A BILL

FOR

AN ACT To PROVIDE FOR THE ENACTMENT OF CHILD ONLINE ACCESS PROTECTION BILL 2023 AND OTHER IsSUES OF ONLINE VIOLENCE AGAINST THE NIGERIAN CHILD AND FoR RELATED MATTERS

Spo ored

( ] **Commencement**

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

Object

1. TbeobjectofthisActis:

To improve and regulate online activities/material to protect the Nigerian child

Establishment

2. There is hereby established a department to be known as E-Commissioner housed within the Federal Ministry of Communications and Digital Economy with offices at the Nigerian Communication Commission offices.

Funding

3.-(1) As from the commencement of this Act, there shall be charged and payable an annual Child online protection tax which shall be assessed, collected and administered in accordance with the provisions of thisAct.

(2) The tax at the rate of 0.02 percent shall be charged on the assessable profit of a Search Engine, Telecom Service Providers, Artificial Intelligence, Gaming, Streaming and Social MediaApp Vendor companies registeredinNigeria.

(3) The assessable profit of a company shall be ascertained in the manner specified in the Companies Income TaxAct.

(4) The Government shall provide initial funding for the implementation of this Act through its budgetary allocations.

sessment and llection of tax

4.-(1) The Federal Inland Revenue Service (in this Act referred to as "the Service") shall assess and collect from a company the tax imposed by this Act and accordingly-

Cal shall, when assessing a company, for company's' income tax for an accounting period of the company, also proceed to assess the company for the tax due under this Act; and

(b) the provisions of the Act relating to the collection of company's' income tax shall, subject to this Act, apply to the tax due under this Act.

(2) The tax imposed by this Act shall be due and payable within 60 **days after the Service has served notice of the assessment on a company.**

(3) The Service may, for the purpose of assessment and collecting the tax imposed by this Act, devise such forms as it may deem fit.

ppointmen t f the -Commissioner

5.-(1) The £-Commissioner is to be appointed by the Relevant Minister by written instrument.

(2) A person is not eligible for appointment as the £-Commissioner unless the Relevant Minister is satisfied that the person has:

(a) substantial experience or knowledge; and

(b) significant standing;

in at least one of the following fields:

(c) the operation of social media services;

(d) the operation of the internet industry;

(e) public engagement on issues relating to online protection;

(f) public policy in relation to the communications sector.

(3) The £-Commissioner holds office on a full time basis.

Period of appointment for the E-Commissioner

The £-Commissioner holds office for the period specified in the instrument of appointment. The period must not exceed *5* years.

Acting appointments:

(l) The Relevant Minister may appoint a person to act as the E-**Commissioner:**

(a) during a vacancy in the office of theE-Commissioner (whether arnot an appointment has previously beenmadeto the office); or

(b) during any period, or during all periods, when the E-

Commissione r:

(i) is absent from duty or from Nigeria; or

(ii) is, for any reason, unable to perform the duties of the office.

(2) A person is not eligible fur appointment to act as the E-Commissioner unless the person is eligible for appointment as the E-

Commissioner.

Basic Functions oftheE-Commissioner shall include:

(a)promoting online protection for the Nigerian child;

(b) Ministering complaints system for cyber bullying, cyber abuse, cyber extortion and other cyber activities/material that may impose harm targeted at Nigerian child;

(d) Ministering complaints and objections system for consensual and non consensual sharing of intimate voices and images; and

(c) Ministering the online content scheme; and

(d) coordinating activities relating tc online protection for Protection of the child.

Detailed functions of theE-Commissioner

6.-(I) The detailed functions ofthe E-Commissioner are:

(a) such functions as are conferred on theE-Commissioner by:

(i) this Act; and

(b) to promote online protection for Nigerian child; and

(c) to support and encourage the implementation of measures to improve online protection for Nigerian child; and

(d) to coordinate activities of agencies relating to online protection for Nigeria child; and

(e) to coilect, analyse, interpret and disseminate information **relating to online protection for Nigerian child; and**

(i) **to support, encourage, conduct, accredit a,_qd evaluate**

educational, promotional and community awareness programs that
relevant to online protection for Nigerian v; and

(g) to make, on behalf of the govermnent, grants of fina assistance in relation to online protection for Nigerian child;

(h) to support, encourage, conduct and evaluate research about protection for Nigerian child;

(i) to publish (whether on the internet or otherwise) reports and relating to online protection for Nigerian child; and

G) to give the Relevant Minister reports about online protecti Nigerian child;

(k) to advise the Relevant Minister about online protectic Nigerians;

(l) to consult and cooperate with other persons, organisatior governments on online protection for Nigerian child; and

(m) to advise and assist persons in relation to their obligation thisAct;

(n) to monitor compliance with this Act;

(o) to promote compliance *with* this Act;

(p) to formulate, in writing, guidelines or statements that:

(i) recommend best practices for persons and bodies invol online protection for Nigerian child; and

(ii) are directed towards facilitating the timely and appr **resolution of incidents involving material provlded on a social media service relevant electronic service or designated internet service; and**

(q) to promote guidelines and statements formulated under paragraph (p); and

(r) such other functions (if any) as are specified in the legi rules; and

(s) to do anything incidental to or conducive to the performa

any ofthe above functions.

Grants:

(2) Financial assistance may be granted under paragraph

(1)(g) to: (a)aState;or

(b) apersonotherthanaState.

(3) The terms and conditions on which fmancial assistance is granted under paragraph (1)(g) are to be set out in a written agreement between the Federation and the grant recipient.

(4) An agreement under subsection (3) is to be entered iota by the E-Commissioner on behalf of the Federation.

Guidelines and statements are not legislative instruments

(5) Guidelines and statements formulated under paragraph (l)(p) are not legislative instruments.

7. The £-Commissioner has power to do all things necessary or convenient to be done for or io connection with the performance of theE-Commissioner,s functions

Powers of the E.-Commissioner

8.-(1) The complaints system for cyber bullying cyber abuse, cyber **extortion and other cyber activities that may impose harm-**

Complaints, Objections and Investigations

(a) the provider of a social media service, a relevant electronic service or a designated internet service may be given a notice (a removal notice) requiring the removal from the service of cyber bullying cyber extortion and other cyber activities that may impose harm targeted at **Nigerian child;**

(b) a hosting service provider who hosts cyber bullying, cyber extortion and other cyber activities that may impose harm targeted at **Nigerian child;**

(c) a person who posts cyber bullying material targeted at a Nigerian child may be given a notice (an end user notice) requiring the **person to remove the material, refrain from posting cyber bullying, cyber** extortion and other cyber activities or apologise for posting the material.

(2) Complaints about cyber bullying material cyber extortion and other cyber activities targeted at a Nigerian child

Complaint made by a Nigerian child:

(I)IfaNigerian child has reason to believe that the child was or is the target of cyber bullying, cyber extortion and other cybermaterial that has been, oris being, provided on:

(a) a p!!f(icular social media service; or

(b) a particular relevant electronic service; or

(c) a particular designated internet service;

the childmaymake a complaint to the E-Commissionerabout the matter.

Camp/ aint made on behalf of a Nigerian child

(2)If:

(a) a person (the responsible person) has reason to believe that cyber bullying cyber extortion and other cyber activities material targeted at a Nigerian child has been, oris being, provided on:

(i) a particular social media service; or

(ii) a particular relevant electronic service; or

(iii) a particu l ardesignated internetservice; and

(b) either:

(i)the responsible person isa parent or gnardian of the child; or

(ii) the child has authorised the responsible person to make a complaintaboutthematter;

the responsible person may, on behalf of the child, make a complaint to theE-Commissioner about the matter.

Complaint made by an adult who was a Nigerian child

(3)If:

(a) a person is an adult; and

(b) the person has reason to believe that, when the person was a Nigerian child, the person was the target of cyber bullying cyber extortion and othercybermaterial that was provided on:

(i) a particular social media SJ<rVice; or

(ii) a particular relevant electronic service; or

(iii) a particular designated internet service;

the person may maka

so long as:

(c) the complaint is made within a reasonable time after the person became aware ofthematter; and

(d) the complaint is made within 6 months after the person reached 18years.

Complaint previously made to the service provider:

(4) If:

(a) a complaint made by a person under this section concerns **material that has been, or is being, provided on:**

(i) asocial media service; or

(ii) a relevant electronic service; or

(iii) **a designated internet service; and**

(b) the person wants the E-Commissioner to give the provider of **the service a removal notice requiring the provider to remove the material** from **the service;**

the complaint under this section must be accompanied by evidence that the material was the subject of a complaint that was previously made to the provider ofthe service.

(5) For the purposes of subsection (4), evidence must be in a form required by theE-Commissioner.

(6) If:

(a) a social media service; or

(b) a relevant electronic service; or

(c) a designated internet service;

issues a receipt or complaint number to a complainant as part of its ordinary business processes, the £-Commissioner may require evidence to be in the

fonn of the receipt or complaintnumber.

