parameters in mind, we will explore each targeting category and try to identify any distinct patterns across the political spectrum.

Text Classification

To determine the demographic (age and gender) and geographic (region) classification labels, we performed a statistical significance test on the proportion data provided by Facebook. We used an upper-tailed t-test to test the hypothesis, where μ is the mean. This was done to determine which feature group had the highest level of focus, as compared to the others.

As our detection system is responsible for the distribution of μ values, a possible solution is to identify the most exceptional confidence values in μ with respect to μ_0 . To do this, we establish a definition.

The unusual certainty values are represented by μ . Consequently, the outcome will be demonstrated with μ in the initial range of the data (class designations) as feasible anomalies. Moreover, μ can be limited to a maximum size, such as 2, based on the proposal from (Miller, 1956) that the human brain can only hold a certain number of things in short-term memory.

Not all of μ belong to a particular class; however, by selecting at least one, they can be included (and in greater proportion than a random sample from μ).

The aim is to produce a limited number of characteristic feature classes that aid in diagnosis rather than returning most of them as outputs. In this study, a modified approach based on Duong's method, the one-sample t-test, is employed. This test takes a univariate sample μ as input and performs a t-test estimation on each sample denoted μ_i . The process involves determining the optimal bandwidth values which are inputted into the algorithm. The domain is divided into n discrete points μ_i . Let μ_i . If this discretization accurately represents the densities, a local test will be conducted at each μ_i to determine if the difference $\mu_i - \mu_0$. At each μ_i , the statistic is computed, and the standard deviations of the differences $\mu_i - \mu_0$ are derived from a formula that depends on the density bandwidths. Each statistic follows a chi-squared distribution

independently. The upper-tailed p-value is determined for each one. Based on a desired threshold that produces adjusted p-values, a decision can be made about which locations display significant differences.

These tests are used to identify significant classes based on the results obtained from the tests. Two points in the discretization, x_i and x_{i+1} , are compared to identify intervals where there is a significant difference between two parameters, θ_i and θ_{i+1} . If the density difference is significant at all intermediate points, x_j , within the interval $[x_i, x_{i+1}]$, then it is considered a significant area, denoted as S_i . The intervals in S are chosen based on the significance of their p-value and limited to a maximal size. The output consists of the pairs (S_i, I_i) , where I_i is the set of indices of features that correspond to the significant intervals in S .

To determine if there is a significant variance between features and the population variance, further hypothesis testing is carried out by examining the deviation of each feature to its sample mean across different posts. The data shows a skewed distribution, which is common when the mean values are low, variances are large, and values cannot be negative.

Using the normal distribution, where the log-normal distribution is more appropriate, can distort results obtained from commonly used statistical tools. Linear statistical models assume that the variability of the predicted variable is normally distributed, but if it is log-normally distributed, then a log transform must be applied before using the tool. Otherwise, inferences based on the analysis may be biased. Conversely, if a log transform is applied to data that follows the normal distribution, then statistical analyses based on the transformed values will be misleading. Nonparametric procedures, such as using Kruskal-Wallis instead of analysis of variance, can avoid the problem of model selection, but these analyses are typically less powerful than comparable parametric ones when the data are normally distributed.

Topic Modelling

Text documents can be sorted into categories using a technique called Latent Dirichlet Allocation (LDA), which is an unsupervised model. LDA is a probabilistic model that consists of a set of mixtures that represent distributions over words. Each word's appearance is dependent on a set of k topics, where each topic is defined by a group of keywords. LDA assumes that a probabilistic process generates a collection of M documents by selecting words from a dictionary of size V . This process involves selecting several words N for each document, choosing a k -dimensional multinomial variable that represents the influence of each topic in the document, and then randomly choosing each word from a distribution of words conditioned on the topics. Various inference methods, such as variational Bayes approximation or sampling methods, can be used to obtain the parameters from a given corpus. Once the parameters are learned, a wealth of information can be obtained.



Results

Topic modelling

The determination of the optimal number of topics is a fundamental task in topic modeling, and is commonly performed using the coherence score metric. Coherence score is a measure of the semantic consistency and interpretability of the topics generated by the model. Higher coherence scores indicate more semantically meaningful and interpretable topics. In this study, coherence scores were computed for a range of topic numbers, and the topic model with two topics yielded the highest coherence score of 0.4121. The key terms associated with these two primary topics are presented in Figure 1.

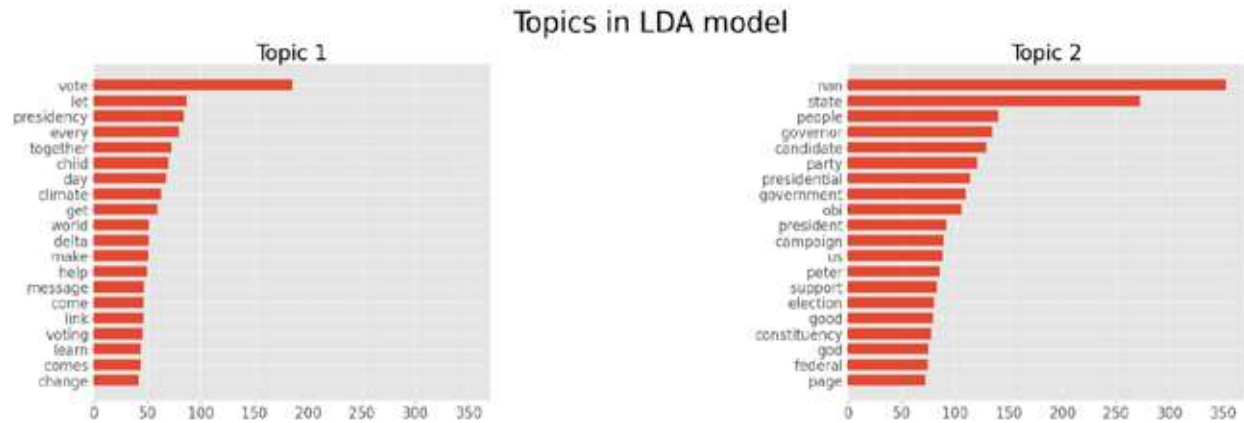


Figure 1: Word Distribution of the 2 main topics discovered by LDA

Based on the results presented in Figure 1, the topic model generated two primary topics. Notably, although both topics centred on the Nigerian 2023 election campaigns, Topic 1 extended beyond the electoral campaigns to encompass broader socio-political matters, including development and education. Conversely, Topic 2 exclusively addressed concerns related to the presidential candidates and their election campaigns, with a particular emphasis on Peter Obi's candidacy.

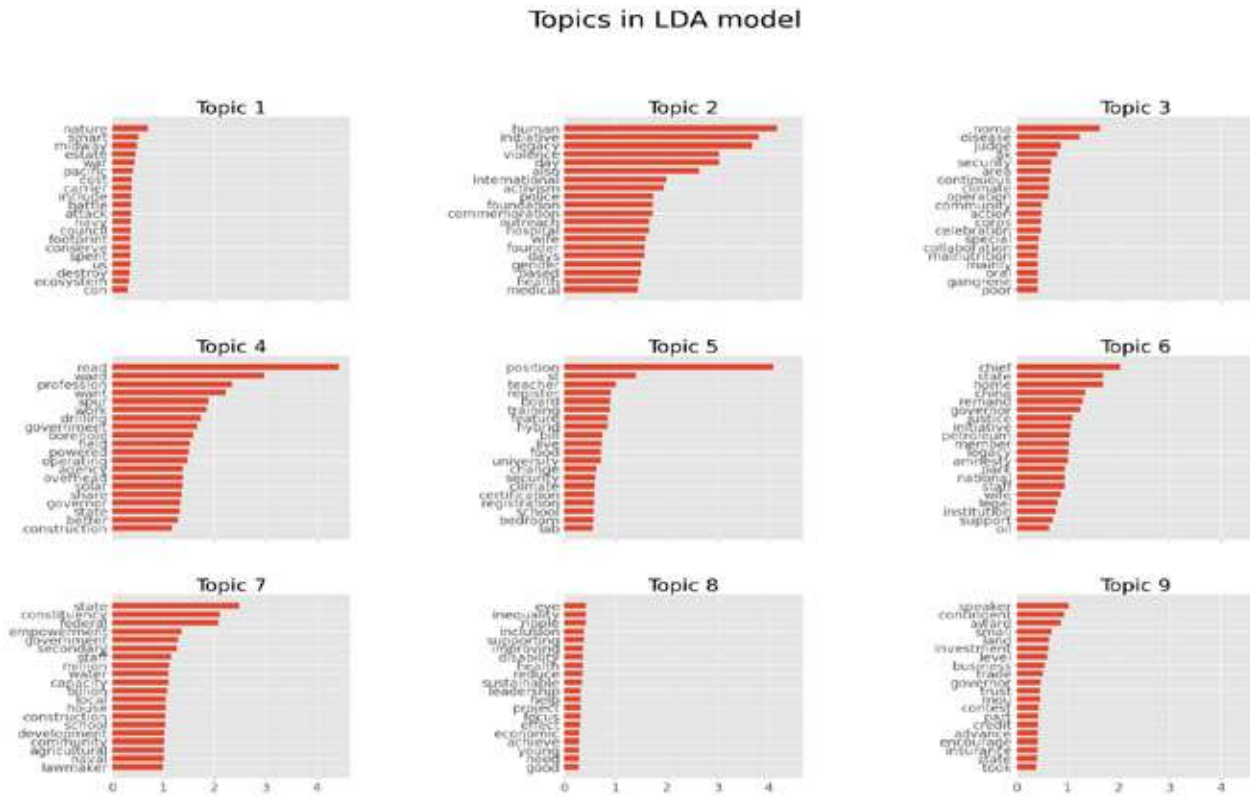


Figure 2: Subtopics under topic 1 uncovered by LDA

As shown in Figure 2, Topic 1 was subdivided into nine distinct subtopics, each addressing specific themes related to socio-political issues in the Nigerian 2023 election campaigns. The subtopics and their corresponding focus areas are summarized in the following table:

