



**IN THE MATTER OF A JOINT INVESTIGATION INTO POSSIBLE VIOLATIONS OF THE RIGHTS OF NIGERIAN CONSUMERS IN THE PROVISION OF CONTACT-BASED INSTANT MESSAGING SERVICE IN NIGERIA AND ENQUIRIES INTO OBNOXIOUS, EXPLOITATIVE, AND UNSCRUPULOUS BUSINESS PRACTICES BY WHATSAPP LLC AND META PLATFORMS, INC. UNDER THE FEDERAL COMPETITION AND CONSUMER PROTECTION ACT, 2018 AND THE NIGERIA DATA PROTECTION REGULATION, 2019**

**TO: WHATSAPP LLC  
META PLATFORMS, INC.  
(TOGETHER DEFINED AS “THE META PARTIES”)**

**FINAL ORDER AND NOTICE OF THE FEDERAL COMPETITION AND  
CONSUMER PROTECTION COMMISSION**

**PURSUANT TO THE JOINT INVESTIGATION WITH NIGERIA DATA  
PROTECTION COMMISSION**

**WHEREAS:**

1. In May 2021, the Federal Competition and Consumer Protection Commission (Commission) commenced an inquiry into WhatsApp’s Updated Privacy Policy (Policy), which became operational on May 15, 2021.
2. Upon consideration and assessment of all relevant information, documents, evidence gathered, including correspondence exchanged between the Commission and Meta Parties, the Commission completed its investigation and issued an Investigative Report.

3. On January 13, 2024, the Commission conveyed its Investigative Report, Executive Summary, an Order and Notice to Show Cause (ONSC) outlining its findings and proposed orders, and a Summons and Request to Produce to the Meta Parties.
4. After multiple requests for extension of time, Meta Parties submitted a response to the Investigative Report to the Commission on March 1, 2024. Soon thereafter, on March 18, 2024, the legal representatives of the Meta Parties, Messrs. Udo Udoma & Belo Osagie, requested a meeting with the Commission; noting that, “WhatsApp is prepared to cooperate with the Commission to identify and implement practical solutions to address the Commission’s concerns with a view to reaching an amicable resolution of this matter.”
5. This meeting, which was uncharacteristically not recorded at the request of the Meta Parties, was held on April 4, 2024, at the Commission and virtually. Among other things, the Meta Parties proposed a remedy package to address the Commission’s concerns and on April 19, 2024, a detailed package was sent to the Commission. However, the Commission is not convinced that the proposed remedies satisfy the concerns that prompted the present investigation (more detailed reasons are included in the Commission’s letter dated May 6<sup>th</sup>, 2024, to Meta Parties).
6. As such, the Commission has proceeded to enter this Final Order and Notice.

**THE COMMISSION PURSUANT TO ITS POWERS UNDER THE FCCPA 2018, IN PARTICULAR BUT NOT LIMITED TO SECTIONS 17 (a) (e) (l) (g) (s) (x); 33; 110; 111; 155; 157; 158 AND 159(1) (a); AND THE ADMINISTRATIVE PENALTIES REGULATIONS, 2020 NOW HEREBY ORDERS AS FOLLOWS:**

1. **Meta Parties** shall immediately reinstate the rights of Nigerian users to self-determine and control the use, processing, sharing or transfer of their data, as well as their right to informed choice, and fair dealings by providing Nigerian Users an opportunity to restrict and withdraw their consent without losing functionality or deleting the application;

2. **Meta Parties** shall immediately ensure that their Privacy Policy complies with the applicable data protection laws in Nigeria with respect to its obligation to ensure data subjects consent freely to any Privacy Policies, by updating the Privacy Policy in an intelligible format, that allows Nigerian Users the opportunity to fully express their legitimate rights with respect to each data point collected, processed, transferred or shared;
3. **Meta Parties** shall immediately and forthwith stop the process of sharing WhatsApp user's information with other Facebook companies and third parties, until such a time when users have actively and voluntarily consented to each and every component of the liberties Meta parties intend to exercise with respect to the information of the data subjects. Such proposed policy must be approved by the Nigeria Data Protection Commission (NDPC) in accordance with the Nigeria Data Protection Act (NDPA) and any other aspects of NDPC's oversight, and by the Commission in accordance with the Federal Competition and Consumer Protection Act (FCCPA) for aspects of the FCCPC's oversight. The Commission shall not approve any policy with respect to the overall appropriateness of same prior to, and unless the NDPC has demonstrated its satisfaction by Meta Parties presenting NDPC's approval in writing;
4. **Meta Parties** shall immediately revert to the data sharing practices adopted in 2016. Additionally, they are required to establish an opt-in screen that allows users to consent to or withhold consent for the sharing of additional personal data with third parties affiliated with WhatsApp, same to be approved in advance by the Commission and the NDPC;
5. **Meta Parties** shall immediately and forthwith, cease the tying and transfer of data from its WhatsApp market to its Facebook market, and other third parties' services without express consent sought and freely obtained from data subjects;
6. **Meta Parties** shall be required to provide satisfactory Written Assurances to the Commission to the effect that they shall refrain from any and all

continuation of the violations of the FCCPA, pursuant to Section 153 of the FCCPA;

7. **Meta Parties** are hereby directed to enforce its Proposed Remedy package shared with the Commission no later than 15 days from the date of this Order. Information about this package must be included on the WhatsApp website and must be shared with Nigerian users in an accessible format;
8. **Meta Parties** shall reimburse the Commission the cost of the investigation in the sum of Thirty Five Thousand U.S. Dollars only (\$35,000.00) (at prevailing exchange rate where applicable) under Section 23(2) (f) of the FCCPA. This shall be paid no later than 60 days from the date of this order; and
9. **Meta Parties** shall pay a penalty of Two Hundred and Twenty Million U.S Dollars only (\$220,000,000.00) (at prevailing exchange rate where applicable). This shall be paid no later than 60 days from the date of this order.

**BY ORDER AND UNDER THE SEAL OF THE FEDERAL COMPETITION  
AND CONSUMER PROTECTION COMMISSION,**



**CHIZENUM NSITEM**  
**DEPARTMENT, LEGAL SERVICES**  
**DATED AT ABUJA THIS 18<sup>TH</sup> JULY, 2024**