(7) If:

(a) asocial mediaservice; or

(b) a relevant electronic service; or

(c)adesignatedinternetservice;

does not issue a receipt or complaint number to a complainant as part of its ordinary business processes, the £-Commissioner may require evidence to be:

(d) in the form of a screen shot; or

(e) in the form ofastatutorydeclaration;or

(f) in such other form as theE-commissioner specifies.

(8) Subsections (6) and (7) do not limit subsection (5).

(9)A requirement under subsection (5), (6) or (7) is not a legislative instrument.

brvesligation of complaints:

(I) The E-Commissioner may investigate a complaint made under section 5 (l).

(2) An investigation under this section is to be conducted as the E-Commissioner thinks fit.

(3) The E-Commissioner may, for the purposes of an investigation, obtain information from such persons, and make such inquiries, as the E-Commissioner thinks fit.

(4) Subsections (1), (2) and (3) have effect subject to investigative powers conferred on the £-Commissioner

Termination ofinvestigation:

(5) TheE-Commissioner may terminate an investigation under this section.

(2) Complaints about, and objections to, intimate images

(1) The complaints and objections system for non consensual sharing of intimate images include the following components:

(a) a person who posts, or threatens to post, an intimate image may be

liable to a civil penalty;

(b) the provider of a social media service, relevant electronic service or designated internet service may be given a notice (a removal notice) requiring the provider to remove an intimate image from the setVice;

(c) an end user of a social media service, relevant electronic service or designated inten1et service who posts an intimate image on the service may be given a notice (a removal notice) reqn.iring the end user to remove the image from the service;

(d) a hosting serviceprovi\lerwho hosts an intimate image may be given a notice (a removal notice) requiring the provider to cease hosting the image

Complaints About, And Objections To, Intimate !mages

Complaints

Complaint made by a person depicted in an intimate image

{1) I fa person has reason to believe that an intimate image hi!!' been Posted in relation to an intimate llfthe complaint to the E-Commissiomi abOtltthe

(2) If the complainant is not able to identifY the person who allegedly posted an intimate image ofhislher, the COfiiplainantmust make a statementto the E-Commissionerto that effect.

Complaint made on behalf of a person depicted in an intimate image

(3) !fa person (the authorised person) has reason to believe that an intimate image has been Posted in relation to an intimate image of another person (the depicted person), the authorised person may, on behalf of the depicted person, make a complaint to the £-Commissioner about the matter, so long as:

(a) the depicted person has authorised the authorised person to make a comp1aint about the matter; or

(b)both:

(i) the depicted person is a child who has not reached 16 years; and

(ii) the authorised person is a parent or guardian of the depicted person; ***or***

(c)both:

(i) the depicted person is in a mental or physical condition (whether temporary or permanent) that makes tbe depicted person incapable of managing the depicted person's affairs; and

(ii) the authorised person is a parent or guardian of the depicted **person.**

(4) The authorised person must make a declaration to the E Commissioner to the effect that the authorised person is entitled to make the complaint on behalf of the depicted person.

(5) If the authorised person is not able to identifY the person who allegedly posted an intimate image, the authorised person must make a statement to the E-Commissioner to that effect.

Objection notice:

Objection notice given by a person depicted in an intimate i;nage

(1) If a person (the depicted person) has reason to believe that:

(a) an intimate image of the depicted person is, or has been, provided **on:**

(i) a social media service; or

(ii) **a relevant electronic service; or**

(iii) a designated internet service; and

(b) the provision ofthe intimate image on the service is not an exempt **provision of the intimate image; and**

(c) any ofthe following conditions is satisfied:

(i) the depicted person is ordinarily resident in Nigeria;

(ii) if **the intimate image was posted on the service** by an end user of **the service-the end user is ordinarily resident *in* Nigeria;**

(iii) **the intimate image is hosted in Nigeria by a hosting service;**

the depicted person may give the E-Commissioner a notice (an objection

notice) objecting to the provisionofthe intimate image on the service.

(2) The depicted person may give the objection notice even if the depicted person previously consented to the provision of the intimate image **on the service.**

Objection notice given onbehalf of a person depicted in an intimate image

(3) If a person (the authorised person) has reason to believe that:

(a) an intimate image of another person (the depicted person) is, or **has been, provided on:**

(i) **a social media service; or**

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the provision of the intimate image on the service is not an exempt provision of the intimate image; and

(c) any of the following conditions is satisfied:

(i) the depicted person is ordinarily resident in Nigeria;

(ii) if the intimate image was posted on the service by an end user of the service- the end user is ordinarily resident in Nigeria;

(iii) the intimate image is hosted in Nigeria by a hosting service;

the authorised person may, on behalf of the depicted person, give the E-Commissioner a notice (an objection notice) objecting to the provision of **the intimate image on the service, so long as:**

(d) the depicted person has authorised the authorised person to give the objection notice; or

(e)both:

(i) the depicted person is a child who has not reached l6years; and

(ii) the authorised person is a parent or guardian of the depicted **person; or**

(f) both:

(i) the depicted person is in a mental or physical condition (whether **temporary or permanent) that makes the depicted person incapable of**

managing the depicted person's affairs;
and

(ii) the authorised person is a parent or guardian of the depicted person.

(4) The authorised person must make a declaration to the E-Commissioner to the effect that the authorised person is entitled to give the objection notice on behalf of the depicted person.

(5) The authorised person may give the objection notice even if the depicted person previously consented to the provision of the intimate image on **the service.**

Investigation of complaints:

(1) The E-Commissioner may investigate a complaint made to the E-**Commissioner under non- consensual sharing of intimate images**

(2) An investigation under this section is to be conducted as the E-Commissioner thinks fit.

(3) The E-commissioner may, for the purposes of an investigation, **obtain information from such persons, anct make such inquiries, as the E-**Commissioner thinks fit.

(4) Subsections (1), (2) and (3) have effect subject to investigation **which confers certain investigative powers on the E-Commissioner.**

Termination of investigation:

(5) The E-Commissioner may tenninate an investigation under this **section.**

E-Comrnissioner's response to objection notices

If an objection notice is given !o the E- Commissioner in relation to an intimate **image, the E-Commissioner may consider whether to give a removal notice in** relation to the intimate image.

Complaints relating to th Online Content Scheme

9. The online content scheme includes the following components:

(a) the provider of a social media service, relevant electronic service or designated internet service may be given a notice (a removal notice) requiring the provider to remove certain material;

(b) a hosting service provider may be given a notice (a removal notice) requiring the provider to cease hosting certain material;

(c) the provider of an internet search engine service may be given a notice (a link deletion notice) requiring the provider to cease providing a link to certain material;

(d) the provider of an app distribution service may be given a notice (an app removal notice) requiring the provider to cease enabling end users to download an app that facilitates the posting of certain material on a social media service, relevant electronic service or designated internet service;

(e) bodies and associations that represent sections of the online industry may develop industry codes;

(f) the E-Commissioner may make an industry standard;

(g) the E-Commissioner may make service provider determinations regulating service providers in the online industry.

Complaints relating to the online content scheme

Complaints about class 1 material or class 2 material

(1) If a person has reason to believe that end users in Nigeria can access:

(a) class 1 material that is provided on:

(i) a particular social media service; or

(ii) a particular relevant electronic service; or

(iii) a particular designated internet service; or

(b) class 2 material that is covered by Classification of National Film and Video Censor Board Act 1993 and provided on:

(i) a particular social media service; or

(ii) a particular relevant electronic service; or

(iii) a particular designated internet service;

the person may make a complaint to the E-Commissioner about the matter.

(2) If a person has reason to believe that:

(a) end users in Nigerican access class 2 material that is covered

I by Classification of National Film and Video Censor Board Act 1993 and
2 provided on:
3 (i) a particular social media service; or
4 (ii) a particular relevant electronic service; or
5 (iii) a particular designated internet service; and
6 (b) access to the material is not subject to a restricted access system;
7 the person may make a complaint to £-Commissioner about the matter.
8 Complaints relating to breach of a service provider rule etc.
9 If a person (the first person) has reason to believe that another person has:
10 (a) breached a service provider rule that applies to the other person; or
II (b) breached a civil penalty provision of(which deals with the online
12 contentscheme);
13 the frrstperson may make a complaint to the £-Commissioner about the matter.
14 Complaints relating to breach of an industry code etc.
15 If a person has reason to believe that a participant in the online industry has
16 breached:
17 (a) a code registered under that section that is applicable to the
18 participant; or
19 (b) an industry standard registered under that section that is applicable
20 to the participant;
21 the person may make a complaint to the E-Commissionerabout the matter.
22 Residency etc. of complainant
23 A person is not entitled to make a complaint under this section unless the person
24 is:
25 (a) an individual who resides in Nigeria; or
26 (b) a corporate body that carries on activities in Nigeria; or
27 £-Commissioner may investigate matters (Complaints relating to the online
28 content scheme).
29 (I) The £-Commissioner may, on the £-Commissioner's own
30 initiative or in response to a complaint made under Complaints relating to the

online content scheme, investigate any of the following matters if the E-Commissioner thinks that it is desirable to do so:

(a) whether end users in Nigeria can access class 1 material that is provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service;

(b) whether end users in Nigeria can access class 2 material that is covered by Classification of National Film and Video Censor Board Act 1993 and provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service;

(c) whether end users in Nigeria can access class 2 material that is covered by Classification of National Film and Video Censor Board Act 1993 and provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service;

and, if so, whether access to the material is subject to a restricted access system;

(d) whether a person has breached a service provider rule that applies to the person;

(e) whether a person has breached a civil penalty provision which deals with the online content scheme;

(f) whether a participant in the online industry has breached a code registered under that section that is applicable to the participant;

(g) whether a participant in the online industry has breached an industry standard registered uoder that section that is applicable to the participant.