Subtopic	Focus Area
1	Climate change issues
2	Maintaining peace during the election, health care, gender
3	Diseases related to nutrition and hygiene
4	Infrastructural development
5	Higher education and training
6	Petroleum and oil mining
7	Empowerment and development issues
8	Inequality and disabilities
9	Trust in government for a conducive environment for businesses

Topics in LDA model

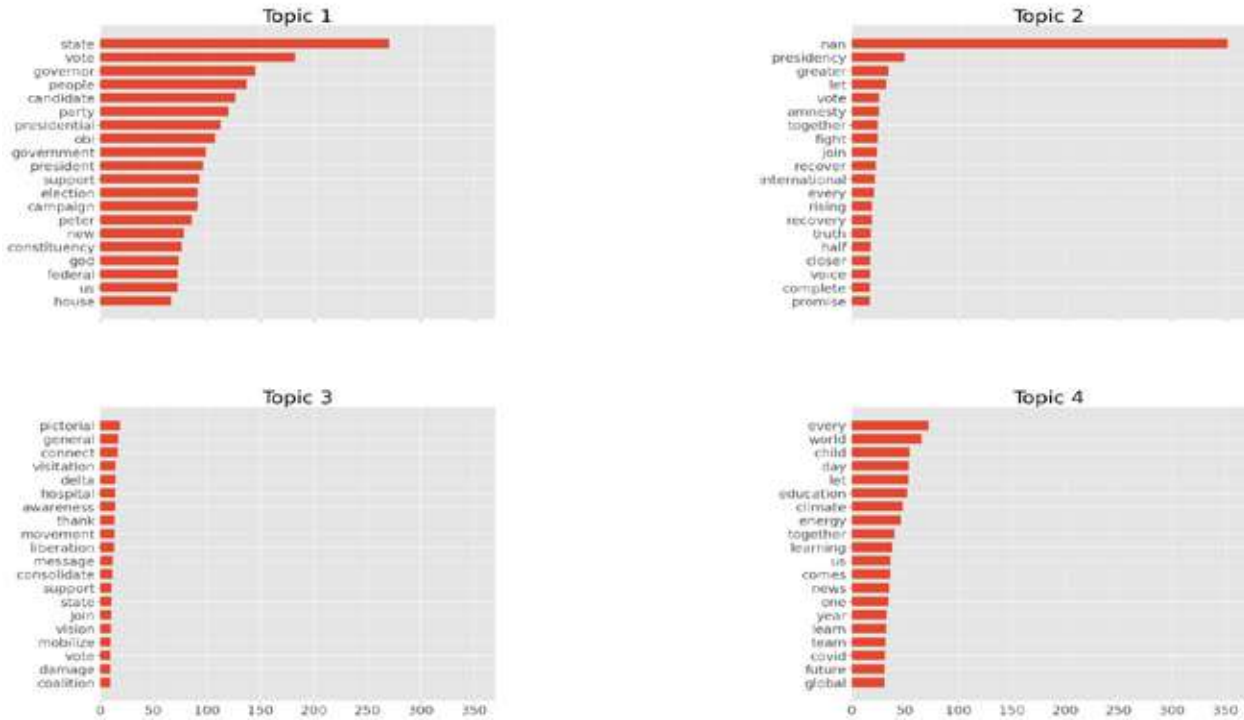


Figure 3: Subtopics for topic 2 uncovered by LDA

Upon further analysis of topic 2, it was subdivided into four subtopics, as depicted in Figure 3. The first subtopic focused on galvanizing support for one of the presidential candidates in the 2023 election and encouraging voter turnout. The second subtopic centered on promoting unity and peace during the elections to ensure a smooth transition of government, as well as highlighting the promises made by electoral candidates. The third subtopic mainly disseminated news and information on the campaigns and elections. The fourth subtopic addressed other global issues related to climate change, energy, COVID, and education.

It is noteworthy that the analysis primarily focused on topic 2 and its four subtopics, as this topic contained approximately 8000 data points, mostly concerning general election issues. In contrast, topic 1 had nine subtopics, covering a broader range of issues beyond the election.

Microtargeting

In addition to examining the descriptive statistics of the original dataset, we conducted an upper-tailed t-test on the demographic and geographic variables, incorporating age and gender as demographic characteristics. Figure 4 illustrates the age distribution of the Nigerian election ads' target audience. It reveals that the ads did not specifically target any particular age group.

Figure 4: Age distribution of Ads

Nevertheless, the largest proportion of the target audience fell within the age range of 25 to 34 years. A fact check on Facebook usage in Nigeria during the ads' running period, March to August 2022, corroborates this finding, indicating that the largest Facebook user age group in Nigeria during that time was also between ages 25 to 34 years (NapoleonCat, 2022). Consequently, we can infer that no specific age group was targeted by the ads.

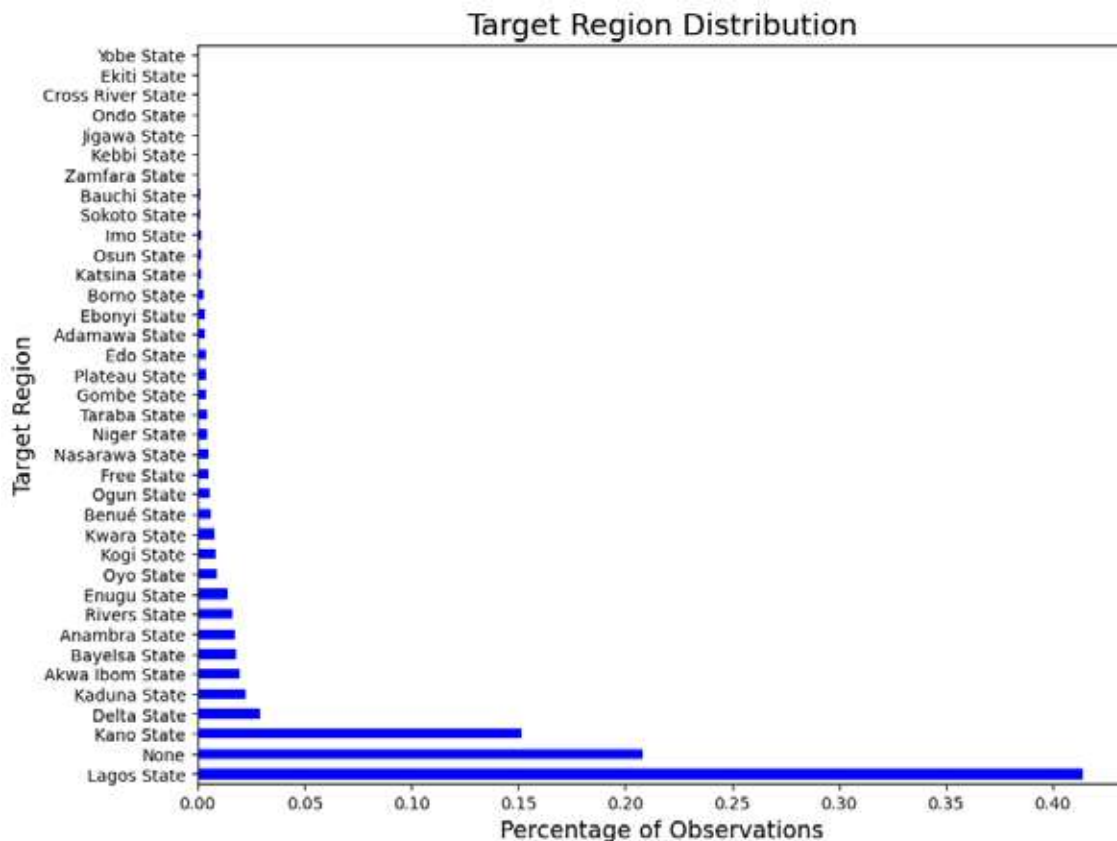


Figure 5: Regional targeting by political ads

Regarding the regional targeting, as presented in Figure 5, the majority of election ads were targeted towards Lagos during the 2023 election period, followed by “None”. This suggests that Lagos state was the primary focus of the ads, while the remaining ads were shown to a more general audience. However, after conducting a fact check, it was discovered that Lagos has the highest number of Facebook users in Nigeria, accounting for 40.3% (13.3 million) of the country’s Facebook users. Given this information, the study concluded that the ads were not specifically targeted towards particular regions but rather aimed at a broader audience.

Table 1: Distribution of gender by targeted ads

Gender	Proportion
unknown	0.0%
male	5.5%
female	2.2%

Further analysis into the gender feature did not reveal any evidence of targeting by gender within our dataset with None having 100%.

Table 2: Distribution of age by targeted ads

Age group	Proportion
55-64	2%
18-24	4.1%
13-17	0.07.8%
35-44	5.4%
25-34	11.2%
65+	0.08%
45-54	3.2%

Analyzing the message of the ad

The LDA topic modeling analysis identified four main subtopics under the major topic 2. These were topic 0, focused on electoral campaigns and encouraging voter turnout; topic 1, which covered education, Covid-19, and development; topic 2, centered on climate change and the government’s involvement in climate policy; and topic 3, which dealt with electoral candidates and rallying for their support. Topic 3 had the highest proportion in the data, accounting for 85.4% of the content.

Table 4: Proportion of Dominant Topics within data

Dominant Topic	Proportion
Topic 0(electoral campaigns and encouraging voter turnout)	1.3%
Topic 1(education, Covid-19, and development)	3.4%
Topic 2(climate change and the government's involvement in climate policy)	9.09%
Topic 3 (electoral candidates and rallying for their support)	85.4%

Topic 2 had the second highest number of ads; the government plays an active role in shaping climate change policy and this finding affirms the importance of this topic to the political candidates in the 2023 election. Topic 0 had the least amount of ads related to it. Therefore, the study concluded that the primary focus of the election ads was on the promises and messages of the electoral candidates, as captured by topic 3.

