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## **Leveraging Data Privacy Regulations as Solution to Examination Malpractices in Nigerian Polytechnics**

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Leveraging, Privacy, Regulations, Examination malpractice, Polytechnics.

**Abstract**

The main objective of this study is to examine the current state of Data Privacy Regulations among Nigerian polytechnics. The study specifically investigates the role of Nigeria Data Protection Act 2023 (NDPA) and the Nigeria Data Protection Regulation 2024 (NDPR) as it impacts examination malpractices reduction. In this study a survey research design was adopted. The study uses a primary method of data collection. The population of the study comprises of all stakeholders involved in the conduct of examination from the two polytechnics in Taraba State which sum up to 593 staff. This study uses Stratified random sampling technique in selecting the sample. The study made use of a sample size of 211 participants in the case study. However, Questionnaires was used as the instrument of data collection while simple percentages were used in the presentation and analysis of collected data. Equally, hypotheses formulated were tested using chi-square ( $X^2$ ) statistical techniques. However, findings from the chi-square test result showed that Nigeria Data Protection Act 2023 (NDPA) and the Nigeria Data Protection Regulation 2024 (NDPR) are both playing a major role in examination malpractices reduction. Based on the findings, the study concluded that, the lack of strong data privacy regulations has

encouraged examination malpractice in Nigerian Tertiary Institutions nowadays. Based on the findings and conclusion drawn above, the study recommended that to curb the new wave of electronic cheating, full implementation of examination malpractice Act 33 of 1999 and a general change in societal crazy rush for acquisition and over dependence on academic paper certificate, as measures to curb examination malpractice in Tertiary institutions.

## Introduction:

Examination malpractice has been a recurrent social problem in Nigeria educational system. The rise in examination malpractice cases in Nigeria particularly at the tertiary education level is drawing significant national attention. Examination malpractice in Nigeria educational system has been widely discussed and viewed as a major challenge not only to examination bodies but also to school administrators, stakeholders, and the society at large (Oko & Adie, 2016).

Notably, the concerns about protecting private data in the digital age are not unique to Nigeria; they are shared by many other countries as well. The increasing reliance of individuals and institutions on digital platforms for a wide range of activities has made data privacy an urgent problem in today's digital landscape. Nigerian is a prime example of this digital revolution, as seen by the rise in the use of digital and online services in all spheres of daily life. But increased digital interaction has advantages as well as disadvantages, especially when it comes to data privacy threats. Investigating Nigeria's current data privacy practices is therefore essential in order to highlight both the region's advantages and disadvantages (Brown & White, 2020).

Malik & Shah (1998) cited in Akaranga and Ongong (2013) in Onyibe et.al (2015) observed that examination is not only a process to access the progress of students, motivates and help them to know their academic strength and weakness, but also, it provides teachers the opportunity of trying new teaching method. This has led many Nigerians into buying educational certificate to prove their academic worth since certificate is seen as only yardstick to measure ones' qualification (Onyibe et.al, 2015).

The study adopts a holistic approach. It encompasses not only an examination of the existing awareness levels of data privacy but also delves into the policy

implications that can fortify the protective measures in place. Moreover, the research explores potential strategies for enhancing data privacy education and advocacy within Taraba State, aiming to create a resilient framework that guards against the vulnerabilities posed by fraudulent activities.

Practically and currently, Examination misconduct is becoming a major worry as the digital transformation of education gathers pace at polytechnics. These challenges are brought about by the polytechnics' reliance on digital platforms for examination administration. Because digital platforms make things more accessible and interconnected, there are vulnerabilities that could be exploited by dishonest people, jeopardizing the integrity of the examination process.

Empirically, the majority of empirical studies such as researches conducted by (Zariyawati, Annuar, Taufiq, & Rahim, 2010; Mathuva, 2013; Mohamad & Saad, 2015; Silva, 2011; Archavli 2012; Bhunia & Das, 2012) Bhunia & Das, 2012) on the relationship between data privacy and examination malpractices reduction. Suggested the existence of positive and significant relationship between data privacy and examination malpractices reduction., however, there is nevertheless a notable number of studies (Ani, Okwo, & Ugwunta, 2012; Akoto, Awunyo-Vitor, & Angmor, 2013; Muscettola, 2014; Tahir & Anuar, 2015) whose results suggest otherwise. However, it is as a result of this contradictions that signified the need for a research on this subject matter so as to fill those gaps in the literature by conducting a study on Leveraging Data Privacy Regulations as Solution to Examination Malpractices in Nigerian Polytechnics.