(2) An investigation under this section is to be conducted as the E-Commissioner thinks fit

(3) The E-Commissioner may, for the purposes of an investigation, obtain information from such persons, and make such inquiries, as the E-commissioner thinks fit.

(4) This section has effect subject to section which confers certain investigative powers on the £-commissioner.

£-Commissioner may refuse to investigate certain matters

(l)If:

(a) a person has made acomplaintundersection 38,39 or40; and

(b) the complaint is about a particular matter; and

(c)the person couldhavemadeacomplaintaboutthe matter under:

(i) an industry code registered; or

(ii) anindustrystandarddetermined;

theE-Commissioner may refuse to investigate the matter.

(2) Subsection (l) does not, by implication, limit the circumstances in which theE-commissionermayrefuseto investigate a matter.

Basic online protection expectations

Social media service:

(!)The Relevant Minister may, by legislative instrument, detennicc that the basic online protection expectations for a social media service are tl:e expectations specified in the detennination.

Relevant electronic service:

(2) The Relevant Minister may, by legislative instrument, c """"e that the basic online protection expectations for each relevant dectronic service included in a class of relevant electronic servkes s...:;·, ificd determination are the expectations specified in the detemtination.

Designated internet service:

(3) The Relevant Minister may, by legislative insttumendetermine that the basic online protection expectations for each designated internet

service included in a class of designmed internet services specified in the determination are the expectations specified in the determination.

Determination does n ot impose a legally enforce able duty

(4) A determination under this section does not impose a duty that is enforce able by proceedings in a court.

Core expectations:

(1) A determination under section 45 must specify each of the followirig expectations:

(a) the expectation that the provider of the service will take **reasonable steps to ensure that end users are able to use the service in a safe** manner;

(b) the expectation that, in determining what are such reasonable steps, the provider will consultthe E-Commissioner;

(c) the expectation that the provider of the service will take reasonable steps to minimise the extent to which the fullowing material is provided on the **service:**

(i) cyberbullyingmaterial targeted at a Nigerian child;

(ii) cyber abuse material targeted at a Nigerian child;

(iii) a non consensual intimate image of a person;

(iv) class 1 material;

(v) material that promotes abhorrent violent conduct;

(vi) material that incites abhorrent violent conduct;

(vii) material that instructs in abhorrent violent conduct;

(viii) material that depicts abhorrent violent conduct;

(d) the expectation that the provider of the service will take **reasonable steps to ensure that technological or other measures are in effect to prevent access by children to class 2 material provided on the service;**

(e) the expectation that the provider of the service will ensure that the service has clear and readily identifiable mechanisms that enable end users to report, and make complaints about, any of the following material

provided on the service:

(i) cyberbullyingmaterial targeted at a Nigerian child;

(ii) cyber abuse material targeted at aN igerian child;

(iii) anon consensual intimate image of a person;

(iv) class I material;

(v) class 2 material;

(vi) material that promotes abhorrent violent conduct;

(vii) material that incites abhorrent violent conduct;

(viii) material that instructs in abhorrent violent conduct;

(ix) material that depicts abhorr..,tviolentconduct;

(t) the expectation that the provider of the service will ensure that the service bas clear and readily identifiable mechanisms that enable end users to report, and make complaints about, breaches of the service's terms ofuse;

(g) the expectation that, if the E-Commissioner, by written notice given to the provider of the service, requests the provider to give the E-Commissioner a statement that sets out the number of complaints made to the provider during a specified period(not shorter than 6 months) about breaches of the service's terms of use, the provider will comply with the request within 30 **days afterthe notice ofrequest is given;**

(h) the expectation that, if the E-Commissioner, by written notice **given to the provider of the service, requests the provider to give the E-Commissioner a statement that sets out, for each removal notice given** tc t :t: provider during a specified period (not shorter than *6* months), how long it took the provider to comply with the removal notice, the provider will comp\y wifa the request within 30 days afterthenotice of request is given;

(i) the expectation that, if the E-Commissioner, by written notice given to the provider of the service, requests the provider to give the E-**Commissioner specified information relating to the measures taken** by **t1.e provider to ensure that end users are able** to **use the service in a safe manner, the**

provider will comply with the request within 30 days after the notice of request is given.

(2) Subsection (1) does not limit the eXpectations that may be specified in a determination under Basic online protection expectations.

consultation

(1) Before making or varying a determination under section 45, the RelevantMinistermust:

(a)make a copy of the draft available on the Department's website; and

(b) publish a notice on the Department's website:

(i) statingthat the Relevant Minister has prepared a draft of the determination or variation; and

(ii) inviting interested persons to give written conunents about the draft to the Relevant Minister within the period specified in the notice.

(2) The period specified in the notice must run for at least 30 days after the publication of the notice.

(3) Subsection (1) does not apply to a variation if the variation is of a minor nature.

(4) If interested persons have given comments in accordance with a notice under snbsection (l), the Relevant Minister must have due regard to those comments in making or varying the determination.

Serviceprovidernotifications

Scope:

(1) This section applies to the following services:"

(a) a social media service, if there are basic online protection expectations for the service;.

(b) a relevant electronic service, if there are basic ouline protection expectations for the service;

(c) a desig."ated internet service, if there are basic online protection expectations for the service.

Statement

(2) If the E-Commissioner is satisfied that the provider of a service **has contravened one or more basic online protection expectations for the service, the E-Commissioner may:**

(a) prepare a statement to that effect; and

(b) give a copy of the statement to the provider of the service; and

(c) if the E-Commissioner considers that it is appropriate to publish the statement-publish the statement on the E-Commissioner's website.

(3) If the E-Commissioner is satisfied that the provider of a service has complied with the basic online protection expectations for the service at all times during a particular period, the E-Commissioner may:

(a) prepare a statement to that effect; and

(b) give a copy of the statement to the provider of the service; and

(c) if the E-Commissioner considers that it is appropriate to publish **the statement-publish the statement on the E-Commissioner's website.**

Reporting

10. Periodic reporting about compliance with basic online protection **expectations**

Periodic reporting notice

Scope:

(1) This section applies to the following services:

(a) a social media service, if there are basic online protection expectations for the service;

(b) a relevant electronic service, if there are basic online protection **expectations for the service;**

(c) a designated internet service, if there are basic online protection **expectations for the service.**

Notice:

(2) The E-Commissioner may, by written notice given to the provider **of the service, require the provider to:**

(a) do whichever of the following is specified in the notice:

(i) prepare periodic reports about the extent to which the provider complied with the applicable basic online protection expectations during **such regular intervals as are specified in the notice;**

(ii) prepare periodic reports about the extent to which the provider complied with one or more specified applicable basic online protection **expectations during such regular intervals as are specified in the notice; and**

(b) prepare those periodic reports in the manner and form specified **in the notice; and**

(c) give each of those periodic reports to the £-Commissioner:

(i) within the period ascertained in accordance with the notice in relation to the periodic report concerned; or

(ii) if the £-Commissioner allows a longer period in relation to the periodic report concerned-within that longer period.

(3)An interval specified under Periodic reporting notice:

(a)mnstnotbe shorter than 6months; and

(b)mustnotbelongerthan24months.

(4) A period ascertained in accordance with the notice as mentioned in Periodic reporting notice must not be shorter than 28 days after. the end of the interval to which the periodic report relates.

(5) In deciding whether to give a notice under Periodic reporting **notice to the provider of a service, the £-Commissioner must have regard to** the following:

(a) the number of occasions during the previous 12 months on which complaints about material provided on the service were made to the £-Commissioner under this Act;

(b) whether the provider has previously contravened a civil penalty **provision of this S ction;**

(c) whether there are deficiencies in the provider[1]s practices, so far as those practices relate to the capacity of end users to use the service in **a safe mar..ner;**

(d) whether there are deficiencies in the service's terms of use, so far

as they relate to the capacity of end users to use the service in a safe man!ler;

(e) whether the provider has agreed to give the Secretary regular

4. reports rel.ating to the capacity of end users to use the service in a s?fe manner;

(f) such other matters (if any) as the E-Commissioner comiders relevant.

Compliancewithnotice:

A person must comply with a notice under Periodic reporting notice to the extent that the person is capable of doing so.

Fonna!Waming

The E-Commissioner may issue a formal warning if a person contravenes

Compliaucewithnotice.