Table 5: Age group distribution by Dominant Topics of political ads

Dominant Topic	18-24	25-34	35-44	45-54	65+	None
0	2.56%	5.13%	2.56%	-	1.28%	88.46%
1	-	1.96%	2.94%	-	0.98%	94.12%
2	0.51%	2.02%	0.51%	0.67%	0.51%	95.78%
3	0.55%	1.88%	1.27%	0.49%	0.69%	95.12%

Table 5 above displays the relationship between the age groups targeted by the ads and the four main topics. Based on the findings, the ads for each of these four topics were, mostly, intended for a general audience. The proportion of ads targeting "None" for each of the four topics was consistently above 87%. However, for the political topics, intentional targeting was observed. Topic 0 had proportions above 2.5% for ages 18-24, 25-34, and 35-44, while Topic 3 had proportions above 1.3% for ages 25-34 and 35-44. These results suggest that although the ads were not specifically targeted to certain age groups, there was some effort put into reaching audiences

between 18-24, 25-34, and 35-44 for political messages.

Table 6: Target region and dominant topics.

Target Region	Topic 0	Topic 1	Topic 2	Topic 3
Adamawa State	-	-	0.51%	0.29%
Akwa Ibom State	1.28%	2.94%	1.35%	1.96%
Anambra State	1.28%	-	1.52%	1.90%
Bauchi State	-	-	-	0.10%
Bayelsa State	1.28%	1.47%	1.85%	2.18%
Benua State	-	1.47%	0.84%	0.63%
Borno State	-	-	0.51%	0.29%
Cross River State	-	-	0.17%	0.04%
Delta State	-	5.39%	4.22%	2.90%
Ebonyi State	-	-	0.17%	0.35%
Edo State	-	0.49%	0.67%	0.31%
Enugu State	1.28%	0.98%	1.85%	1.45%
Free State	-	0.98%	0.51%	0.39%
Gombe State	-	0.98%	0.17%	0.57%
Imo State	-	-	0.17%	0.16%
Jigawa State	-	-	-	0.06%
Kaduna State	1.28%	2.45%	1.01%	2.45%
Kano State	11.54%	15.69%	17.20%	15.32%
Katsina State	-	-	0.17%	0.18%
Kebbi State	-	-	-	0.06%
Kogi State	-	1.47%	0.51%	0.96%
Kwara State	-	-	0.67%	0.76%
Lagos State	57.69%	41.67%	39.12%	42.60%
Nasarawa State	1.28%	0.49%	0.67%	0.41%
Niger State	-	-	0.84%	0.49%
None	19.23%	19.61%	19.39%	18.81%
Ogun State	2.56%	0.98%	1.01%	0.37%
Ondo State	-	-	-	0.06%
Osun State	-	-	-	0.18%
Oyo State	1.28%	0.49%	1.52%	0.88%
Plateau State	-	-	0.34%	0.45%

Target Region	Topic 0	Topic 1	Topic 2	Topic 3
Rivers State	-	1.47%	1.85%	1.72%
Sokoto State	-	-	0.17%	0.18%
Taraba State	-	0.98%	0.67%	0.45%
Yobe State	-	-	0.17%	-
Zamfara State	-	-	0.17%	0.08%

Table 6 presents the relationship between the primary topics identified in the ads and the regions where they were viewed. All four topics had a strong presence in Lagos and Kano, with Lagos accounting for around 40% of the ads related to the four topics, followed by Kano at approximately 13.5%. As for the political topics, topic 0 was mainly broadcasted in Lagos and Kano, with proportions of 57% and 12%, respectively. Topic 3 was predominantly aired in Lagos and Kano with proportions of 43% and 15%, respectively. However, for topic 0 and topic 3 ads shared in general locations (represented by location “None”), it was found that the proportion of these ads was 19% and 18%, respectively. This implies that about 20% of the time, these ads were shared in general locations with no specific target location. From these findings, the study concluded that there was some targeting when it came to areas such as Lagos and Kano. Lagos and Kano are the two most densely populated areas in Nigeria which may account for this finding (Statista, 2022).

Regional Targeting

Table 7: Age group distribution by Target region for political ads

Target Region	18-24	25-34	35-44	45-54	65+	None
Adamawa State	-	11.11%	-	-	-	88.89%
Akwabom State	-	0.87%	-	0.87%	-	98.26%
Anambra State	1.87%	1.87%	0.93%	0.93%	0.93%	93.46%

Target Region	18-24	25-34	35-44	45-54	65+	None
Bauchi State	-	-	-	-	-	100%
Bayelsa State	-	1.59%	0.79%	0.79%	-	96.82%
Benue State	-	2.50%	5.00%	-	-	92.50%
Borno State	-	-	-	-	-	100%
Cross River State	-	-	-	-	-	100%
Delta State	-	2.17%	2.17%	0.54%	-	94.57%
Ebonyi State	-	-	-	-	-	100%
Edo State	-	-	-	-	-	100%
Enugu State	-	1.14%	1.14%	-	3.41%	94.32%
Gombe State	-	3.13%	-	-	-	96.88%
Imo State	-	-	-	-	-	100%
Jigawa State	-	-	-	-	-	100%
Kaduna State	-	2.92%	0.73%	-	0.73%	95.62%
Kano State	0.76%	1.19%	0.32%	0.11%	0.54%	97.08%
Katsina State	-	10.00%	-	-	-	90.00%
Kebbi State	-	-	-	-	-	100%
Kogi State	1.82%	-	-	1.82%	-	96.36%
Kwara State	-	2.33%	-	-	-	97.67%

Target Region	18-24	25-34	35-44	45-54	65+	None
Lagos State	0.59%	2.40%	1.54%	0.55%	0.75%	94.16%
Nasarawa State	-	-	-	-	-	100%
Niger State	-	-	-	-	-	100%
None	0.62%	1.68%	1.42%	0.53%	0.97%	94.78%
Ogun State	-	-	-	-	-	100%
Ondo State	-	-	-	-	-	100%
Osun State	-	-	-	-	-	100%
Oyo State	-	1.79%	3.57%	-	-	94.64%
Plateau State	4.00%	4.00%	8.00%	4.00%	-	80.00%
Rivers State	-	2.94%	2.94%	-	0.98%	93.14%
Sokoto State	-	-	-	10.00%	-	90.00%
Taraba State	-	-	-	-	-	100%
Yobe State	-	-	-	-	-	100%
Zamfara State	-	-	-	-	-	100%

Table 7 indicates that the ads were aimed at a general audience in each region, with an average of over 80% of the ads being viewed by a general audience. However, there were some exceptions to this trend. For example, in Sokoto state, 10% of the ads were targeted at users aged 45 to 54. In Plateau state, the ads targeted ages between 18 to 54 years. In Katsina and Adamawa, the ads targeted users aged 25 to 34, with proportions of 10% and 11%, respectively. Nonetheless, the study concluded that the overall strategy was to reach a general audience in all regions.

Analyzing the Impressions of the ads

Table 8: Impressions per dominant topic

Dominant Topic	Average Impressions
Topic 0(electoral campaigns and encouraging voter turnout)	1.3%
Topic 1(education, Covid-19, and development)	3.0%%
Topic 2(climate change and the government's involvement in climate policy)	10.2%
Topic 3 (electoral candidates and rallying for their support)	85.5%

Table 8 above, displays the impressions per dominant topic, and the analysis suggests that the most impressions were garnered by ads related to topic 3, which centered on electoral candidates and their efforts to garner support, with an average of 85.49%. This indicates that ads pertaining to supporting candidates during the campaign period were the most frequently shown on Facebook in Nigeria. On the other hand, ads related to topic 0, which focused on encouraging voter turnout, were the least shown on Facebook during the campaign period. Therefore, the study concluded that more emphasis was placed on educating the public about the emergence of new presidential candidates rather than encouraging voter turnout.

Table 9: Impressions of ads per age group

Target Age	Average Impressions
25-34	52.06%
35-44	23.60%
65+	10.685
18-24	7.15%
45-54	6.51%

Table 9 indicates that political ads had the highest number of impressions in the age group of 25 to 34. This age group had the most Facebook users during the period of March 2022 to August 2022, followed by the age group of 18 to 24 (NapoleonCat, 2022), which coincides with the time frame when the ads were displayed.

