

LAW PRACTICE MANAGEMENT

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CONFIDENTIALITY ROLE OF PARALEGALS IN THE NIGERIAN LEGAL SECTOR

1. Introduction

In the legal profession, maintaining confidentiality in the course of practice is not just a principle, it is a daily ethical conduct. This is not unconnected to the sensitivity of the legal sector and the fact that legal practitioners and paralegals handle sensitive information of clients which carries significant implications if exposed or leaked. Ethically, client information is expected to be kept confidential, hence the attorney-client privilege serving as the legal pillar underpinning that obligation.

Additionally, the professional conduct of legal practitioners in Nigeria is regulated by law - the *Rules of Professional Conduct for Legal Practitioners* 2023 (RPC).[2] The Rules outlines the professional responsibilities of lawyers when dealing with clients, courts and fellow lawyers. Under the Rules, as a minister in the temple of justice, a lawyer is obligated to uphold the rule of law, promote and cultivate the cause of justice, maintain a high standard of professional conduct, and refrain from any behavior that is inappropriate for a lawyer. However, the Rules as well as the duty of maintaining confidentiality doesn't stop with a lawyer but also extends to every member of the legal team, including the paralegals.

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2 See, *Rules of Professional Conduct* 2023 (RPC), available at <https://sabilaw.org/wp-content/uploads/2023/06/Rules-of-Professional-Conduct-for-Legal-Practitioners-2023-1.pdf> accessed on 3rd June 2026.

2. The Relationship Between Confidentiality and Paralegal Duties

The nature of the Paralegal profession differs across legal jurisdictions and countries. Unlike in the U.S. or U.K. where there are statutory frameworks and licensing /or certification system for paralegals, the profession is not statutorily recognized in Nigeria. However, professional paralegals, whether by education or experience, work alongside legal practitioners in private and public legal sectors, providing substantive legal assistance to lawyers and attorneys. These individuals serve in different roles - from Litigation Officer, Legal Secretary to Law Librarian etc.[3]

The paralegal role entails drafting/typing legal documents, maintaining and organizing client case files, keeping records of correspondence and exhibits, managing law library, conducting legal research, filing cases in court, handling case files and diarizing/calendarizing adjourned dates of matters in court. Handling these tasks come with handling legal and factual documents that originate from clients, legal practitioner(s) or a law firm- some of which are court processes, contracts, legal opinions, agreements, correspondence, case files/ records. These documents are sensitive documents and records that if improperly exposed, could compromise client's reputations, or even adversely affect the outcome of legal proceedings.

Therefore, paralegal roles go beyond clerical and administrative duties; they are custodians of privacy and guardians of integrity. Safeguarding sensitive data is woven into every task of a paralegal. For paralegals working in the public sector whose role entails document preparation, handling case files, managing judges schedule, handling court case records and external document, and documenting privileged communications, their role is inseparable from confidentiality maintenance as it is their responsibility to ensure that information in their care is protected from possible leakage or compromise.

3. The Importance of Confidentiality in Relation to Client's Trust in the Nigerian Legal Industry

Trust is the invisible currency of the legal profession. Clients entrust their most personal and often vulnerable information to legal teams, and paralegals play a vital role in safekeeping that information by consistently demonstrating discretion in every activity.

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[3] See, Yakub Abiola Hammed, 'Origin of The Modern Paralegal: Role of Paralegals in Nigerian Law Firms and Ethics of The Profession', available at <https://spaajibade.com/origin-of-the-modern-paralegal-role-of-paralegals-in-nigerian-law-firms-and-ethics-of-the-profession/> accessed on 18th March 2026.

Legal practitioners continue to ensure that clients' trust in them is never compromised, hence the need for the attorney-client privilege under Rule 19 of the *Rules of Professional Conduct for Legal Practitioners*, 2023. A breach of confidentiality on the part of a legal practitioner in his/her relationship with a client can cause significant reputational damage and instantly erodes the client's trust.

Law firms thrive on reputation, if a paralegal mishandles confidential data, the integrity of the law firm is at risk and in most cases, it leads to severe legal consequences for the law firm and the paralegal.