Periodic reporting deterntination

Scope

(l) This section applies to the following services:

(a) a social media service, if there are basic online protection expectations for the service;

(b) a relevant electronic service, if there are basic online protection expectations for the service;

(c) a designated internet service, if there are basic online protection expectations for the service.

Determination:

(2) The £-Commissioner may, by legislative instrument, determine that each provider of a service included in a specified class of services is required to:

(a) do whicheverofthefollowing is specified in the detennination:

(i) prepare periodic reports about the extent to which the provider complied with the applicable basic online protection expectations during such

regular jntervals as are specified in the determination;

(ii) prepare periodic reports about the extent to which the provider

complied with one or more specified applicable basic online protection
eA'Pectations during such regular intervals as are specified in the
determination; and

(b) prepare those periodic reports in the manner and form specified in the determination; and

(c) give each of those periodic reports to the E-Commissioner:

(i) within the period ascertained in accordance with the determination in relation to the periodic report concerned; or

(ii) if the E-Commissioner allows a longer period in relation to the periodic report concerned-within that longer period.

(3) An interval specified under Periodic reporting notice

(a) must not be shorter than 6 months; and

(b) must not be longer than 24 months.

(4) A period ascertained in accordance with the determination as mentioned in Periodic reporting notice must not be shorter than 28 days after the end of the interval to which the periodic report relates.

Compliance with determination

A person must comply with a determination under Periodic reporting determination to the extent that the person is capable of doing so.

Formal warning

The £-Commissioner may issue a formal warning if a person contravenes details of Cornpliance with determination.

Service provider notifications

(!)If:

(a) the E-Commissioner gave a notice under Periodic reporting notice to the provider of:

(I) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated intemet service; and

(b) the provider did not comply with the notice;

theE-Commissioner may:

(c) prepare a statement to that effect; and

(d) publish the statement on theE-Commissioner's website; and

(e) give a copy ofthe statementto the provider of the service.

(2) If:

(a) a determination under Periodic reporting determination applies to the provider of:

(i) asocialmediaservi e;

(ii) arelevantelectronic service; or

(iii)a designated internet service; and

(b) the provider did not comply with the determination;

the E-Commissionermay:

(c) prepare a statement to that effect; and

(d) publish the statement on theE-Commissioner's website; and

(e) give a copy of the statement to the provider of the service.

Non periodic reporting about compliance with basic online protection expectations

Non periodic reporting notice

Scope:

(l) This section applies to the following services:

(a) a social media service, if there are basic online protection expectations for the service;

(b) a relevant electronic service, if there are basic online protection **expectations for the service;**

(c) a designated internet service, if there are basic online protecdon expectations for the service.

Notice:

(2) The E-Commissionermay, by written notice given to the provider ofthe service, require the provider to:

(a) do whichever of the following is specified in the notice:

(i) prepare a report about the extent to which the provider complied with the applicable basic online protection expectations during the period specified in the notice;

(ii) prepare a report about the extent to which the provider complied with one or more specified applicable basic online protection expectations during the period specified in the notice; and

(b) prepare the report in the manner and form specified in the notice; and

(c) give the report to the E-Commissioner:

(i) within th<(. period specified in the notice; or

(ii)) if the E-Commissioner allows a longer period-within that longer period.

(3) The period specified under subparagraph (2)(a)(i) or (ii):

(a) must not be shorter than 6 months; and

(b) must not be longer than 24 months.

(4) The period specified in subparagraph (2)(c)(i) must not be shorter than 28 days after the notice is given.

(5) In deciding whether to give a notice under subsection (2) to the **provider of a service, the £-Commissioner must have regard to the** following:

(a) the number of occasions during the previous 12 months on which complaints about material provided on the service were made to the E-Commissioner under this Act;

(b) whether the provider has previously contravened a civil penalty provision of this Section;

(c) whether there are deficiencies in the provider's practices, so far as those practices relate to the capacity of end users to use the service in a safe manner;

(d) whether there are deficiencies in service's tenns of use, so far as they relate to the capacity of end users to use the service in a safe manner;

(e) whether the provider bas agreed to give the Secretary regular reports relating to the capacity of end users to use the service in a safe manner;

(f) such other matters (if any) as the £-Commissioner considers relevant.

Compliance with notice

A person must comply with a notice under Non periodic reporting notice to the extent that the person is capable of doing so.

Formal warning

The £-Commissioner may issue a formal warning if a person contravenes

details ofComp1iance with notice

Non periodic reporting determination

Scope

(1) This section applies to the following services:

(a) a social media service, if there are basic online protection expectationsforthe service;

(b) a relevant electronic seiYice, if there are basic online protection expectations for the service;

(c) a designated internet service, if there are basic online protection expectatiCms for the service.

Determination

(2) The E-Commissioner may, by legislative instrument, determine that each provider of a service included in a specified class of services is required to:

(a) do whichever of the following is specified in the determination:

(i) prepare a report about the extent to which the provider complied with the applicable basic online protection expectations during tbe period specified in the determination;

(ii) prepare a report about the extent to which the provider complied with one or more specified applicable basic online protection expectations during the period specified in the determination; and

(b) prepare the report in the manner and form specified in the determination; and

(c) give the report to the E-Commissioner:

(i) within the period specified in the determination; or

(ii) if the E-Commissioner allows a longer period-within that longerperiod.

(3) The period specified under subparagraph (2)(a)(i) or (ii):

(a) must not be shorter than 6 months; and

(b)mustnotbe longerthan24months.

(4) The period specified in subparagraph (2)(c)(i) must not be shorter than 28 days after the determination is made.

Compliance with determination

A person must comply with a determination under Non periodic reporting determination to the extent that the person is capable of doing so.

Formal warning

The E-Commissioner may issue a formal warning if a person contravenes Compliance with determination.

Service provider notifications

(l)If:

(a) the E-Commissioner gave a notice under Non periodic reporting notice to the provider of:

(i) a social media service; or

(ii) **a relevant electronic service; or**

(iii) a designated internet service; and

(b) the provider did not camply with the notice;

the E-Commissionermay:

(c) prepare a statement to that effect; and

(d) publish the statement on the E-Commissioner's website; and

(e) give a copy ofthe statementto the provider of the service.

(2) If:

(a) a determination under Non periodic reporting determination applies to the provider of:

(i) a social media service; or

(ii) arelevantelectronic service; or

(iii) a designated internet service; and

(b) the provider did not comply with the determination;

theE-Commissionermay:

(c)prepareastatementtothateffect; and

(d) publish the statement on theE-Commissioner's website; and

(e) give a copy of the statement to the providerofthe service.

Selfincrimination

(l)Aperson is not excused from giving a report under this Section on the ground that thereportmighttend to incriminate the person.

(2) However, in the case of an individual:

(a)thereport;or

(b) giving the report; or

(c) any information, document or thing obtained as a direct or indirect consequence ofgivingthereport;

is not admissible in evidence against the individual:

(d) in civil proceedings for the recovery of a penalty (other than proceedings fortherec0very of a penalty under this Section); or

(e) in criminal proceedings

(3) If, at general law, an individual would otherwise be able to claim the privilege against self exposure to a penalty (other than a penalty for an offence) in relation to giving a report under this Section, the individual is not excused from giving thereportunderthis Section on that ground.

Note:

A body corporate is not entitled to claim the privilege against self exposure to a penalty.

10. Removal notice given to the provider of a social media service, relevant electronic service or designated internet service **Cy}:Jer bullying material targeted at a Nigerian Child**

(\)If:

(a) materialis, or has been, provided on:

(i) a social media service; or

(ii) arelevantelectronic service; or

(iii) a designated internet service; and

(b) the material was the subject of a complaintthat was made to the provider of the service; and

(c) the material was not removed from the service within:

(i) 48 hours after the camplaint was made; or

(ii) such longer period as theE-Commissioner allows; and

(d) a camplain!has been made to the E-Commissioner under section 30 about the material; and

(e) theE-Commissioner is satisfied that the material is or was cyber bullying material targeted at a Nigerian child;

the E-Commissioner may give the provider of the service a written notice (a removal notice) requiring the provider to:

(f) remove the material from the service; and

(g) do so within:

(i) 24 hours after the removal notjcewas given to the provider; or

(ii) such longer period as the E-Cq!IU1)issiqner allows.

(2) So far as is reasona)l!y practic ble, identified in the removal notice in a way fuat is s11fficient to enable the provider of the service to comply with fue no)ip".

Notice ofrefusa1 to givearemovalnptic"

(3) If the E-Commissioner deciqi's tp refuse tp give a removal notice under subsection (1), the E-CoromissiR!l"?f II)\1St iye the refusal to the person who made a sep!io!l30 q)!nplai!lt about the material concerned.

Removal notice given to a hosting service provider

(!)If:

(a) material is, or has been, provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the material was the subject of a complaint that was made to the provider of the service; and

(c) the material was not removed from the service within:

(i) 48 hours after the complaint was made; or

(ii) such longer period as the E-Commissioner allows; and

(d) a complaint has been made to the £-Commissioner about cyber bullying material; and

(e) the £-Commissioner is satisfied that the material is or was cyber bullying material targeted at a Nigerian child; and

(f) the material is hosted by a hosting service provider;

the E-Commissioner may giv.e the hosting service provider a written notice, to be known as a removal notice, requiring the provider to:

(g) take all reasonable steps to cease hosting the material; and

(b) do so within:

(i) 24 hours after the notice was given to the provider; or

(ii) such longer period as the £-Commissioner allows.