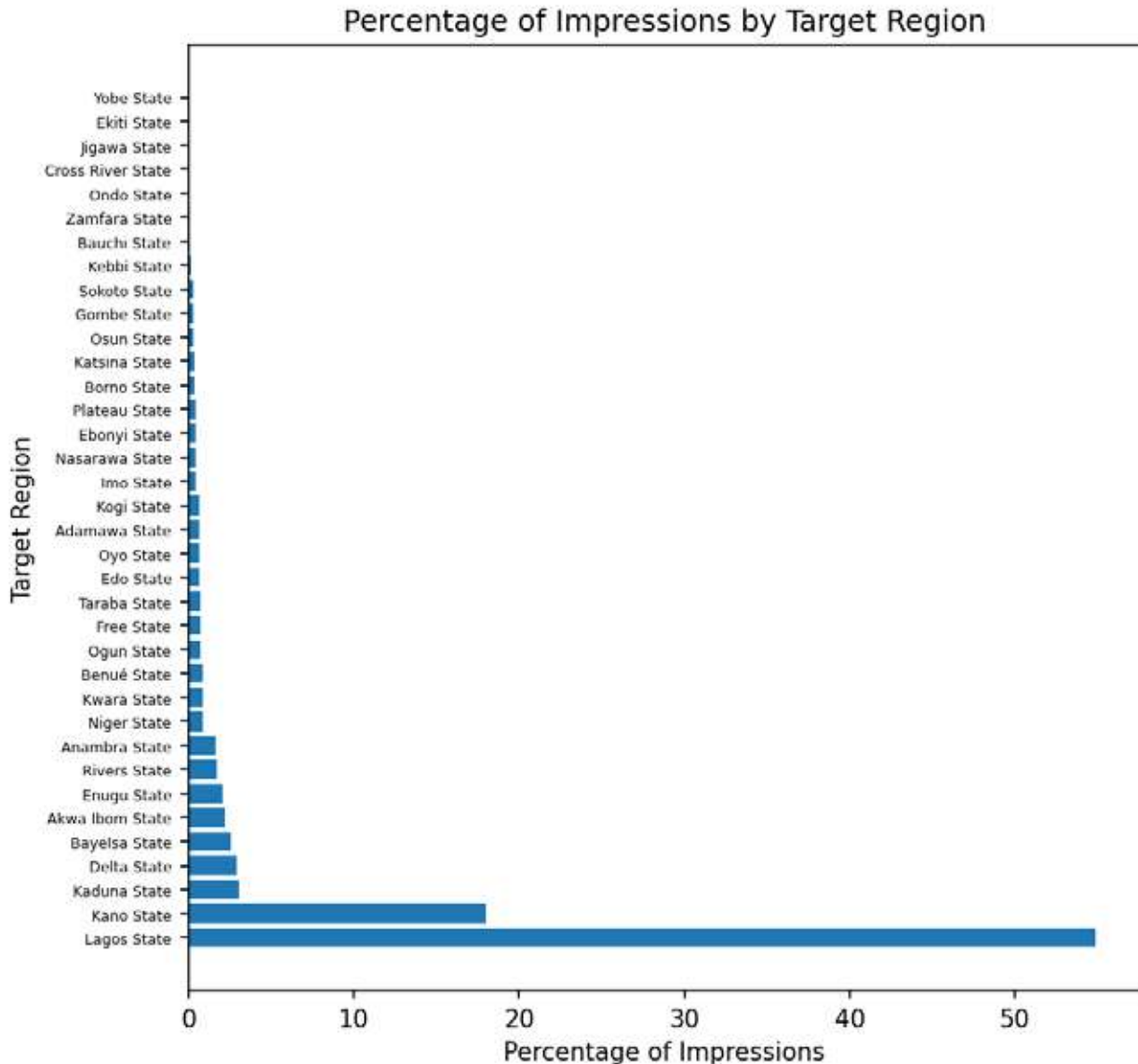


Figure 3: Impressions of ads in each region

According to Figure 3, Lagos State had the highest number of ad impressions. With approximately 28 million Facebook users in Nigeria, representing 12.7% of the total population, most of the Facebook users are in Lagos, with a total of 12.3 million users, representing 6% of Nigeria's total population (Statista, 2022). This indicates that the high targeting of ads in Lagos may be due to the large number of Facebook users in that state.

Table 10: Impressions of dominant topics per age group

Target Age	Topic 0	Topic 1	Topic 2	Topic 3
18-24	4.77%	-	6.10%	89.14%
25-34	1.26%	0.87%	14.09%	83.78
35-44	2.87%	3.27%	1.21%	92.65%
45-54	-	-	21.09%	78.91
65+	0.05	15.57%	10.13%	74.25%

The advertisements related to topic 3 had the highest number of impressions in all age groups, indicating that more emphasis was placed on educating potential voters about the different presidential candidates and their platforms. In contrast, ads related to topic 0, which encouraged voter turnout, had a much lower proportion of impressions. Topics 1 and 2 were found to be closely related to topics 0 and 3, respectively, but focused on global issues such as climate change. Table 10 suggests that the emphasis was placed on making the presidential candidates known to the public, rather than encouraging voter turnout.

Table 11: impressions of ads per dominant topics per region

Target Region	Topic 0	Topic 1	Topic 2	Topic 3
Adamawa State	-	-	1.04%	0.72%
Akwa Ibom State	0.02%	2.18%	1.77%	2.04%
Anambra State	0.31%	-	1.54%	1.99%
Bauchi State	-	-	-	0.02%
Bayelsa State	0.05%	1.29%	8.08%	2.95%
Benue State	-	1.03%	1.13%	0.72%
Borno State	-	-	0.42%	0.55%
Cross River State	-	-	0.18%	0.02%
Delta State	-	5.98%	3.07%	2.94%
Ebonyi State	-	-	0.37%	0.43%
Edo State	-	0.40%	0.86%	1.00%
Enugu State	0.05%	2.03%	2.76%	2.49%
Free State	-	0.44%	0.11%	0.37%
Gombe State	-	0.62%	0.06%	0.39%
Imo State	-	-	0.00%	0.27%
Jigawa State	-	-	-	0.02%

Target Region	Topic 0	Topic 1	Topic 2	Topic 3
Kaduna State	0.57%	9.92%	0.94%	3.51%
Kano State	48.67%	16.69%	10.51%	19.61%
Katsina State	-	-	0.06%	0.63%
Kebbi State	-	-	-	0.25%
Kogi State	-	1.63%	0.32%	0.75%
Kwara State	-	-	4.33%	0.37%
Lagos State	42.60%	55.32%	54.00%	52.78%
Nasarawa State	0.31%	0.06%	1.14%	0.27%
Niger State	-	-	0.37%	0.60%
Ogun State	6.04%	1.70%	0.71%	0.18%
Ondo State	-	-	-	0.06%
Osun State	-	-	-	0.34%
Oyo State	1.39%	0.03%	0.99%	0.52%
Plateau State	-	-	0.13%	0.40%
Rivers State	-	0.45%	4.82%	1.60%
Sokoto State	-	-	0.03%	0.41%
Taraba State	-	0.23%	0.23%	0.70%
Yobe State	-	-	0.04%	-
Zamfara State	-	-	0.00%	0.09%
Target Region	0	1	2	3
Adamawa State	-	-	1.04%	0.72%
Akwa Ibom State	0.02%	2.18%	1.77%	2.04%
Anambra State	0.31%	-	1.54%	1.99%
Bauchi State	-	-	-	0.02%
Bayelsa State	0.05%	1.29%	8.08%	2.95%
Benua State	-	1.03%	1.13%	0.72%
Borno State	-	-	0.42%	0.55%
Cross River State	-	-	0.18%	0.02%
Delta State	-	5.98%	3.07%	2.94%
Ebonyi State	-	-	0.37%	0.43%
Edo State	-	0.40%	0.86%	1.00%
Enugu State	0.05%	2.03%	2.76%	2.49%
Free State	-	0.44%	0.11%	0.37%
Gombe State	-	0.62%	0.06%	0.39%
Imo State	-	-	0.00%	0.27%
Jigawa State	-	-	-	0.02%
Kaduna State	0.57%	9.92%	0.94%	3.51%

Target Region	Topic 0	Topic 1	Topic 2	Topic 3
Kano State	48.67%	16.69%	10.51%	19.61%
Katsina State	-	-	0.06%	0.63%
Kebbi State	-	-	-	0.25%
Kogi State	-	1.63%	0.32%	0.75%
Kwara State	-	-	4.33%	0.37%
Lagos State	42.60%	55.32%	54.00%	52.78%
Nasarawa State	0.31%	0.06%	1.14%	0.27%
Niger State	-	-	0.37%	0.60%
Ogun State	6.04%	1.70%	0.71%	0.18%
Ondo State	-	-	-	0.06%
Osun State	-	-	-	0.34%
Oyo State	1.39%	0.03%	0.99%	0.52%
Plateau State	-	-	0.13%	0.40%
Rivers State	-	0.45%	4.82%	1.60%
Sokoto State	-	-	0.03%	0.41%
Taraba State	-	0.23%	0.23%	0.70%
Yobe State	-	-	0.04%	-
Zamfara State	-	-	0.00%	0.09%

According to Table 11, all four topics had the highest number of impressions in Lagos, which is mainly due to its large population (Statista, 2022). However, Kano state had a slightly higher proportion of impressions for ads related to topic 0 compared to Lagos by about 6%, indicating additional efforts to encourage voter turnout in that area. For topic 3, Lagos had the highest proportion of impressions, indicating that presidential candidates considered Lagos as a critical stronghold for acquiring votes, and the same was true for Kano. Therefore, there was some ad-targeting to sensitize voters on what each presidential candidate had to offer, even though it was based on general statistics.

The analysis of political ads during the Nigerian election raises important questions about the implementation of microtargeting strategies in Nigeria. The findings suggest that microtargeting may not be a significant concern in the country. There is no evidence of specific targeting based on age or gender in the Nigerian ads, indicating that political teams may not be utilizing this particular tool extensively, if at all. It is crucial to explore the factors that could be hindering or facilitating microtargeting in Nigeria.

One factor that may be hindering microtargeting in Nigeria is the demographic distribution of Facebook users during the ad campaign period. The largest proportion of the target

audience fell within the age range of 25 to 34 years, which aligns with the overall user base in Nigeria. This suggests that political teams may have opted for a more general approach, targeting the broad Facebook user population rather than narrowing down to specific age groups. Additionally, the absence of gender targeting indicates a lack of emphasis on tailoring messages to specific gender categories.

Another factor that could be influencing microtargeting in Nigeria is the regional distribution of Facebook users. The majority of the ads focused on Lagos, the state with the highest number of Facebook users in Nigeria. However, this may be attributed to Lagos being a densely populated region rather than a deliberate microtargeting strategy. The ads also reached a more general audience outside of specific regions, indicating a broader targeting approach.

To gain a deeper understanding of microtargeting in Nigeria, further research and analysis are required. Exploring the motivations and limitations faced by political teams could shed light on why microtargeting may not be extensively employed. Factors such as data availability, technological infrastructure, and cultural considerations may play a role in shaping microtargeting strategies in Nigeria. By delving into these aspects, we can uncover the potential hindrances or enablers of microtargeting in the country's political landscape.

Legal and Regulatory Landscape in Nigeria

In Nigeria, the issue of microtargeting in political campaigns intersects with various laws and regulations related to data protection, privacy, and electoral processes. While specific legislation addressing microtargeting may be quite limited or even absent, several existing laws can be invoked to regulate aspects of this practice.