4. The Nature of Sensitive Information

In the legal industry all documents are sensitive, however, some documents are not to be handled carelessly or mismanaged. These documents are either documents that originate from a legal practitioner, client, or parties in a contract or dispute.

These sensitive documents include:

4.1 Client's Personal Details/Information

These documents originate from clients, and they are personal information such as means of identification, medical report, and private communications. These are confidential information that need to be handled discreetly and carefully by a legal practitioner or paralegal with their disclosure only possible after obtaining the client's permission.

In fact, the *Nigerian Data Protection Act* 2023 (NDPA) designates certain precautions for this category of data, including health/medical information and means of identification, as sensitive personal data under section 30 (1),[4] which attracts a higher standard of protection and strict processing conditions:

> Without prejudice to the principles set out in this Act, a data controller or data processor shall not process, or permit a data processor to process on its behalf, sensitive personal data, unless the -
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> (a) data subject has given and not withdrawn consent to the processing for the specific purpose or purposes for which it will be processed;
>
> (b) processing is necessary for the purposes of performing the obligations of the data controller or exercising rights of the data subject under employment or social security laws or any other similar laws;.

[4] See, section 30 (1) of the *Nigerian Data Protection Act* 2023 (NDPA), <https://placng.org/i/wp-content/uploads/2023/06/Nigeria-Data-Protection-Act-2023.pdf> accessed on 3rd June 2026.

4.2 **Financial Records**

Thise information contains the financial position of an individual or an entity such as bank statements, transaction histories, investment documents, credit records etc. They are expected to be kept confidential unless they are needed in the course of a business transaction or needed as evidence in court.

4.3 **Case Strategies and Evidence**

These are documents containing the strategies drafted by a counsel for the purpose of prosecuting a legal matter/case. They sometimes contain legal arguments, examination or cross-examination questions and evidential documents.

4.4 **Privileged Communications**

These are communication between the lawyer and client such as a Legal Opinion, Correspondences on a matter or legal services. Such information carries significant implications if carelessly exposed.

A paralegal is ethically expected to securely handle communications like this and prevents it from being leaked indiscriminately.

5. Best Practices of Confidentiality

To put a structure in place that ensures consistent commitment to confidentiality of private data demands planning, discipline, intentionality and consistent application of privacy measures and protocols.

The following best practices provide a practical framework through which paralegals can ensure that sensitive information remains protected at every stage.

5.1 **Secure file management**[5]

This is a practice of Maintaining locked storage either digital or physical data storage system and keeping an encrypted digital system to safeguard private data from being exposed.

For private data, carelessness is not an excuse for such information being available to the wrong person. Nowadays, phishing emails are targeted at individuals for the purpose of

[5] See, Sunday Omoniyi, and Patricia Magaji, 'Efficient Legal Documentation: A Secretary's Guide to Supporting Legal Practitioners', available at <https://spaajibade.com/efficient-legal-documentation-a-secretarys-guide-to-supporting-legal-practitioners/> accessed on 15th May 2026.

hacking digital data storage systems in order to access information to defraud, cause damage, or destroy a person or entity. However, with a well secured and encrypted filling system and procedure, legal documents can be safeguarded from being hacked or stolen.

5.2 **Controlled Access**[6]

A practice of allowing only authorized personnel to handle documents and perform tasks such as cleaning, documenting and updating of databases makes it easier to track and maintain records of access to restricted documents and databases. It also facilitates the timely detection threat to information and database security.

Where only authorized personnel are allowed to access a document, they are more likely to exercise a sense of responsibility and protection towards the document.

5.3 **Discreet Communication**

Exercising caution in phone calls, emails, and in-person discussions is of utmost importance. Whether there is a sign of threat or not, it is important that paralegals have a sense of caution when engaged in communication about private information and data. This kind of communication is best done in formal manner, avoiding unintended disclosure.

5.4 **Professional Boundaries**

This is the concept of maintaining boundaries by paralegals in order to avoid casual disclosure of client's information in informal settings, regardless of how harmless or insignificant the conversation may seem. Private information of an individual or an entity should be kept in utmost confidence and not to be discussed with relatives or at social gatherings.