Therefore, in lieu of the above background, the main objective of the study is to Leverage Data Privacy Regulations as Solution to Examination Malpractices in Nigerian Polytechnics. While the specific objectives are to:

- i. Determine the role of Nigeria Data Protection Act 2023 (NDPA) in combating examination malpractices among Nigerian polytechnics.
- ii. Examine the role of Nigeria Data Protection Regulation 2024 (NDPR) in mitigating examination malpractice among Nigerian polytechnics.

However, in view of the above research objectives, the following hypotheses are formulated in null form to guide the study.

**Ho<sub>1</sub>:** The Nigeria Data Protection Act 2023 (NDPA) does play any significant role in combating examination malpractices among Nigerian polytechnics

**Ho<sub>2</sub>:** The Nigeria Data Protection Regulation 2024 (NDPR) has no significant role in mitigating examination malpractice among Nigerian polytechnics

## LITERATURE REVIEW

### **The Concept of Data Privacy**

According to Zeithaml & Bitner (2017), The rise in computer based and aided examinations activities and practices in the modern era of digital breakthroughs has brought data privacy to the forefront, especially when it comes to reducing exam malpractice. Like many other countries, Nigeria deals with complex problems resulting from cyberattacks and illegal actions that occur because there aren't enough security measures in place.

Onyide et.al, (2015) asserts that by fortifying the overall data infrastructure, institutions can create a resilient barrier against various forms of malpractice, fostering a trustworthy and secure examination environment. In essence, the interplay between data privacy and exam malpractice mitigation emerges as a pivotal aspect in shaping the integrity of educational assessments in the digital age Smith et al., (2017) pointed out that, when examining the environment from the perspective of data privacy, it becomes imperative to address misconduct in the educational sector. This research explores the critical assessment of how strong data privacy regulations might work as an effective deterrent against fraudulent actions, concentrating on the Nigerian educational system. As more and more educational evaluations move to digital platforms, maintaining the integrity of tests becomes paramount. Implementing stringent data privacy protocols can thwart unauthorized access to exam content, ensuring the sanctity of the evaluation process.

### **The Concept of Examination Malpractice**

Examination malpractice can be referred to as an act that goes contrary to rules and regulations guiding the conduct of any examination and designed to give a candidate an undue advantage. Examination malpractice also known as cheating is the illegal action that students take during their examinations to try to make good grades by cutting corners (Oko& Adire, 2016). Examination malpractice is an act of accessing or testing candidates which goes contrary to the rules guiding the conduct of such examination. The West African Examination Council (WAEC) (2003) sees examination malpractice as any irregular behavior or act exhibited by candidates or anybody charged with the responsibility of conducting examination in or outside the examination hall, before, during or after such examination with the aim of taking undue advantage. Such irregularities or misconducts such as collusion among students themselves and between them and examination official to leak examination materials to intended examinees, impersonation in the form of hiring mercenary to sits for examinations on behalf of the genuine candidate, giraffing, inscription of materials or information on any parts of the body, bribery of examination officials some money to buy examination papers, bribery to allow the use of illegal material smuggled into the examination halls, intimidation and assault on examination official by hired thugs so that students could have a free day while committing the heinous crime, exchange of answer booklets for note

comparison, mass cheating and scientific malpractice of use of mobile phones during examination are all forms of examination malpractice (Onyibe et al, 2015)