The Nigerian Data Protection Act enacted into law in 2023 is a comprehensive law for protecting personal data. This legal instrument aims to safeguard the rights of individuals regarding the processing of their personal information, including the collection, use, and disclosure of data. It provides a legal basis for individuals to control the use of their personal data and sets obligations for data controllers and processors to ensure the security and confidentiality of such data. Additionally, Nigeria has constitutional provisions that protect citizens' rights to privacy and freedom of expression. These constitutional guarantees can be invoked to challenge any microtargeting practices that infringe upon individuals' privacy or manipulate the democratic process. Other laws which apply to political microtargeting include:

1. The 1999 Constitution of the Federal Republic of Nigeria

Section 37 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) protects the rights of citizens to their privacy and the privacy of their homes, correspondence, telephone conversations and telegraphic communication. Data privacy and protection are thus extensions of a citizen's constitutional right to privacy.¹⁸

While touching on the Right to Freedom of Thought, Conscience, and Religion, The Nigeria Constitution in Section 38(1) provides, "Every person shall be entitled to freedom of thought, conscience, and religion, including the freedom to change his religion or belief and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance".¹⁹ Section 39 of the 1999 Constitution, the Federal Republic of Nigeria provides inter alia that "every person shall be entitled to freedom of expression, including the freedom to hold opinions and to receive and impart information without interference ...". Notably, the enactment of the Freedom of Information Act (2011) in Nigeria has enhanced the enjoyment of rights to freedom of information thereby strengthening people's right to opinion and expression.²⁰ The right to privacy, expression, and access to information are intrinsically linked in the context of political microtargeting, as the abuse of personal data and the manipulation of tailored content can undermine democratic processes and infringe upon these fundamental rights.

Nigeria's constitution serves as the baseline for all rights in the country, it is the supreme law of the land and often referred to as the grundnorm.²¹ The strong position of the constitution makes the rights it protects inalienable. Since online political microtargeting involves collecting and combining people's personal data on a massive scale to identify political preferences,²² the data potentially threatens the privacy of individuals and could infringe on their given rights to free expression. This is because individuals might choose to avoid certain sites or feel censored overall online. .

18 The Constitution of the Federal Republic of Nigeria 1999 (as amended). Act No. 24, 5 May 1999.

19 An Analysis Of Some Provisions Of The 1999 Nigerian Constitution In Relationship With End Of Life Care by Dele Okunowo and Suraju A. Aminu : Global Journal Of Social Sciences Vol 14, 2015: 43-48+

20 ibid

21 [Enforcing fundamental rights in Nigerian Courts](#)

22 <https://cipit.strathmore.edu/what-is-political-microtargeting-and-what-are-the-risks-involved/>

2. National Information and Technology Agency's Nigeria Data Protection Regulation (NITDA's NDPR)

2.1 The NDPR

The NDPR was the pioneer (although now repealed by the new Data Protection Act 2023) and, the most comprehensive statutory instrument to protect data privacy in Nigeria while being a subsidiary legislation made pursuant to the NITDA Act.²³ The NITDA Act empowers the National Information and Technology Agency (NITDA) to issue guidelines to cater for electronic governance and monitoring the use of electronic data exchange. Deriving from this provision, NITDA then developed and issued the Nigeria Data Protection Regulation 2019.²⁴ A significant feature that distinguishes the NITDA Regulation is that it is a data privacy and protection-specific body of rules as opposed to it being an ancillary provision in a legislation whose primary objective is not data protection.²⁵ Without question, the NITDA Regulation constitutes a transformational attempt to radicalise the data privacy and protection regime in Nigeria as of then.

The regulations acknowledged the right to raise objections to data processing, particularly in cases involving direct marketing or profiling, including political micro-targeting. When individuals object to the processing of their personal data, they have the option to request the deletion or destruction of their data.²⁶ The regulations also outline the procedures that data controllers or processors must follow when receiving such objections or complaints. These measures are crucial in curbing the practices of political micro-targeting, thereby playing a significant role in limiting its occurrence.

The collection, storage, and processing of personal data are required to be fair, specific, legitimate and lawful. By Section 5(1) (a) of the NDPR, personal data must be collected and processed in accordance with specific, legitimate and lawful purposes consented to by the data subject.²⁷ Note that these requirements of fairness, specificity, legitimacy, and lawfulness are in addition to other procedures laid down in the Regulation or any other instrument.

There were many other notable provisions in the NDPR such as Section 5(3) which spoke to the principle of accountability in respect of data collection and processing.²⁸

23 Data Privacy And Data Protection Law In Nigeria Uche Val Obi

24 ibid

25 ibid

26 NDPR

27 ibid

28 [The Principles of Nigerian Data Protection Law By Alexander Asuquo1](#)

2.1.1 Nigerian Data Protection Bureau (NDPB)

The Nigerian Data Protection Bureau (NDPR) was created by the Nigerian government in February 2022. The Bureau is mandated to, inter alia, oversee the implementation of the NDPR which was issued by National Information Technology Development Agency (NITDA) in 2019 as a subsidiary legislation of NITDA act, 2007.²⁹ Furthermore, the Bureau can establish oversight mechanisms to monitor and enforce compliance with the regulations and guidelines it establishes. This includes conducting audits, investigations, and imposing penalties for violations.

3. Data Protection Act 2023 (“the Act”)

Enacted into law in June 2023, Nigeria’s Data Protection Act aims to enhance data protection and privacy rights for all Nigerian nationals. Similar to the NDPR, the act applies to the collection, storage, processing, and use of personal data of individuals residing in Nigeria or of Nigerian nationality, regardless of the means employed.³⁰

The Act applies to data controllers or data processors domiciled, ordinarily resident or ordinarily operating in Nigeria or where the processing of personal data occurs within Nigeria. The Act also applies to data controllers or data processors not domiciled, ordinarily resident or ordinarily operating in Nigeria, so far they are processing personal data of data subjects in Nigeria. This is unlike the NDPR which focuses on natural persons residing in Nigeria or Nigerians residing outside Nigeria. It should be noted that the Act does not apply to the processing of personal data carried out by one or more individuals solely for personal or household purposes. The Act also exempts activities carried out by competent authorities from the rights and obligations specified, and for the purpose of investigation and prosecution of crimes, national public health emergency, national security and publication in the public interest for journalism, educational, artistic and literary purposes. The Act goes further to empower the Commission to create further exemptions by Regulation.

In line with Section 27 of the Act, the burden of proof for establishing a data subject’s consent is on the data controller. It should be noted that the silence or inactivity by the data subject shall not constitute consent. The consent may be granted in writing, orally or through electronic means. The data subject can also withdraw his consent at any time. It is important to note that the withdrawal will not affect the lawfulness of prior data processing.³¹

29 [NDPB](#)

30 Ibid

31 Ibid

In comparison to the NDPR, the Act provides for more rights of data subjects. It emphasizes data subject access rights like obtaining confirmation of the personal data being processed and details regarding its purpose and retention periods, the right to request rectification or erasure, lodge complaints with the Commission and request a copy of the personal data in electronic format without undue delay. It also grants data subjects the right to object to the processing of personal data and to not be subjected to a decision based solely on the automated processing of personal data.³²

Section 35 of the Data Protection Act introduces exemptions to the general data protection provisions in situations of public interest. These exemptions include cases involving public order, public safety, public morality, national security, crime prevention or detection, apprehension or prosecution of offenders, tax assessment or collection, and publication of literary or artistic material. However, the use of generic terms like “public safety and security” has raised concerns about potential abuse of power.³³ The Data Protection Act, along with the NDPR, establishes a comprehensive framework for protecting personal data, ensuring individuals have control over their information. It emphasizes the need for informed consent, purpose limitation, data minimization, security measures, and individuals’ rights. These provisions are crucial in regulating micro-targeting campaigns, which often rely on personal data for tailored advertising and communication.

The Commission will provide an oversight on the statutory institutions of government with the common goal of safeguarding the privacy of natural persons. For instance, see Section 37 of the 1999 constitution of the Federal Republic of Nigerian (as amended); Article 12 of the Universal Declaration of Human Rights; Article 17 of the international Covenant on Civil and Political Rights (ICCPR); Section 8 of Child Rights Act; Section 1 & 38 of Cybercrime Act 2015; Part IV of Consumer Code of Practice Regulation (Nigerian Communications Commission); and Article 5.4 of Consumer Protection Regulation (Central Bank of Nigeria).³⁴

Under the Act, personal data can only be transferred from Nigeria to another country if the recipient of the personal data is subject to a law, binding corporate rules, contractual clauses, codes of conduct or certification mechanisms that afford an adequate level of protection with respect to the personal data. Section 43 of the Act provides that a level of protection is adequate if it upholds principles that are substantially similar to the

32 Ibid

33 Data protection Act

34 Ibid

conditions for the processing of the personal data provided for in the Act. The Act goes further in Section 44 to enumerate other bases for the transfer of personal data outside Nigeria contained in the Act. Furthermore, the Act empowers the Commission to create a blacklist of some sort from time to time. It is a list of countries, regions, specific sectors within a country, or standard contractual clauses which the Commission deems as not providing adequate protection for the international transfer of data.³⁵

From the examination of the Act, data controllers and data processors are given a higher responsibility to match the high level of accountability that is expected of any organisation entrusted with the personal data of data subjects. An important question that comes to mind is whether the Act repeals the Nigeria Data Protection Regulation 2019 (NDPR).³⁶

4. NITDA Code of Practice

On 13th June 2022, the National Information Technology Development Agency (NITDA) issued the draft Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries (“the Code”).³⁷ The objectives of the Code include setting out best practices for online platforms and making the digital ecosystem safer for Nigerians and non-Nigerians in Nigeria. The Code is also expected to set out measures to combat harmful online information and adopt a co-regulatory approach toward implementation and compliance. The Code thereafter sets out provisions across six parts to achieve these objectives.³⁸

According to NITDA, the Code was developed in collaboration with the Nigerian Communications Commission (NCC) and the Nigerian Broadcasting Commission (NBC), with input from “interactive computer platforms’ such as Twitter, Facebook, WhatsApp, Instagram, Google, and TikTok. NITDA further stated that the Code is aimed at “protecting the fundamental human rights of Nigerians and non-Nigerians living in the country, as well as defining guidelines for interacting in the digital ecosystem”.³⁹ The draft Code of Practice consists of six parts, stating responsibilities, prohibitions, and other obligations digital platforms and intermediaries must comply with.