(2) So far as is reasonably practicable, the material must be identified in the removal notice in a way that is sufficient to enable the hosting service provider to comply with the notice.

Notice of refusal to give removal notice

(3) If the £-Commissioner decides to refi.1se to give a removal notice under subsection (!), the £-Commissioner must give written notice of the refusal to the person who made a complaint about cyber bullying material concerned.

Compliance with removal notice

A person must comply with a requirement under a removal notice given under Notice of refusal to give a removal notice or Removal notice given to a hosting service provider to the extent that the person is capable of doing so.

Fannal warning

The £-Commissioner may issue a formal warning if a person contravenes Compliance with removal notice.

End user notice

(l) If:

(a) material is, or has been, provided on:

(i) a social media service; or

(ii) **a relevant electronic service; or**

(iii) a designated internet service; and

(b) a complaint has been made to the £-Commissioner under Complaints about cyber bullying material about the material; and

(c) the £-Commissioner is satisfied that the material is or was cyber bullying material targeted at a Nigerian child; and

(d) the material was posted on the service by a particular end user **of the service; the E-Commissioner may give the end user a written notice** (an end user notice) requiring the end user to do any or all of the following:

(e) if the material is provided on the service-to:

(i) take all reasonable steps to ensure the removal of the material from the service; and

(ii) do so within the period specified in the notice;

(f) in any case-to refrain from posting any cyber bullying material for which the child is the target;

(g) in any case-to:

(i) apologise to the child (or, if the child has become an adult, to the adult) for posting the material; and

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(ii) do so in the manner, and within theperio.d, specified in the notice.

(2) So far as is reasonably practicable, the material must be identified in the end usernotice in a way that is sufficientto enable the end user to comply with the notice.

Compliance with end user notice

A person must comply with arequirementunderan end user notice to the extent that the person is capable of doing so.

Formal warning

The E-Commissioner may issue a formal warning if a person contravenes compliance with end usernotice details

Service provider notifications

(l) If:

(a) material is provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the £.Commissioner is satisfied that the material is or was cyber bullying material targeted at a Nigerian child; and

(c) a complaint has been made to theE-Commissioner under section 30 about the material;

the E-Commissioner may, with the consent of the complainant, give th provider of the service a written notice that:

(d) identifies the material; and

(e) states the E-Comwissioner is satisfied that the material is cybor bullying material targeted at a Nigerian child.

(2) If the E-Commissioner is satisfied that there \Vere 2 cr more occasions during the previous 12 months on which:

(a) cyber bullying material targeted at a Nigerian child is, or has been, provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the provision of the material contravened the service's tenns of use;

theE-Commissioner may:

(c) prepare a statementto that effect; and

(d) publish the statement on the E-Conunissioner's website; and

(e) give a copy of the statement to the providerofthe service.

11. -(1) If: **Blocking requests**

(a) material can be accessed using an internet carriage seNice supplied by an internet service provider; and

(b) theE-Commissioner is satisfied that the material:

(i) promotes abhorrent violent conduct; or

(ii) incites abhorrent violent conduct; or

(iii) instructs in abhorrent violent conduct; or

(iv) is material that depicts abhorrent violent conduct; and

(c) the E-Commissioner is satisfied that the availability of the material online is likely to cause significant hann to the Nigerian n cqmmunity;

theE-Commissioner may give the provider a written request, to be known as a blocking request, requesting the provider to take one or more specified steps to disable access to the material.

(2) The following are examples of steps that may be specified in the blockingrequest:

(a) steps to block domain names that provide access to the material;

(b) steps to block URLs that provide access to the material;

(c) steps to block IP addresses that provide access to the material.

(3) The E-Commissioner is not required to observe any requirements of procedural fairness in relation to the giving ofthe blocking request

(4) In determining whether the availability ofthe material online is likely to cause significant harm to the Nigerian n community, the E-**Commissioner must have regard** to **the following matters:**

(a) the nature of the material;

(b) the number of end users who are likely to access the material;

(c) such other matters (if any) as the £-Commissioner considers relevant.

(5) In deciding whether to g1ve the blocking request, the E-Commissioner must have regard to the following matters:

(a) whether any other power conferred on theE-Commissioner could be used to minimise the likelihood that the availability of the material online could cause significant harm to the Nigerian community;

(b) such other matters (if any) as the £-Commissioner considers relevant.

Duration ofb/ockingrequest:

(l) A blocking request remains in force for the period specified in the blocking request.

(2) The specified period must not be longerthan 3 months.

Fresh blocking request

(3)!fa blockingrequest(the original blocking request) is in for"e, this **Act does not prevent the £..Commissioner from giving a fresh blocking rcques** that:

(a) is in the same, or substantially the same, terms as the blocking request; and

(b) comes into force immediately after the expiry of the nriein2! blocking request.

Revocation of blocking request

Scope:

(I) This section applies if a blocking request is in force in relation to **an internet service provider.**

Revocation:

(2) The £-Commissioner may, by written notice given to the provider, revoke the blocking request.

Notification in relation to domain names and URLs -

(!)If:

(a) a blocking request is in force; and

(b) the blocking request requests an internet service provider to: .

(i) take steps to block a domain name; or

(ii) take steps to block a URL that relates to a domain name; and

(c) the person to whom the domain name is registered is known to theE-Commissioner;

theE-Commissionermust:

(d) give a copy of the blocking requestto the person; and

(e) do so as soon as practicable after the blocking request is given to **the internet service provider.**

12. Blocking notice: **Blocking Notices**

(!)If:

(a) material can be accessed using an internet carriage service supplied by an internet service provider; and

(b) the E-Commissioneris satisfied that the material:

(i)promotes abhorrentviolentconduct; or

(ii)incites abhorrent violent conduct; or

(iii) instructs in abhorrent violent conduct; or

(iv) is material that depicts abhorrent violent conduct; and

(c) the E-Commissioner is satisfied that the availability of the material online is likely to cause significant harm to the Nigerian **community;**

the E Commissioner

a blocking notice, requiring the provider to take one or more specified steps **to disable access to the material.**

(2) The following are examples of steps that may be specified in the blockingnotice:

(a) steps to block domain names that provide access to the material;

(b) steps to block URLs that provide access to the material;

(c) steps to block IP addresses that provide access to the material.

(3) TheE-Commissioner is not required to observe any requirements of procedural fairness in relation to the giving of the blocking notice.

(4) In determining whether the availability of the material online is likely to cause significant himn to the Nigerian n community, the E-Commissioner must have regard to the following matters:

(a)thenatureofthematerial;

(b)the number of end users who are likely to access the material;

(c) such other matters (if any) as the E-Commissioner considers relevant.

(5) In deciding whether to give the blocking notice, the E-Commissioner must have regard to the following matters:

(a) whether any other power conferred on theE-Commissioner could be used to minimise the likelihood that the availability of the material online could cause significant harm to the Nigeriann community;

(b) such. other matters (if any) as the E-Commissioner considers relevant.

Duration of blocking notice

(l)A blocking notice remains in force for the period specified in the blocking notice.

(2) The specified period must not be longer than 3 months.

Fresh blocking notice

(3) If a blocking notice (the original blocking notice) is in force, this Act does not prevent theE-Commissioner from giving a fresh blocking notice that:

(a) is in the same, or substantially the same, terms as the original

blocking notice; and

(b) comes into force immediately after tbe expiry of tbe original blockingnotice.

Revocation ofblockingnotice

Scope

(1) This section applies if a blocking notice is in force in relation **to an internet service provider.**

Revocation:

(2) The E-Commissioner may, by written notice given to tbe provider, revoketbe blocking notice.

Notification in relation to domain names and URLs

If:

(a) a blockingnoticeis in force; and

(b) tbe blocking notice requires an internet service provider to:

(i)take steps to blockadomainname;or

(ii) take steps to block a URL that relates to a domain name; and

(c) tbe person to whom tbe domain name is registered is known to **the £-Commissioner;**

tbeE-Commissionermust:

(d) give a copy oftbe blocking notice to the person; and

(e) do so as soon as practicable aftertbe blocking notice is given to **the internet service provider.**

Compliance with blocking notice

A person must comply witb a requirementunder a blocking notice.