5.5 **Desk Hygiene**

Desk hygiene refers to the management of paralegals' workspace to ensure that confidential documents are not carelessly kept and displayed to persons who have no authorization to see them. Upholding these principles ensure that documents or files containing confidential information are not visible to any person who has not been authorized to access it and will mitigate breach of confidential information.

5.6 **Regular Trainings for Paralegals**

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[6] See, Sunday Omoniyi, and Patricia Magaji, 'Efficient Legal Documentation: A Secretary's Guide to Supporting Legal Practitioners', available at <https://spaajibade.com/efficient-legal-documentation-a-secretarys-guide-to-supporting-legal-practitioners/> accessed on 15th May 2026.

Regular training is a crucial practice that ensures paralegals not only understand confidentiality in theory but can also consistently and effectively apply it in practice. Poorly trained paralegals pose risks to a law firm, regardless of personal integrity or good intentions.

Beyond onboarding, law firms should foster a culture of ongoing training programs that covers the legal and ethical principles guiding confidentiality, including relevant legal provisions such as the *Nigeria Data Protection Act* 2023 (NDPA) and the firm's internal data management policies to help ensure that each paralegal comprehends what is expected and why these expectations are legally significant.

6. The Possible Penalty for Disclosure of Confidential Information

Confidentiality is not just a professional courtesy; it is a legal requirement. Paralegals must comply with data protection laws, law firm policies, and ethical standards.

To protect personal data, Nigeria enacted specific laws and regulations such as the *Nigeria Data Protection Act* 2023 (NDPA)[7] that govern data retention period, the type of data that can be retained, the purpose(s) for such retention, and the condition(s) of disclosure in the public interest.

6.1 Disciplinary Action under NDPA[8]

Where confidential information is unlawfully disclosed whether intentionally, negligently, or through a failure to observe proper protocols, the paralegal professional and their employing firm may face penalties on the basis of NDPA disciplinary framework.

The Nigeria Data Protection Commission (NDPC), established under the NDPA 2023 as the principal regulatory body for data protection in Nigeria, is empowered to investigate complaints, conduct audits, and impose sanctions on organizations and data processor found guilty of breach of the Act. These sanctions include the payment of substantial administrative fines and imprisonment.

Section 49 (1) provides:

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7 See, the *Nigerian Data Protection Act* 2023 (NDPA), <https://placng.org/i/wp-content/uploads/2023/06/Nigeria-Data-Protection-Act-2023.pdf> accessed on 15th May 2026.

8 See, section 49 (1) and section 53 (1) (2) of the *Nigerian Data Protection Act* 2023 (NDPA), <https://placng.org/i/wp-content/uploads/2023/06/Nigeria-Data-Protection-Act-2023.pdf> accessed on 15th May 2026.

A data controller or data processor, who fails to comply with orders made under section 47 of this Act commits an offence and is liable on conviction to -

(a) a fine of up to the-
  (i) higher maximum amount, in the case of a data controller or data processor of major importance, or
  (ii) standard maximum amount, in the case of a data controller or data processor not of major importance; or
(b) imprisonment for a term not more than one year or both.

Section 53 (1) (2) stipulates on the other hand:

(1) Where an offence has been committed by a body corporate or firm, the body corporate or firm, as well as principal officers of the body corporate or firm shall be deemed culpable, unless the principal officers prove that -
  (a) the offence was committed without their consent or connivance; and
  (b) they exercised diligence to prevent the commission of the offence.
(2) A data controller and data processor shall be vicariously liable for the acts or omissions of its agent or employees, in so far as the acts or omissions relate to its business.

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While these fines are primarily directed at organizations as data controllers, individual employees including paralegals who are found to have willfully facilitated or caused the breach may be personally implicated in civil proceedings. A client whose confidential information has been improperly disclosed may institute a civil action for breach of confidence, negligence, or breach of contract, seeking damages for the harm suffered.

6.2 Disciplinary Action under Workplace Policies

Most reputable law firms in Nigeria maintain internal confidentiality policies as part of their employment contracts, staff handbooks, and Standard Operating Procedure (SOP).