35 <https://www.mondaq.com/nigeria/data-protection/1332160/unveiling-the-nigeria-data-protection-act-2023-an-expert-appraisal-of-key-provisions>

36 “There is no specific provision that mentions the repeal of the NDPR. However, on a careful reading of the transitional provisions in Section 64 of the Act that mandates all orders and regulations made or issued by NITDA and the NDPB to continue to be in force until they expire or are repealed, it can be rightfully assumed that the NDPR is not repealed by the Act”

37 <https://nitda.gov.ng/>

38 NITDA Code of practice

39 [NITDA Code of Practice - potential impact on online platforms and social media - Businessday NG](#)

Part Five covers the measures digital platforms must take in containing disinformation and misinformation. According to the definition section of the draft Code of Practice, “disinformation” means verifiably false or misleading information that, cumulatively, is created, presented, and disseminated for economic gain or to deceive the public intentionally and that may cause public harm. ‘Misinformation’, on the other hand, means the unintentional dissemination of false information.⁴⁰

In the context of political microtargeting, the measures outlined in Part Five of the draft Code of Practice can help address the spread of disinformation and misinformation that may be utilized in targeted political campaigns. Digital platforms and intermediaries have a responsibility to implement measures that contain and combat the dissemination of verifiably false or misleading information intended to deceive the public or cause harm.

Amongst other list of obligations, the digital platform must not only provide users with easily accessible tools to report disinformation or misinformation but also ensure that it improves access to “different authentic sources with alternative perspectives”. Digital platforms must prioritize authentic information in search, feeds, or other distribution channels. It must also trace, expose, penalize, and close accounts and sources that amplify disinformation and misinformation.⁴¹

But the draft Code of Practice makes an exception for a user who, without intent, merely redistributes through intermediaries, the content of which the user is not the author and which the user has not modified.⁴² The code defines Interactive Computer Service Platforms (Platforms) as “any electronic medium or site where services are provided by means of a computer resource and on-demand and where users create, upload, share, disseminate, modify, or access information, including websites that provide reviews, gaming platforms, and online sites for conducting commercial transactions”. The inference drawn from this definition of interactive computer service platforms is that it would cover online platforms such as companies’ websites, fintechs, gaming companies, edtechs, healthtechs, e-commerce platforms, social media platforms and other service providers that offer goods and services through their platforms.

Internet Intermediary (Intermediary) defined in the Code as including, “but not limited to, social media operators, websites, blogs, media sharing websites, online discussion forums, streaming platforms, and other similar oriented intermediaries where services are either enabled or provided and transactions are conducted and where users can

40 NITDA Code of Practice

41 <https://infusionlawyers.com/nitda-code-of-practice-for-digital-platforms/>

42 Ibid

create, read, engage, upload, share, disseminate, modify, or access information”. This definition captures a number of companies already covered under interactive computer service platforms. It includes streaming platforms (like Netflix, YouTube, etc) social media platforms, internet service providers, e-commerce intermediaries, fintechs, etc. While large Service Platforms (Large Platforms) – defined as “an Interactive Computer Service Platform/Internet Intermediary whose users are more than one hundred thousand (100,000)” This simple definition indicates that Platforms and Intermediaries (collectively referred to in this article as “online platforms”) that have more than one hundred thousand users are classified as Large Platforms.

The draft code faced significant opposition from various stakeholders in Nigeria, particularly civil society organizations (CSOs). Their concern stemmed from the belief that simplistic solutions should not be hastily implemented to address complex problems, as doing so may potentially compromise the human rights that are safeguarded by the Nigerian constitution, regional instruments, and international law. Paradigm Initiative, a CSO based in Nigeria, highlighted the importance of engaging relevant stakeholders, including platform owners, civil society actors, and users, in the process of moderating digital spaces. They cautioned that an absence of such consultations could result in human rights abuses, including infringements on freedom of expression and privacy, ultimately leading to censorship.⁴³

5. Cybercrimes (prohibition, prevention etc.) Act 2015 (CPPA)

The main legislation dealing with cybersecurity in Nigeria is the Cybercrimes (Prohibition, Prevention, etc.) Act, 2015 (‘the Cybercrimes Act’). The Cybercrimes Act provides an effective, unified, and comprehensive legal, regulatory, and institutional framework for the prohibition, prevention, detection, prosecution, and punishment of cybercrimes in Nigeria. The Cybercrimes Act promotes cybersecurity, the protection of critical national information infrastructure, computer systems and networks, electronic communications, data and computer programs, and privacy rights.⁴⁴

The fundamental purpose of the CPPA is to establish a framework for the prohibition, prevention, detection, prosecution and punishment of cybercrimes in Nigeria. It imposes an obligation on mobile networks, computer and communications service providers to store and retain subscriber information for a period of two years. Significantly, it

43 [NITDA Code Response Memo](#)

44 CPPA 2015

requires such service providers to accord premium to an individual's right to privacy as enshrined in the Constitution and to take steps towards safeguarding the confidentiality of data processed.⁴⁵

While the primary purpose of the Cybercrimes (Prohibition, Prevention, Detection, and Prosecution) Act (CPPA) in Nigeria is to address cybercrime, certain provisions within the Act have implications for political micro-targeting campaigns. For example, By Section 38 of the Cybercrimes Act 2015, service providers have a duty to retain records and protect traffic data for a period of 2 years, having due regard to the individual's right to privacy under the 1999 Constitution of the Federal Republic of Nigeria.⁴⁶ Note that the data retained by these service providers are accorded the Constitutional right to privacy enshrined in the constitution and the service providers are required by law to take all appropriate measures to protect such data.⁴⁷ This principle requires personal data to be retained only for the period of time that the data is required and for the purpose for which it was originally collected and stored. The fact that the data controller has come across another use of the data cannot justify blanket or indefinite retention.⁴⁸

Moreover, the CPPA emphasizes the importance of protecting individuals' right to privacy, as enshrined in the Nigerian Constitution. It requires service providers to take steps towards safeguarding the confidentiality of the data they process. This provision aligns with the broader principles of data protection and privacy rights, which are essential considerations in political micro-targeting campaigns

Section 11 of the Cybercrimes Act makes it an offence for any person to intercept by technical means, non-public transmissions of computer data, content, or traffic data, including network carrying or emitting signals, without authorisation. The offender upon conviction is liable to imprisonment for three years or to a fine of not more than NGN 1 million (approx. €2,060), or both. A digital service provider has an obligation to respect the rights of data subjects, protect their data, and ensure that personal data is processed in accordance with the NDPR.⁴⁹

In conclusion, while the CPPA primarily aims to address cybercrime, certain data

45 ibid

46 See Section 38 CPPA

47 See Section 38(5) CPPA

48 See The Keys to Data Protection, *supra*, p. 43/98

49 ibid

retention and privacy provisions have implications for political micro-targeting campaigns. The Act's requirements regarding storing and safeguarding subscriber information align with the broader principles of data protection and privacy rights. However, the Act does not specifically regulate or provide comprehensive guidance on the issues related to political micro-targeting.

6. Internet Code of Practice

The Nigerian Communications Commission, in accordance with its authority to regulate the communications sector in Nigeria as expressed in the Nigerian Communications Act 2003, publishes the Internet Code of Practice to define the rights and obligations of Internet Access Service Providers with regard to the issues therein.⁵⁰ The establishment and enforcement of the Code is envisioned as a co-regulatory effort between the Commission and industry stakeholders, hence the public consultation and incorporation of stakeholder feedback into the final document.⁵¹

Section 4.2 of the Internet Code of Practice stipulates that an internet access service provider shall take reasonable measures to protect customer information from unauthorized use, disclosure, or access. An internet access service provider should consider the sensitivity of the data collected and the technical feasibility when implementing security measures.⁵² Section 5.1 of the Internet Code of Practice also stipulates that an internet access service provider shall include in its terms and conditions of service a clear set of rules for the use of its service in a manner that complies with the Cybercrimes Act and all other applicable laws and regulations.⁵³

There are several factors to be considered in its promotion, such as privacy and data protection, child online protection, objectionable content, unsolicited communications, and traffic management practices that are considered necessary in order to maintain network efficiency. It also outline the obligations of Internet Access Service Providers in relation to the protection of consumers' personal data, outline the obligations of Internet Access Service Providers in the handling of offensive and potentially harmful content, and the protection of minors and vulnerable audiences online and ensure adequate safeguards are put in place by Internet Access Service Providers against unsolicited Internet communications.

50 [Internet Code of Practice](#)

51 *ibid*

52 *ibid*

53 *ibid*

The document defines Customer Information as any record pertaining to a customer in paper, electronic, or any other form, that the Internet Access Service Provider collects and/or stores, spam and Unsolicited and unwanted electronic messages typically sent to multiple recipients at once. While discussing the privacy and data protection obligation of the internet service providers, the code of practice clearly stated that an Internet Access Service Provider shall take reasonable measures to protect customer information from unauthorized use, disclosure, or access.⁵⁴

Section 6 of the NCCs Internet code of practice specifically discusses the Safeguards against Unsolicited Internet Communications.⁵⁵ With subsection 6.1 discussing Incorporation of Anti-Spam Policies into Terms and Conditions of Service, an Internet Access Service Provider shall include in its Terms and Conditions of Service, rules prohibiting the use of the Service to spam other users of the Internet. And also the Terms and Conditions shall be published prominently on the Internet Access Service Provider's website and on all service agreements, either electronic or otherwise.