13. Exemptmaterial" **Exemption material**

(1) (a) tbe accessibility of the material is necessary for enforcing a **law ofNigeria; or**

(b) the accessibility of the material is necessary for. monitori.qg compliance withor investigating a contravention of, a law ofNigeria;

(c) the accessibility of tbe material is for tbe purposes of

proceedings in a court or tribunal; or

(d) both:

(i) the accessibility of the material is necessary for, or of assistance in, **conducting scientific, medical, academic or historical research; and**

(ii) **the accessibility of the material is reasonable in the circumstances for the purpose of conducting that scientific, medical, academic or historical research; or**

(e) **the material relates to a news report, or a current affairs report,** that:

(i) is in the public interest; and

(ii) is made by a person working in a professional capacity as a **journalist; or**

(f) both:

(I) the accessibility of the material is in connection with the performance by a public official of the official's duties or functions; and

(ii) the accessibility of the material is reasonable in the circumstances for the purpose of performing that duty or function; or

(g) both:

(i) the accessibility of the material is in connection with an individual assisting a public official in relation to the performance of the public official's duties or functions; and

(ii) the accessibility of the material is reasonable in the circumstances for the purpose dfthe individual assisting the public official in relation to the performance of the public official's duties or functions; or

(h) the accessibility of the material is for the purpose of advocating the lawful procurement of a change to any matter established by law, policy or practice in Nigeria;

is reasonable in the circumstances for that purpose; or

(I) the accessibility of the material relates to the development,

performance, exhibition or distribution, in good faith, of an artistic work.

(2) For the purposes of this section, public official has the same meaning as in the Criminal Code.

14. Class 1 material: Online Contents Scheme

(l)Forthejurposes of this Act, class I materiaimeans: (a) material where the followingconditioare satisfied:

(i)the material is a film or the contents of a fibn;

(ii) the film has been classified as PG by the Classification Board .,.. be Classification ofNational Film and Video Censor Board Act 1993; .

(b)material where the following conditions are satisfied:

(i) the material is a film or the contents of a film;

(ii) the ftlm has not been classified by the Classification Board under the Classification ofNational Film and Video Censor Board Act 1993;

(iii) if the filrn were to be classified by the Classification Board underthatAct-thefllm would be likely to be classified as PG; or

(c) material where the following conditions are satisfied: .

(i) the material is a publication or the contents of a publication;

(ii) the publication has been classified as PG by the Classification Board under the Classification of National Film and Video Censor Board Act 1993;or

(d) material where the following conditions are satisfied:

(i) the material is a publication or the contents of a publication;

(ii) the publication has not been classified by the Classification .Board under the Classification of National Film and Video Censor Board Act 1993;

(iii) if the publication were to be classified by the Classification Board underthatAct-thepublication would be likely to be classified as PG;

(e) material where the following conditions are satisfied:

(i) the material is a computer game;

(ii) the computer game has been classified as PG by the Classification Board under the Classification ofNationai Film and Video

Censor oardAct I993; or

,i) material where the following conditions are satisfied:

(i) the material is a computer game;

(ii) the computer game has not been classified by the Classification Board under the Oassification ofNational Film and Video Censor Board Act I993;

(iii) if the computer game were to be classified by the Classification Board under thatAct-the computer game would be likely to be classified asPG

(g) material where the following conditions are satisfied:

(i) the material is not a film, the contents of a film, a computer game, a publication or the contents ofapublitation;

(ii) if the material were to be classified by the Classification Board in a corresponding way to the way in which a film would be classified under the Classification ofNational Film and Video Censor Board Act I993-the material would be likely to be classified as PG.

(2) the Classification ofNational Film and Video Censor Board Act 1993 (which deals with classification using an approved classification tool) applies for the purposes of this section in a corresponding way to the way in which it applies for the purposes ofthatAct.

Class 2 material:

(I) For the purposes ofthisAct, class 2 material means:

(a) material where the following conditions are satisfied:

(i) Lhe material is a film or the contents of a film;

(ii) the film has been classified as 18 by the Classification Board under the Classification ofNationaiFilrn and Video Censor BoardAct l'J93; or

(b) material where the following conditions are satisfied:

(i) the material is a fihn *or* the contents of a film;

(ii) the film has not been classified by the Classification Board under the Classification ofNational Film and Video t:ensor BoardAct 1993;

(iii) if the film were to be classified by the Classification Board under

that Act-the film would be likely to be classified as X 18+; or

(c) material where the following conditions are satisfied:

(i)the material is a publication or the contents of a publication;

(ii) the publication has been classified as Category 2 restricted by the Classification Board under the Classification ofNational Fihn and Video Censor Board Act 1993; or

(d) material where the following conditions are satisfied:

(i) the material is a publication or the contents of a publication;

(ii) the publication has not been classified by the Classification Board under the Classification of National Fihn and Video Censor Board Act 1993;

(iii) if the publication were to be classified by the Classification Board under that Act-the publication would be likely to be classified as Category 2 restricted; or

(e) material where the following conditions are satisfied:

(i) the material is not a fihn, the contents of a film, a computer game, a publication or the contents of a publication;

(ii) if the material were to he classified by the Classification Board in a corresponding way to the way in which a film would be classified under the Classification of National Film and Video Censor Board Act 1993-the material would be likely to be classified as 18; or

(f) material where the following conditions are satisfied:

(i) the material is a fihn or the contents of a film;

(ii) the fihn has been classified as 18 by the Classification Board under the Classification ofNational Film and Video Censor Board Act 1993;

(g) material where the fo!lowing conditions are satisfied:

(i) the material is a fihn or the contents of a film;

(ii) the film has not been classif1ed by the Classification Board under the Classification ofNational Fihn and Video Censor Board Act 1993;

(iii) if the film were to be classified by the Classification Board

und' ihatAct-the film would be likely to be classified as 18or

(h) mateflal where the following conditions are satisfied:

(i) the material is a publication or the contents of a publication;

(ii) the publication has been classified as Category 1 restricted by the Classification Board under the Classification of National Film and Video CensorBoardAct !993; or

(i) material where the following conditions are satisfied:

(i) the material is a publication or the contents of a publication;

(ii) the publication has not been classified by the Classification Board under the Classification ofNational Film and Video Censor Board Act 1993;

(iii) if the publication wereto be classified by the Classification Board under that Act-the publication would be likely to be classified as Category 1 **restricted; or**

Gl material where the following conditions are satisfied:

(i) the material is a computer game;

(ii) the computer game has been classified as 18 by the Classification Board under the Classification ofNational Film and Video Censor Board Act 1993; orappremovalnotice

(k) material where the following conditions are satisfied:

(i) the material is a computer game;

(ii) the computer game has not been classified by the Classification Board under the Classification of National Film and Video Censor Board Act 1993;

(iii) if the computer game were to be classified by the Classification Board undert,'latAct-the computer game would be likely to be classified as 18;

(1) material where the following conditions are satisfied:

(i) the material is not a fihn, the contents of a film, a computer game, a publication or the contents of a publication;

(ii) if the material were to be classified by the Classification Board ina

corresponding way to the way in which a film would be classified under the

Classification of National Film and Video Censor Board Act 1993-the material would be likely to be classified as I8,

(2) Sections of the Classification of National Film and Video Censor Board Act 1993 (which deals with classification using an approved classification tool) applies for the purposes of this section in a corresponding way to the way in which it applies for the purposes of that Act

Restricted access system

(I) The E-Commissioner may, by legislative instrument, declare **that a specified access control system is a restricted access system in relation** to material for the purposes of this Act.

(2) An instrument under subsection (1) may make different provision with respect to different kinds of material.

(3) Subsection (2) does not limit Objection notice of the Acts,

(4) In. making an instrument under subsection (1), the E-Conunissioner must have regard to:

(a) the objective of protecting children from exposure to material that is unsuitable for children; and

(b) the extent to which the instrument would be likely to result in a financial or administrative burden on providers of the following services:

(i) social media services;

(E) **relevant electronic services;**

(iii) designated internet services; and

(c) such other matters (if any) as the E-Commissioner considers **relevant.**

(5) The E-Commissioner must ensure that an instrument under subsection (1) is in fofce at all times after the commencement of this section.

15. Removal notice given to the provider of a social media service, relevant electronic service or designated internet service

Removal notices relating **to** class **1 material**

(I) If:

(a) material is, or has been, provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the E-Commissioner is satisfied that the material is or was class 1 material; and

(c) the material can be accessed by end users in Nigeria; and

(d) the service is not:

(i) an exempt Parliamentary content service; or

(ii) an exempt court/tribunal content service; or

(iii) an exempt official inquiry content service;

the E-Commissioner may give the provider of the service a written notice, to be known as a removal notice, requiring the provider to:

(e) take all reasonable steps to ensure the removal of the material from the service; and

(f) do so within:

(i) 24 hours after the notice was given to the provider; or

(ii) such longer period as the E-Commissioner allows.

(2) So far *as* is reasonably practicable, the material must be identified in the removal notice in a way that is sufficient to enable the provider of the service to comply with the notice.

Removal notice given to a hosting service provider

(1) If:

(a) material is, or has been, provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the E-Commissioner is satisfied that the material is or was class 1 material; and

(c) the material can be accessed by end users in Nigeria; and

(d) the service is not:

(i) anexemptParliainentary content service; or

(ii) an exempt court/tribunal content service;'or

(iii) an exempt official inquiry content service; and

(e) the material is hosted by a hosting service provider;

theE-Commissioner may give the hosting service provider a written notice, to be known as a removal notice, requiringtheyroviderto:

(f) take all reasonable steps to cease hosting the material; and

(g) do so within:

(i) 24 hours after the notice was given to the provider; or

(ii) such longer period as the £-Commissioner allows.