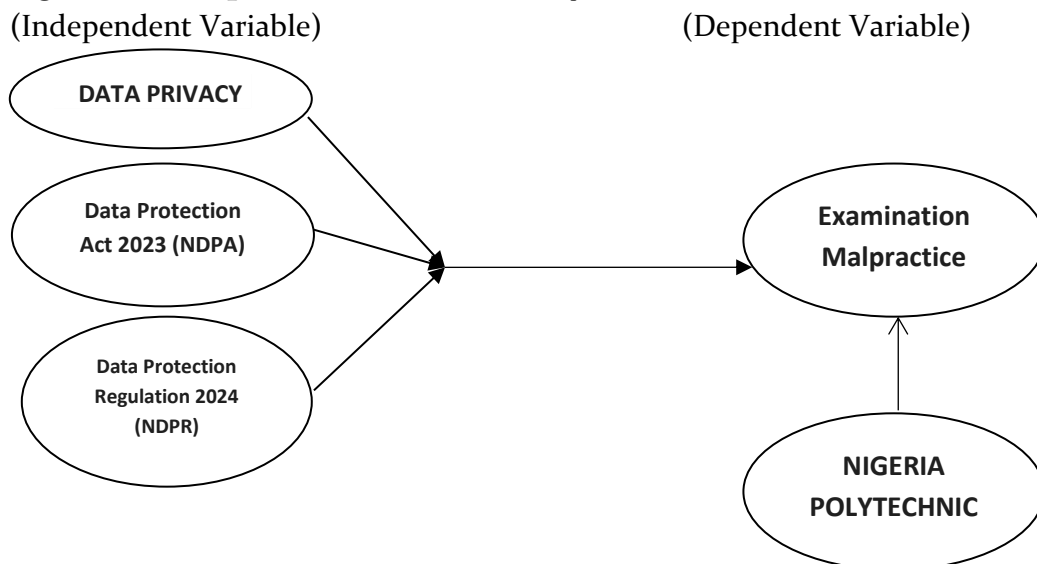
### **Leveraging Data Privacy Regulations as Solution to Examination Malpractices in Nigerian Polytechnics**

Phiri and Nkamba (2015) noted that, exam misconduct is becoming a major worry as the digital transformation of education gathers pace at polytechnics. These challenges are brought about by the polytechnics' reliance on digital platforms for examination administration. Because digital platforms make things more accessible and interconnected, there are vulnerabilities that could be exploited by dishonest people, jeopardizing the integrity of the examination process. Comprehending and skilfully tackling these obstacles becomes crucial to guarantee the legitimacy and fairness of educational assessments.

Ongong (2013) agree that, the use of digital platforms for exams is increasing in Nigerian polytechnics today, and this is being exacerbated by the urgent need to combat the growing threat of test malpractices. This study aims to investigate the complex dynamics of data privacy's impact in reducing test malpractice in the setting of Nigerian polytechnics.

Nigeria, like many nations, is grappling with the complexities of ensuring robust data privacy measures in an era marked by rapid technological advancements. The increasing number of digital users, including students, amplifies the urgency of implementing effective data privacy policies and mechanisms. However, the current attention given by the country's leaders to activities in cyberspace is inadequate, potentially leaving educational institutions susceptible to the evolving landscape of examination malpractices.

**Figure 1: Conceptual Model of the Study**



**Figure 1: conceptual framework showing all the variables used in the study.**

### **Theoretical Framework**

In an attempt to understand this study on Leveraging Data Privacy Regulations as Solution to Examination Malpractices in Nigerian Polytechnics, this study will anchor on Anomie Strain Theory which will be employed to provide a theoretical base for the study. Robert K. Merton anomie strain perspective refers to the discrepancies between culturally defined goals and the institutionalized means available to achieve these goals. The theory maintains that it is the society that creates the environment for the birthing of crimes and criminal by stipulating goals and values without providing corresponding legal opportunities realizing them consequently, the disconnect between socially précised goals and the availability of legitimate means to attain such goals, in turn put pressure on the individual to commit crime. Merton (1968) developed a typology – a classification scheme designed to facilitate better understanding of the theory. According to Merton, there are five types of deviance/crime based criteria: Innovations; when individual accept the goals but reject the legitimate means of attaining such goals. Conformity; when individual accepts goals and means of attaining the legitimate means of attaining such goals.

### **Prior Empirical Review**

Duvie & Eluwa, (2016) found out that smuggling and the use of mobile phones and other electronic devices were common forms of examination malpractice used by student of tertiary institutions in recent years. Electronic cheating (e-cheating) which occurs through the use of mobile phone and other data or information storages devices for examination malpractices is a common thing in most tertiary institutions in Nigeria.

Oko & Adie (2016) examined the effects of Data Privacy on Examination malpractice among Educational Institutions impact it was revealed that electronic cheating ranked third by 60% of the respondents in a field study conducted to examine the causes, effects and possible ways of curbing examination malpractices in Cross River University of Technology.

Hameed, Ali & Arslan. (2014), in a reviewed study disclosed that, the prevalence of electronic device cheating in Nigeria Tertiary institutions took a dangerous demission in July 2019, when the Management of the Polytechnic Ibadan, Oyo state burnt over 1000 mobile phone seized from students during the institution's semester examination. The Deputy Rector of the institution while addressing newsmen said the decision to burn the cell phones was aimed at discouraging students' from engaging in examination malpractice (Valentine, 2019).