Paragraph 6.2 highlights that optional spam filters may be offered either directly to customers or via the provision of information in a reasonably prominent position on the Internet Access Service Provider's website regarding third party websites that provide a means for consumers to have access to or acquire spam filters.⁵⁶

7. Freedom of Information Act

The Freedom of Information enables public access to public records and information, and prevents a public institution from disclosing personal information to the public unless the individual involved consents to the disclosure. The provisions of the Freedom of Information also impact on the protection of the information of individuals in Nigeria. Although the FOI Act was promulgated to, amongst other things, make public records and information more freely available and to provide for public access to public records and information, the FOI Act limits this right of access to information in certain circumstances.⁵⁷

Under section 14 of the FOI Act, a public institution is obliged to deny an application for information that contains personal information unless the individual involved consents to the disclosure, or where such information is publicly available. Personal information is defined as “any official information held about an identifiable person but does not include information that bears on the public duties of public employees

54 ibid

55 ibid

56 ibid

57 An Analysis Of The Data Privacy and Protection Laws in Nigeria by Emeka Ekweozor
ESQ.1

and officials”. Section 16 of the FOI Act also provides that a public institution may deny an application for disclosure of information that is subject to various forms of professional privilege conferred by law (such as lawyer-client privilege and journalism confidentiality privilege)⁵⁸

Under Section 12 (1) (a)(iv)(v) of the FOIA, a public institution may deny an application for any information which contains records compiled by any public institution for administrative enforcement proceedings to the extent that disclosure would unavoidably disclose the identity of a confidential source or constitute an invasion of personal privacy under Section 15 of the Act.

8. The Nigeria Communications Commission (Registration of Telephone Subscribers) Regulations 2011 (NCC Regulations)

Pursuant to section 70 of the Nigerian Communications Act 2003 (NCA 2003), the NCC is empowered to make and publish regulations concerning multiple subjects including but not limited to permits, written authorisation, licenses, offences and penalties relating to communication offences.⁵⁹

Drawing from this authority, the NCC issued the NCC Regulations which apply to telecommunications companies. Regulation 9 of the NCC Regulations specify that, in furtherance of the rights guaranteed by section 37 of the Constitution and subject to any guidelines issued by the NCC or a licensee, any subscriber whose personal information is stored in the Central Database is entitled to request updates; to have the data kept confidential; not to have subscriber information duplicated except as prescribed by the NCC Regulations or an Act of the National Assembly; and to preserve the integrity of the subscriber’s information.⁶⁰

Also, licensees are required to utilise subscriber’s information in accordance with the law; likewise, licensees and other named parties are required not to retain biometrics of any subscriber after transmission to the Central Database.⁶¹ Regulation 10 of the NCC Regulations is to the effect that any release of the personal information of a subscriber must be subject to the consent of the subscriber or in accordance with the provisions of the Constitution of the Federal republic of Nigeria or any other Act of the National Assembly or the NCC Regulations as may be amended from time to time.⁶²

58 ibid

59 [NCC website](#)

60 ibid

61 ibid

62 ibid

In the context of this study of relationship between the National Communication Act 2003 (NCA), NCC Regulations and political Micro-targeting, Regulation 9 of the NCC Regulations specifically addresses the rights of subscribers whose personal information is stored in the Central Database. It grants subscribers the entitlement to request updates, keep their data confidential, prevent duplication of subscriber information without authorization, and preserve the integrity of their information. These provisions align with the principles of data protection and privacy, which are crucial considerations in political micro-targeting campaigns.

Additionally, Regulation 10 of the NCC Regulations stipulates that any release of a subscriber's personal information must be subject to the consent of the subscriber or in accordance with the provisions of the Nigerian Constitution, Acts of the National Assembly, or the NCC Regulations. This provision ensures that the disclosure of personal information in political micro-targeting campaigns requires the explicit consent of the subscriber or compliance with legal frameworks.

By establishing these regulations, the NCA 2003 and the NCC Regulations provide a framework for protecting subscribers' personal information and ensuring its lawful and responsible use. These provisions create safeguards against unauthorized access, misuse, or abuse of personal data, which is relevant in the context of political micro-targeting campaigns. Thus, political micro-targeting campaigns that utilize subscriber information must adhere to the guidelines set forth by the NCC Regulations. This includes obtaining consent from subscribers for data usage, maintaining data confidentiality, preventing unauthorized duplication of subscriber information, and complying with the provisions of the Nigerian Constitution and relevant Acts of the National Assembly.

9. Electoral Act 2022

The recently implemented Electoral Act, which embraces technological advancements, has the potential to impact political microtargeting practices. The act permits the use of electronic devices such as smart card readers and electronic voting machines during the voter accreditation process and throughout the elections.⁶³ This integration of technology creates opportunities for political campaigns to gather real-time data and insights, enabling more precise microtargeting strategies.

63 [The Electoral Act 2022: Key Changes And Impact On The 2023 Elections - Constitutional & Administrative Law - Nigeria](#)

Moreover, the new act introduces provisions for the electronic transmission of election results, following a procedure determined by the electoral commission.⁶⁴ This electronic transmission of results can streamline the collection and analysis of data, facilitating more efficient microtargeting efforts by political parties and candidates.

Furthermore, the act mandates the maintenance of the Register of Voters in electronic format within the central database of the electoral commission, in addition to manual or hardcopy formats.⁶⁵ This digitalization of the voter register enhances data accessibility and accuracy, potentially enabling more effective microtargeting campaigns based on voter demographics, preferences, and behaviours.

As a result, the electoral act's incorporation of technology not only modernizes the electoral process but also has implications for political microtargeting. The availability of real-time data, and a digitalized voter register can provide political campaigns with enhanced tools and resources to refine their microtargeting strategies and engage with specific segments of the electorate in a more targeted and efficient manner.

10. The Protection from Internet Falsehoods, Manipulation and Other Related Matters Bill

The Protection from Internet Falsehoods, Manipulation and Other Related Matters Bill of 2019 (the Bill) was introduced in the National Assembly in October 2019 and has since been read for the second time on the floor of the Senate by November 2019.⁶⁶ The aim of the draft bill under Part 1 is to, among others, prevent the transmission of false statements, suppress the promotion of online location that repeatedly share false statements, safeguard against coordinated inauthentic behaviour, provide for measures on paid political adverts and to sanction offenders.⁶⁷

64 Electoral Act, 2022

65 Section 9(2), Electoral Act, 2022

66 A socio-legal analysis of Nigeria's Protection from Internet Falsehoods, Manipulations and Other Related Matters Bill by Tomiwa Illori

67 Ibid

In Part 2 of the Bill, section 3(1) (a) criminalises the transmission of a statement knowing or having reason to believe it is a false statement of fact. This provision applies to persons in and outside Nigeria who share statements that they know or believe to be a false statement of fact. Section 3(1) (b) further criminalizes transmission statements likely to be prejudicial to the security of Nigeria; prejudicial to public safety; prejudicial to friendly relations of Nigeria with other countries; incite feeling of enmity, hatred directed to a person; influence the outcome of an election to any office in a general election or referendum; diminish public confidence in the performance of any duty or function of, or in the any exercise of any power of the Nigerian government.⁶⁸

Punishment for contravening these provisions is a fine of up to N300,000 (US\$830) or a term of imprisonment of up to three years or both or in any other case a fine not exceeding N10,000,000 (US\$27,620). The same punishment also applies to an inauthentic account or bot that commits the offences in subsection (1) (b). Section 3(4) provides the insulation of intermediaries from liability in the course of such transmission.⁶⁹Part 3 of the draft bill provides for measures to be taken by a law enforcement department to regulate the transmission of false statement of facts in Nigeria. Such measures under section 6(1) include issuance of a ‘Part 3 Regulation’ by any law enforcement department on any false statement that has been transmitted or being transmitted in Nigeria or such department is of the opinion that it is in the public interest to issue such regulation. Section 6(2) also mandates the law enforcement department to issue such regulation even if such declaration of false statement has been amended or ceased to be transmitted in Nigeria.⁷⁰

Section 7 of the draft bill empowers the law enforcement department to issue a Correction Regulation to a person who transmits a false declaration, requiring the person transmitting the false declaration to state that the declaration is false or disclose the source of such false declaration or both. The provision absolves internet intermediaries of any liability in the transmission of such declaration.⁷¹Under section 8, a person may be issued a Stop Transmission Regulation to deter such person from transmitting a false declaration in Nigeria. This regulation may also

68 Ibid

69 Ibid

70 Ibid

71 See section 7 of the bill

include a correction regulation directing the person to publish a correction notice in a specified newspaper or other print publication in Nigeria.⁷²

Where any person fails to comply with part 3 of the draft bill, the law enforcement department may direct the Nigerian Communications Commission (NCC) to order a service provider (ISP) to disable access by end-users to the online location where such declaration is sourced from and NCC must obey such direction. A service provider that refuses such order shall be liable upon conviction for a fine of up to N10, 000,000 (US\$27,620) for each day the order is not fully complied with.⁷³

Part 4 of the draft bill deals extensively with regulations of internet intermediaries and providers of mass media services. Under this part, the law enforcement department may issue a part 4 regulation where a content containing false declaration has been or is being transmitted in Nigeria with instances similar to that of part 3 regulations. The draft law provides for the kind of regulations that may be issued to online intermediaries in Nigeria to include Targeted Correction.⁷⁴

72 See section 8 of the bill

73 Ibid

74 Regulation (section 17); Disabling Regulation (section 18) and General Correction Regulation (section 19)

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Comparative Analysis and Policy Recommendation

As with many other democracies, political campaigning in Nigeria utilizes, primarily, traditional platforms (broadcast, print, out of home [OOH] media, etc.), with most political ads still concentrated on the TV, radio, and newspapers. However, as the world faces the big internet revolution which has drastically transformed the way we live, communicate, do business, and make decisions, political campaigning globally has equally taken a new shape, with social media and digital technology platforms gaining more attention from politicians.⁷⁵ There is now a shift to a “hybrid” model of political campaigning in which politicians combine the old world of broadcast and print media with the new digital world. Although the scale of digital political ads is difficult to estimate per country (except for a few countries like the US, where digital political ads are a wildfire), political advertising across the world is becoming more digital, data-driven, and targeted.⁷⁶

Profiling is defined in the European Union General Data Protection Regulation (GDPR) as: ‘any form of automated processing of personal data ... to analyse or predict aspects concerning that natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements’.⁷⁷ (European Union General Data Protection Regulation, 2016, Recital 71). Profiling enables people to be targeted with honed, controlled messages to create adaptive ads; to provide location-based services; or to increase efficiency and personalisation of marketing messages in the ‘Internet of Everything’ (which brings together things, people, processes and data)⁷⁸. While a regular targeted message does not consider matters of audience heterogeneity, a micro targeted audience receives a message tailored to one or several specific characteristic(s) that are perceived by the advertiser as instrumental in making the audience member susceptible to that message⁷⁹