(2) So far as is reasonably practicable, the material must be identified in the removal notice in a way that is sufficient to enable the hosting service pro':iderto comply with the notice.

Compliance with removal notice

A person must comply with a requirement under a removal notice to the extent that the person is capable of doing so.

Formalwaming

The E-Corilmissioner may issue a formal warning if a person .contravenes any section.

Revocation of removal notice

If a removal notice is in force l!Dder Classification of National Fihns and VideoCensorsBoardAct 1993 in relation to:

(a)the providerofasocialmediaservice; or

(b)the provider of a relevant electronic service; or

(c) the provider of a designated internet service; or

(d) a hosting service provider;

the **£-Commissioner may, by written notice given to the provider, revoke the removal notice.**

Serviceprovidernoti-fications

If the £-Commissioner is satisfied that there were 2 or more occasions

during the previous 12 months on which:

(a) class 1 material is, or has been, provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the material can be, or was able to be, accessed by end users in Nigeria; and

(c) the service is not:

(i) an exempt Parliamentary content service; or

(ii) an exempt court/tribunal content service; or

(iii) an exempt official inquiry content service; and

(d) the provision of the material contravened the service's terms of use;

the E-Commissioner may:

(e) prepare a statement to that effect; and

(f) publish the statement on the E-Commissioners website; and

(g) give a copy of the statement to the provider of the service.

Removal notices relating to class 2 material

16. Removal notice given to the provider of a social media service, relevant electronic service or designated internet service

(1) If:

(a) material is, or has been, provided on: (i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the E-Commissioner is satisfied that the material is class 2 material covered by class 2 material; and

(c) the material can be accessed by end users in Nigeria; and

(d) the service is not:

(i) an exempt Parliamentary content service; or

(ii) an exempt court/tribunal content service; or

(iii) an exemptofHcial inquiry content service; and

(e) the service is provided ffom Nigeria;

the E·Commissionermay give the provider of the service a written notice: to be::nown as a removal notice, requiring the pmvidertc:

(f) take. all reasonable steps to ensure the removal ofthe materiai from the service; and

(g) do so within:

(i) 24 hours after the notice was given to the provider; or

(ii) such longer period as theE-Commissioner allows.

(2) So far as is reasonably practicable, the material must be identified in the removal notice in a way that is sufficient to enable the provider of the service to camply with the notice.

Removal notice given to a hosting service provider

(l)lf:

(a) materia.lis, or has been, provided on:

(i) a socialmeuia service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) theE-Commissioner is satisfied that the material is class 2 material covered by class 2 material ;and

(c) the material can be accessed by end users in Nigeria; and

(d) the service is not:

(i) an exempt Parliamentary content service; or

(ii) an exempt court/tribunal content service; or

(iii) an exempt official inquiry content service; and

(e) the material is hosted by a hosting service provider; and

(f) the material is hosted in Nigeria;

the &Commissioner may give the hosting service provider a v... ritte11 notice,

to be known as a removal notice, requiring the provider to:

(g) take all reasonable steps to cease hosting the mate cia!; and

(h)dosowithin:

(1)24hours after the notice was given to the provider; or

"i)such longer period as the £-Commissioner allows.

(2) So far as is reasonably practicable, the material must be identified **in the removal notice in a way that is sufficient to enable the hosting service** provider to comply with the notice.

Compliance with removal notice

A person must comply with a requirement under a removal notice to the extent that the person is capable of doing so.

Formal warning

The E-Commissioner may issue a formal warning if a person contravenes Compliance with removal notice.

Revocation of removal notice

Ifaremovalnoticeis in force in relation to:

(a) theproviderofasocialmediaservice; or

(h)theproviderofarelevantelectronic service; or

(c) the provider of a designated internet service; or

(d)a hosting service provider;

the £-Commissioner may, by written notice given to the provider, revoke the removal notice.

Service provider notifications

If theE-Commissioner is satisfied that there were 2 or more occasions during the previous 12 months on which:

(a) class 2 material is, or has been, provided on:

(i) **a social media service; or**

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the material can be, or was able to be, accessed by end users in **Nigeria; and**

(c) the service is not:

(i) an exempt Parliamentary content service; or

(ii) an exempt court/tribunal content service; or

(iii) an exempt official inquiry content service; and

(d) the service !s provided from Nigeria; and

(e) the provision of the m1iterial contravened the service's terms of .se;

· ,::<,-,_.omiissionermay:

(f) prepare a statement to that effect; and

(g) publish the statement on the E-Comrnissioner's website; and

(h) give a copy of the statement to the provider of the service.

Remedies notices relating to class 2 material

17. Remedial notice given to the provider of a social media service, relevant electronic service or designated internet service

(l)lf:

(a)material is, or has been, provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the E-Commissioner is satisfied that the material is class 2 material; and

(c) the material can be accessed by end users in Nigeria; aTJ.d

(d) the service is not:

(i) an exempt Parliamentary content service; or

(ii) an exempt courtftribunal content service; or

(iii) an exempt official inquiry content service; and

(e) the service is provided from Nigeria;

theE-Commissioner may give the provider of the service a written notice, to be known as a remedial notice, requiringtheproviderto:

(f) take all reasonable steps to ensure either of the following situations exist in relation to the material:

(i) the material is removed from the service;

'ii) access to the material is subject to a restricted access system; and

'g;)dosowithin:

, , 24 hours after the notice was given to the provider; or

(ii) such longer period as theE-Commissioner allows,

(2) So far *as* is reasonably practicable, the material must be identified in the remedial notice in a way that is sufficient to enable the provider of the service to comply with the notice,

Remedial notice given to a hosting service provider

(l) If:

(a) material is, or has been, provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the E-Commissioner is satisfied that the material is class 2 material; and

(c) the material can be accessed by end users in Nigeria; and

(d) the service is not:

(i) an exempt Parliamentary content service; or

(ii) an exempt court'tribunal content service; or

(iii) an exempt official inquiry content service; and

(e) the material is hosted by a hosting service provider; and

(f) the material is hosted in Nigeria;

theE-Commissioner may give the hosting service provider a written notice, to be known as a remedial notice, requiring the provider to:

(g) take all reasonable steps to ensure either of the following **situations exist in relation to the material:**

(i) the service ceases to host the material;

(ii) **access to the material is subject to a restricted access system; and**

(h) do so within:

(i) 24 hours after the notice was given to the provider; or

(ii) such longer period as the E-Commissioner allows.

(2) So far as is reasonably practicable, the material must be identified in the remedial notice in a way that is sufficient to enable the hosting service provider to comply with the notice.

Compliance with remedial notice

A person must comply with a requirement under a remedial notice to the extent that the person is capable of doing so.

Formal warning

The E-Commissioner may issue a formal warning if a person remedial notice issued.

Revocation of remedial notice

If a remedial notice is in force under section Remedial notice given to the provider of a social media service, relevant electronic service or internet service or Remedial notice given to a hosting service provider relation to:

(a) the provider of a social media service; or

(b) the provider of a relevant electronic service; or

(c) the provider of a designated internet service; or

(d) a hosting service provider;

the E-Commissioner may, by written notice given to the provider, revoke removal notice.

Service provider notifications

lf the E-Commissioner is satisfied that there were 2 or more occasions during the previous 12 months on which:

(a) class 2 material is, or has been, provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; a.t"Jd

(b) th; material can be, or w:'ls able to be; accessed by end users in Nigeria; and

(c) access to the material is not, or was not, subject to a restricted access system; and

(d) the service is not:

(i) an exempt Parliamentary content service; or

(ii) an exempt court/tribunal content service; or

(iii) an exempt official inquiry content service; and

(e)the service is provided from Nigeria; and

(f) the provision of the material contravened the service's terms of use;

theE-Commissionermay:

(g) prepare a statement to that effect; and

(h) publish the statement on the £-Commissioner's website; and

(i) give a copy ofthe statement to the provider of the service.

Link deletion notices

18. Link deletion notice:

(l)lf:

(a) a person provides an internet search engine service; and

(b) end users in Nigeria can access class 1 t: aterial using a Huk provided by the service;

the E-Commissionermay give the provider of the service a written notice, to be known as a link deletion notice, requiring the provider to:

(c) cease providing a link to the material using the service; and

(d)dosowithin:

(i) 24 hours after the notice was given to the provider; or

(ii) such longer period as the £-Commissioner allows.

(2) So far as is reawnably practicable, the material must be identified in the link deletion notice in a way that is sufficient to enable the internet search engine service provider to cease providing a link to the mater_ial.

(3) The link deletion notice may also require the internet search engine service provider to:

(a) notify the £-Commissioner that the provider has ceased to provide

a link to the malerial; and

(b) do so as soon as practicable after the cessation.