A paralegal who breaches confidentiality whether through careless communication, improper document handling, or deliberate disclosure may face internal disciplinary proceedings that could result in formal warning, suspension without pay, demotion, or outright termination of employment depending on the terms of the employment contract.

7. Essential Skills for Paralegal Professionals to Uphold Confidentiality[9]

[9] See, Meegle.com, *Paralegal Confidentiality Rules* 5/2/2026, <https://www.meegle.com/en_us/topics/paralegal/paralegal-confidentiality-rules> accessed on 15th May 2026.

As important as the knowledge of legal documentation and legal system skills of a paralegal may be, paralegal professionals require capacity building and continuous improvement to match the modern-day modification in legal practices and processes.

To enable them to uphold the principle of confidentiality, both technical and soft skills are needed to keep information they come across secure and accurately disclosed to the appropriate person.

7.1 **Technical Skills**

Due to spontaneous technological advancement, and the opportunity technology has given for secure data storage, technical skills are skills a paralegal must have. This means embracing evolution and harnessing technology to enhance confidentiality.

I. Proficiency in the use of Data Management Systems (DMS)

A Paralegal must be conversant with document management systems (DMS) as it serves as the tool for information organization, management, and storage for organisations. These systems enable the creation, processing, secure storage and efficient retrieval of documents, and mastering this tool will enable a paralegal to efficiently maintain confidentiality by storing confidential data securely and ensure to only retrieve and allow access to only the appropriate persons.

II. Proficiency in the use of various Productivity Software

Proficiency in wide range of productivity software is a valuable skill to have as a paralegal. Beyond data storage, productivity tools such as Microsoft Office Suite (Word, Excel, Outlook, etc.) and many others assist in document preparation in order to avoid the traditional process of manual document processing and data collection which may expose private data to the wrong persons.

III. Proficiency in the use of Data Security Tools and Protocol

In an era where data breaches are increasingly occurring frequently, paralegals must adopt the use of encryption tools, secure file-sharing platforms, and cybersecurity protocols - restricting access to only authorized persons, recognizing phishing attempts and passwording documents to protect digital information.

7.2 **Soft Skills**

These skills are an invisible anchor that holds paralegals professional conduct together, make them versatile and equip them to exercise good judgment regarding confidential documentation in the course of discharging their duties. They include:

I. Attention to Detail

Paralegals must be meticulous when handling information, an oversight can lead to a serious consequence. Measures such as carefully double-checking email recipient information before sending requested document or scrutinizing unsolicited email before clicking on any hyperlinks in the email will help avoid falling victim of phishing emails.

Poor oversight such as misfiling documents can also give an unauthorized person access to the document.

II. Discretion and Sound Judgment

Knowing what information to share, with whom, and under what circumstances is critical. A paralegal may encounter situations where a client, colleague, or even a superior requests information in a manner that does not align with the established confidentiality protocol of the organization. In such instance, the ability to exercise calmness, and apply discretion to decline the request or redirect the request through the proper channel and/or to seek guidance from a supervisor is crucial.

Discretion also means being mindful of conversations in shared or public places to avoid disclosing confidential information to the hearing of un-authorized persons, and ensuring that client files are kept appropriately.

III. Communication Skills

Clear, precise, and professional communication is in itself a tool to minimize the risk of accidental disclosure of confidential information. It also enables the effective communication of firm policies and professional boundaries in a manner that is respectful yet unequivocal, thereby setting appropriate expectations regarding what information can and cannot be shared.

A paralegal who communicates with clarity whether in writing, over the phone, or in person, reduces the risk of misunderstandings that could compromise client's information.

8. Conclusion

Confidentiality in legal documentation is not an occasional duty; it is paralegal's daily responsibility. Through vigilance, professionalism, and unwavering discretion, a paralegal helps safeguard client information while upholding the integrity of the legal profession.

Paralegals must be trained in confidentiality protocols and the importance of safeguarding sensitive information in order to be equipped with the ability to protect the interests of clients and strengthen the credibility of the legal institutions they serve.

In an era where data breaches are common, the human element of discretion remains a law firm's strongest defense.

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