Political marketing with such granular targeting is not inherently bad and could even service democracy. As noted by the UK’s data regulator, it can better engage electorates and citizens on issues of particular importance to them.⁸⁰ Where conducted openly and honestly, it can manifest voters’ desires, concerns and policy preferences to politicians thereby helping elected leaders develop

75 [Running-Digital-Online-Political-Advertising-and-Nigerias-2023-General-Elections](#)

76 Ibid

77 [Profiling, Targeting and the Increasing Optimisation of Emotional Life | SpringerLink](#)

78 Petrescu et al., 2020

79 Dobber et al., 2019).

80 Information Commissioners Office, 2018, November 6, p. 18

programmes that meet voters' demands⁸¹. However, critics point to more nefarious practices of profiling and microtargeting messages designed to bypass thoughtful deliberation in favour of emotionalised engagement and deception.⁸²

These are more difficult to guard against as political microtargeting is a form of political communication: as such, it is an exercise of the right to freedom of expression, which is guaranteed by Article 11 of the European Union Charter of Fundamental Rights and Article 10 of the European Convention on Human Rights (ECHR). Furthermore, such microtargeting practices can be highly innovative, as exemplified in 2018 when Dutch pro-immigrant party DENK micro targeted people who use a special sim card (one used mostly by immigrants to phone abroad), thereby efficiently reaching traditionally difficult-to-reach people. In order to scare its own base to vote, DENK experimented with fear appeals in the form of a false ad made to look like it came from the anti-immigration Party for Freedom, with the statement that after election day 'we are going to cleanse the Netherlands'.⁸³

Unsurprisingly, data regulators have expressed concerns about voter profiling and microtargeting (Information Commissioners Office, 2018, November 6, 2020, November). Reflecting on the situation in the European Union, by December 2020, the European Commission warned:

Existing safeguards to ensure transparency and parity of resources and airtime during election campaigns are not designed for the digital environment. Online campaign tools have added potency by combining personal data and artificial intelligence with psychological profiling and complex micro-targeting techniques. Some of these tools, such as the processing of personal data, are regulated by EU law. But others are currently framed mainly by corporate terms of service, and can also escape national or regional regulation by being deployed from outside the electoral jurisdiction.⁸⁴

In regions where fixed-line Internet infrastructure is limited, extensive mobile usage leads to increased vulnerability to data mining, targeting, and profiling in election campaigns, as illustrated by Africa's exceptional daily social media usage, surpassing the global average in 2022 (on average, 3 hours 10 minutes compared to the global average of 2 hours 27 minutes in 2022), primarily driven by users in Nigeria, Ghana,

81 (Perloff, 2018, p. 250)

82 Ibid

83 (Dobber et al., 2019)

84 (European Commission, 2020, December 3, p. 2)

South Africa, Egypt, Kenya and Morocco, despite disparities in fixed-line connectivity across the continent.⁸⁵

Profiling and targeting for electoral gain in Africa are concerning given that it also suffers from low digital literacy, extensive false information online and poor data privacy regimes.⁸⁶ Many countries on the continent are weak democracies with largely unregulated political funding or are governed by autocracies with associated governmental digital surveillance of the political opposition, journalists and activists⁸⁷. Indeed, an overview of electoral cybersecurity in Commonwealth countries (funded by the UK's Foreign and Commonwealth Office) concludes that the increase in highly targeted digital advertising, often using data obtained via insecure transmission and brokerage, could disrupt electoral campaigning.⁸⁸

The UK ranks fairly highly on press freedom, coming 24th out of 180 countries in 2022⁸⁹ with a well-funded and regulated broadcasting sector and over 50% of the population trusting broadcast news, local news and regional news in 2022. Furthermore, unlike the USA, the UK (as part of the European Union) was protected by comprehensive privacy legislation (the European Union General Data Protection Regulation (GDPR) 2016)) and had much stronger data protection laws. Post-'Brexit', the UK GDPR came into effect on 1 January 2021, based on the European Union GDPR, with some changes to make it work more effectively in a British context.⁹⁰

The GDPR offers data protections on consent (personal data cannot be processed without freely given, specific, informed and unambiguous consent, unless allowed by law); time limits on how long personal data can be kept; and profiling (the data subject has the right to not be subject to a decision based on automated processing, while profiling to analyse or predict behaviours or preferences is legally regulated).⁹¹ A particularly strong example is the provision in Spain which specifies that all electoral propaganda distributed by electronic messaging or social media networks "must state their electoral nature and the identity of the sender".⁹² Similarly in Brazil, a clear

85 (Kemp, 2022)

86 Ibid

87 Ibid

88 Ibid

89 Reporters without borders, 2022

90 <https://ec.europa.eu/digital-single-market/en/news/annual-selfassessment-reports-signatories-code-practice-disinformation-2019>.

91 European Union General Data Protection Regulation, 2016/679, Recital 71

92 <https://ec.europa.eu/digital-single-market/en/news/annual-selfassessment-reports-signatories-code-practice-disinformation-2019>

labelling requirement has been established as follows: 'It is forbidden to broadcast any type of paid electoral propaganda on the Internet, except for the boost content, provided that it is unequivocally identified as such and contracted exclusively by political parties, coalitions and candidates including their representatives.'⁹³

An alternative method which has been used successfully in Canada is the introduction of a database where members of the public can readily access information on any online advertising messages.⁹⁴ This has great potential to improve the transparency of digital campaigning as a whole and there is legitimate scope for such a provision to be implemented in other jurisdictions, including the UK. In fact, this provision recalls closely the measure introduced, in the EU, with the Code of Practice on disinformation which now incentivises platforms to maintain repositories of political ads, although in the first annual self-assessment of the signatories released in late 2019 the Commission noted that the data available in these repositories was still limited, particularly in regard to the targeting criteria used by political advertisers.⁹⁵

Policy Recommendations

We can say that the regulations discussed in the preceding sections play a crucial role in the regulation of political microtargeting. However, it's important to acknowledge that microtargeting encompasses various aspects beyond what is covered by the existing laws. One limitation of these laws is that they primarily deal with personal data in a general sense, such as the Data Protection Act, or focus on specific areas like election regulations related to technology.

Political microtargeting, however, is a distinct practice that requires detailed provisions specifically tailored to the use of personal data for such purposes. These provisions should offer comprehensive guidelines on how personal data will be managed for microtargeting, making it easier for relevant authorities and individuals to take appropriate action if any issues arise. The identified laws fall short in addressing microtargeting as a separate and specific subject matter, leaving a gap in their coverage.

In Nigeria, addressing exploitative digital political campaigning within the context of direct marketing necessitates a focus on enhancing online communication

93 'Resolution 23.610 of 18 December 2019 Article 29

94 131 EU Commission, 'Annual self-assessment reports of signatories to the Code of Practice on Disinformation 2019'

95 Ibid

transparency. While various jurisdictions in our comparative analysis have enacted legislation to improve transparency in digital political campaigning, the effectiveness of these approaches varies significantly. Furthermore, emerging trends in data collection and matching practices emphasize the need for consistent and comprehensive legal frameworks across the production chain of targeted political communications, a recognition shared by several countries worldwide through their varying degrees of regulation addressing political microtargeting.

Moreover, subjecting political parties and digital intermediaries to the general requirements of fair, transparent and lawful processing would go some way towards moderating political micro-targeting. The imposition of any privacy-based restrictions on political actors would enhance voter privacy, engender more trust in political communication and, ultimately, protect democratic discourse.⁹⁶

Nigeria can also learn from Canada by introducing a database where members of the public can readily access information on any online advertising messages. The country needs to improve the Data Protection Bureau's functions and powers to enable it to regulate micro-targeting campaigns, develop guidelines, establish oversight mechanisms, and enforce compliance. In doing so, this will allow the Commission to play a vital role in ensuring responsible data processing, protecting individuals' privacy, and maintaining public trust in the digital era.

96 [microtargeting-in-political-campaigns-political-promise-and-democratic-risk](#)

Conclusion

This study aimed to shed light on the evolving nature of political campaigning in the digital age by exploring the intersection between political advertising policies and political micro-targeting. A general overview of the research indicates that political micro-targeting has indeed become a powerful tool in contemporary political campaigns, allowing political actors to deliver tailored messages to specific groups of voters based on their demographic characteristics, preferences, and online behaviour. Although it is yet to significantly influence political campaigns in Nigeria, the data analysed during and after the 2023 presidential campaigns indicates that ad targeting is being utilised to some extent. Therefore, before it escalates to full-fledged political microtargeting continuous examination needs to be undertaken and appropriate measures implemented to avert any potential threats on citizens.

The analysis further explored the existing legal and regulatory frameworks governing political advertising in Nigeria and highlighted the need for a comprehensive and contextually relevant policy framework that addresses the complexities and challenges associated with political micro-targeting. It is imperative for Nigerian policy makers, the election body (Independent National Electoral Commission (INEC)), political parties, civil society organisations, and technology companies, to collaborate in developing guidelines that promote transparency, protect citizens' privacy rights, and ensure fairness in future political campaigns.

In conclusion, while the authors of this paper agree that political micro-targeting may offer benefits such as increased efficiency and personalised communication, findings from the study indicate that vagueness in guidelines and policies addressing political micro-targeting poses serious challenges to the integrity of future Nigerian elections and the overall democratic landscape. As such, aside from this research contributing to the growing body of knowledge on the evolving landscape of political communication in the digital age, two important suggestions are being made. The first suggestion, and perhaps the most urgent, was the call for a comprehensive regulation or a legislative act dedicated to regulating political microtargeting and related practices. This act, we believed, would act as a shield against the potential manipulation of public sentiment in the next elections cycle in 2023. The second is a call for further investigation by scholars and human rights defenders into the topic in order to contribute to the existing collection of suggested policy recommendations.



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