Nairaland forum, (2018) examination malpractice through mobile phones has been attributed to students who want an easy way to scale the examination hurdles without stress. It has become so rampant as more tertiary institutions student no longer rely on their natural ability anymore in scaling through examination due to improved technology especially on GSM platform in solving their examination challenges. It is not in contention whether students should own a mobile phone due to its usefulness.

## MATERIAL AND METHODS

In this study a survey research design was adopted. The study uses a primary method of data collection. The population of the study comprises of all stakeholders involved in the conduct of examination from the two polytechnics in Taraba State which sum up to 593 staff. This study uses Stratified random sampling technique in selecting the sample. The study made use of a sample size of 211 participants in the case study. However, Questionnaires was used as the instrument of data collection. After data being collected, presented and tabulated under the descriptive statistics accordingly, the result of the questionnaires was analysed by the use of tables. Simple percentages were computed and findings presented, discussed and interpreted, deductive reasoning relevant to the research objective and hypothesis was observed adequately. Hence finally, the chi-square technique was employed as the technique to test the pre-set hypothesis which was intended to guide the study.

**NOTE:** Chi-square ( $X^2$ ) Formula is depicted as follows:

$$X^2 = \frac{FO - FE}{FE}$$

**Where:**

**FO**=frequency Observed

**FE**=frequency Expected

**$X^2$** = chi-square

**Reject  $H_0$  if  $X^2$  Calculated is greater than  $X^2$  Tabulated and Vice-versa.**

## DATA PRESENTATION, ANALYSES AND INTERPRETATIONS

### Questionnaire Administration

In this research study, a total number of seventy-two (211) questionnaires that consisted of the sample size were prepared and administered to the respondents in the case study. In the course of the distribution and retrieval of the 211



questionnaires (that represents 100% of the total responses) from the sample respondents, a total number of 41 questionnaires that consisted of 19.43% of the total responses were returned wrongly filled, while 98 questionnaires that consisted 46.44% of the total responses were not returned to the researcher, however it was the remaining 72 Copies of questionnaires representing 34.12% of the respondents responses that were successfully filed and retrieved by the researcher. Therefore, this 72 successfully filled and retrieved questionnaires will be the adequate questionnaires that will be used in this study for the purpose of analysis, generalizations as well as conclusions. Hence the questionnaire distribution and retrieval analysis can be shown in the below table as follows:

**Table 1: Response Rates Statistics Table**

Details	number	percentage%
<b>Copies Retrieved and Filed</b>	72	34.12
<b>Copies wrongly Filed</b>	41	19.43
<b>Copies Not Returned.</b>	98	46.44
TOTAL Copies Sent Out	72	100

**Source:** Researcher survey October, 2024

***Test of Hypothesis One.***

**Ho<sub>1</sub>:** The Nigeria Data Protection Act 2023 (NDPA) does not play any significant role in combating examination malpractices among Nigerian polytechnics

**TABLE 2: Chi –square contingency table for Hypothesis one**

	FO	FE	FO - FE	(FO – FE <sup>2</sup> )	(FO – FE <sup>2</sup> /FE)
<b>Q1</b>	9	8.75	0.25	0.0625	0.0031
	8	8.75	-0.5	0.25	0.0325
	6	5.75	0.25	0.0625	0.0308
	6	5.75	0.25	0.0625	0.0108
<b>Q2</b>	13	8.75	4.25	18.0625	2.0642
	7	8.75	- 1.75	3.0625	0.35
	6	5.75	0.25	0.0625	0.0108
	3	5.75	2.75	7.5625	0.0108
<b>Q3</b>	6	8.75	-2.75	7.5625	0.8642
	11	8.75	2.25	5.0625	0.5785
	5	5.75	-0.75	0.5625	0.0978
	7	5.75	1.25	1.5625	0.2717
<b>Q4</b>	7	8.75	-1.75	3.0625	0.35



9	8.75	0.25	0.0625	0.0071
6	5.75	0.25	0.0625	0.0108
7	5.75	1.25	1.1625	0.3717
<b>TOTAL</b>			Calculated value	<b>5.7732</b>

**Source: Researcher Computation October, 2024**

Chi – square critical table value at 5 under 7 using the  $X^2$  Table= **2.036**

#### DECISION RULE:

Since the Chi square-calculated value (**5.7732**) is greater than the chi square-critical table value (**2.036**) at an infinite degree of freedom and 0.05 percent level of significance, therefore we reject the Null hypothesis **H<sub>0</sub>** which state that, Nigeria Data Protection Act 2023 (NDPA) does not play any significant role in combating examination malpractices among Nigerian polytechnics and accept the Alternative hypothesis **H<sub>1</sub>** to conclude that, Nigeria Data Protection Act 2023 (NDPA) has play significant role in combating examination malpractices among Nigerian polytechnics

#### Test of Hypothesis two

**H<sub>02</sub>:** The Nigeria Data Protection Regulation 2024 (NDPR) has no significant role in mitigating examination malpractice among Nigerian polytechnics

**TABLE 3: Chi –Square Contingency table for Hypothesis two**

Q	FO	FE	FO-FE	(FO-FE) <sup>2</sup>	$\frac{(FO-FE)}{FE}$
<b>5</b>	11	10.25	0.75	0.5625	0.0343
	5	7.75	-2.75	7.5625	0.6748
	6	5.25	0.75	0.5625	0.3071
	7	5.75	1.25	1.5625	0.2717
<b>6</b>	8	10.25	-2.25	5.0625	0.4939
	12	7.75	4.25	18.0625	2.3306
	4	5.25	-0.75	1.5625	0.2976
	5	5.75	-3.25	0.5625	0.00978
<b>7</b>	7	10.25	3.25	10.5625	1.0304
	11	7.75	3.75	10.5625	1.3529
	6	5.25	3.75	14.0625	2.6785
	5	5.75	-0.75	0.5625	0.0978
<b>8</b>	15	10.25	4.75	22.5625	2.2012

3	7.75	-4.75	22.5625	2.91129
5	5.25	-0.25	0.0625	0.03190
6	5.75	0.25	0.0625	0.0408
<b>Calculated Value</b>				<b>12.233</b>

**Source: Researcher Computation October, 2024**

**Calculated Value= 12.233**

Critical table value at 14 under 9 using the  $X^2$  Table value= **5.390**

### **DECISION RULE.**

Since the Chi square-calculated value (**12.233**) is greater than the chi square-critical table value (**5.390**) at an infinite degree of freedom and 0.05 percent level of significance, therefore we reject the Null hypothesis **H<sub>0</sub>** which state that “Nigeria Data Protection Regulation 2024 (NDPR) has no significant role in mitigating examination malpractice among Nigerian polytechnics and accept the Alternative hypothesis **H<sub>1</sub>** to conclude that, Nigeria Data Protection Regulation 2024 (NDPR) has significant role in mitigating examination malpractice among Nigerian polytechnics

### **Discussion of Major Findings**

Sequel to the analyses the major findings arrived at in this study can be summarized as follows:

- i. That the Nigeria Data Protection Act 2023 (NDPA) has play significant role in combating examination malpractices among Nigerian polytechnics
- ii. That, the Nigeria Data Protection Regulation 2024 (NDPR) has significant role in mitigating examination malpractice among Nigerian polytechnics

However, this finding is in line with the work of (Abolarinwa, 2018). but contradicts the study result of (Wachira, 2013)

### **CONCLUSIONS AND RECOMMENDATION**

In line with the findings this study concluded as follows:

- i. The Nigeria Data Protection Act 2023 (NDPA) has play significant role in combating examination malpractices among Nigerian polytechnics
- ii. The Nigeria Data Protection Regulation 2024 (NDPR) has significant role in mitigating examination malpractice among Nigerian polytechnics

However, in line with the findings and the conclusion of the study, the following recommendations were made.

- i Management of Tertiary Institutions, important stakeholders in tertiary education and government should be sincere in the implementation of legislation on examination malpratice Act No. 33 of 1999.

- ii The Act should be amended to re-introduce the parts of Decree 20 of 1981 which stipulated twenty-one (21) years imprisonment for convicted culprit of examination malpractice without option of fines. Such law should also include the use of smart phones in an examination hall. If this is fully implemented, it will serve as deterrent to students, investigators, security agents and other collaborators involved in examination malpractice.
- iii Effort should be made to reduce the emphasis place on certificate and paper qualification. The high value placed on paper certification and qualification has been identified as major contributing factors for examination malpractice in Nigerian tertiary institutions. Students would do everything in their power to pass and obtain the certificate whether legal or illegal since they believe that it is what they needed to make a living (Oyinbe et al 2015; Onuka & Durowoju, 2013).
- iv Total ban on the use of mobile cell phone, BBs and IPAD in examination halls. Mobile cell phones during seize examination should be confiscated or destroyed by school Management.

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