(4) The E-Commissioner must not give the link deletion notice unless:

(a) theE-Commissioner is satisfied that there were 2 or more times during the previous 12 months when end users in Nigeria could access class I material using a link provided by the service; and

(b)duringtheprevious l2months:

(i) the £-Commissioner gave one or more removal notices under Classification of National Films and Video Censors Board Act 1993 in relation to class Imaterial that could be accessed using a link provided by the service; and

(ii) those removal notices were not complied with.

Compliance with link deletion notice

A person must comply with a requirement under a link deletion notice to the extentthatthepersonis capable of doing so.

Formal warning

·The E-Commissioner may issue a formal warning if a person contravenes Compliance with link deletion notice.

Revocation ofiink deletion notice

If a link deletion notice is in force relation to the provider of an internet search engine service, the £-Commissioner may, by written notice given to the provider, revoke the link deletion notice.

19. App removal notice:

App removal notices

(!)If:

(a) a person provides an app distribution service; and

(b) the service enables end users in Nigeria to dovvnload an app that facilitates the posting of class 1 material on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service;

theE-Commissioner tnay give the provider of the app distribution service ..::1 written **notice, to be known** as an app removal notice) requiring the provider to:

(c) cease enabling end users in Nigeria to download the app using tlle service;and

(d)dosowithin:

(i) 24hours after the notice was given *to* the provider; or

(ii)such longer period as the £-Commissioner allows.

(2) So far as is reasonably practicable, the material must be identified in the app removal notice in a way that is sufficient to enable the app distribution service provider to comply with the notice.

(3) The app removal notice may also require the app distribution serviceproviderto:

(a) notiJy the £-Commissioner that the provider has ceased to enable end users in Nigeriatodownload theapp; and

(h) do so as soon as practicable afterthe ce"ation.

(4)The E.-Commissioner must not give the app removal notice unless:

(a) theE-Commissioner is satisfied that there were 2 or more times during the previous 12 months when end users in Nigeria could use the service *to* download an app that facilitates the posting of class I material; and

(h) during the previous 12months:

(i) the E·Commissioner gave one or more removal notices under Classification ofNationalFilms and Video Censors Board Act 1993 in relation *to* class I material, the posting ofwhich is facilitated by the app; and

(ii) those removal notices were not com plied with.

Compliance with app removal notice

A person must comply with a requirement under an app removal notice to the extent that the person is capable of doing so.

Formal warning

The E·Commissioner may issue a formal warning if a person contra"""""

Compliance -...yith app removal notice

Revocation of app removal notice

If an app removal notice is in force in relation to the provider of an app distribution service, the E-Commissioner may, by written notice given to the provider, revoke the app removall lotice.

20. Industry codes:

Industries codes and industry standards

Interpretation

For the purposes oft.'"lis Section, an industry code is a code developed under this Section (whether or not in response to a request under this Section).

Industry standards

For the purposes of this Section, an industry standard is a standard determined under this Section.

Online activity

For the purposes of this Section, an online activity is an activity that consists of:

(a) providing *u* social media service, sO far as the service is provided to end users in Nigeria; or

(b) providing a relevant electronic service, so far as the service is provided to end users in Nigeria; or

(c) providing a designated internet service, so far as the service is provided to end users in Nigeria; or

(d) providing an internet search engine service, so far as the service is provided to end users in Nigeria; or

(e) providing an app distribution service, so far as the service is provided to end users in Nigeria; or

(f) providing a hosting service, so far as the service hosts material

provided to customers in Nigeria: or

in Nigeria; or

(g) providing an internet caniage service, so far as the service is

(h) manufacturing, supplying, maintaining or installing any of the

folh. 1.:ing equipment:

(i) equipment that is for use by end users in Nigeria of a social media servict 'connection with the service;

(ii) equipment that·is for use by end users in 1\Tigeria of a relevant electronic service in connection with the service;

(iii) equipment that is for use by end users in Nigeria of a designated internet service in connection with the service;

(iv) equipment that is for use by end users in Nigeria of an internet carriage service in connection with the service.

Sections of the online industry

(l) For the purposes oft is to be ascertained in accordance with this section.

(2) For the purposes of this Section, each of the following groups is a section ofthe online industry:

(a) the group consisting of providers of social media services, so far as those services are provided to end users in Nigeria;

(b) the group consisting of providers of relevant electronic services, so far as those services are provided to end users in Nigeria;

(c) the group consisting of providers of designated internet services, so far as those services are provided to end users in Nigeria;

(d) the group consisting of providers of internet search engine services, so far as those services are provided to end users i'l Nigeria;

(e) the group consisting of providers of app distribution services, so far as t.l-tose services are provided to end users in Nigeria;

(f) the group consisting of providers of hosting services, so far as those services host material in Nigeria;

(g) the group consisting of providers of internet carriage services, so far as those services are provided to customers in Nigeria;

(h) the group consisting of persons who manufacture, supply, maintain or install any of the following equipment:

(i) equip:nent that is for M.Se by end users in Nigeria of a social media service in connection with the service;

(ii) equipment that is for use by end users in -Nigeria of a re1eva!1t electronic serv-icecor..nection with the service;

(iii) equipment that is for use by end 1Jsers in Nigeria of a c: :gnated internet service in connection with the service;

(iv) equipment that is for use by end users in Nigeria of an internet ca, .1.ge service in connection with the service.

Participants in a section ofthe online industry

For the purposes of this Section, if a person is a member of a group that constitutes a section of the online industry, the person is a participant in thai section of the onlin.e industry.

Genera:principles relating to industry codes and industry standards

Statement of regulatory policy

(I) The Parliament intends that bodies or associations that theE-Com_missioner is satisfied represent sections of the online industry shou1d develop codes (industry codes) tJ,at are to apply to particip:mts in the respective sections ofthe industry in relation to their online activities.

(2) The Parliament intends that the £-Commissioner should make reasonable efforts to ensure that, for each section of the online industry, either:

(a) an industry code is registered under this Section within 6 months after the commencement ofthis Section; or

(b) an industry standard is registered under this Section within 12 months after the commencement of this Section.

Examples of matters that may be dealt with by industry codes and induGuy standards

(l)This section sets out examples of matters that may be dealt with by industry codes and industry standards.

(2) The applicability of a particular example will depend on which

secti of the online indust:Iy is involved.

(J) The examples are *as* follows:

,·a} procedures for dealing with class I material, or class 2 material, provided on a social media service;

(h) procedures for dealing with class I material, or class 2 material, provided on a relevant electronic service;

(c) procedures for dealing with class I material, or class 2 material, provided on a designated internet service;

(d) procedures directed towards the achievement of the objective of ensuring that, in the event that a participant in the providers of internet carriage services section of the online industry becomes aware that a hostirig service provider is hosting class I material, or \lass 2 material, in Nigeria, the hosting service provider is told about the material;

(e) procedures to be followed in order to inform producers of online content about their legal responsibilities in relation to that content;

(f) procedures directed towards the achievement of the objective of ensuring that online accounts are not provided to children without the consent of a parent or responsible adult;

(g) procedures directed towards the achievement of the objective of ensuring that customers have the option of subscribing to a filtered internet carriage service;

(h) giving end users information about the availability, use and appropriate application of online content filtering software;

(i) providing end users with access to technological solutions to help them limit access to class 1 material and class 2 material;

G) providing end users wid1 advice on how to limit access to cls mateiial and class 2 material;

(k) action to be taken to assist in the development and implementation of onI ine content filtering technologies (including labelling technologies);

(1) promoting awareness of the protection issues associated with

social media §trvices;

(m) promoting awareness of the protection issues associated with relevant electronic services;

(n) promoting awareness of the protection issues associated with designated internet services;

(o) procedures to be followed in order to deal with protection issues associated with social media services;

(p) procedures to be followed in order to deal with protection issues associated with relevant electronic services;

(q) procedures to be followed in order to deal with protection issues associated with designated internet services;

(r) giving parents and responsible adults information about how to supervise and control children's access to material provided on social media services;

(s) giving parents and responsible adults information about how to supervise and control children's access to material provided on relevant electronic services;

(t) giving parents and responsible adults information about how to supervise and control children's access to material provided on designated internetservices;

(u) telling persons about their rights to make complaints;

(v) procedures to be followed in order to deal with complaints about class 1 material, or class 2 material, provided on social media services;

(w) procedures to be followed ir1 order to deal with complaints about class 1 material, or class 2 material, provided on relevant electronic services;

(x) procedures to be followed in order to deal with complaints about class 1 material, or class 2 material, provided on designated internet services;

(y) procedures to be followed in order to deal with reports about

class 1 material, or class 2 material. provided on social media services, where the reports are made by or on behalf of end users of those services;

(z) procedures to be followed in order to deal with reports about class 1 material, or class 2 material, provided on relevant electronic services, where the reports are made by or on behalf of end users of those services;

(za) procedures to be followed in order to deal with reports about class I material, or class 2 material, provided on designated internet services, where the reports are made by or on behalf of end users of those services;

(zb) procedures to be followed in order to deal with complaints about unsolicited dectronic messages that promote or 3..dvertise one or more:

(i) websites; or

(ii) distinct parts ofwebsites; or.

(iii) apps;

that enable, or pur rt

material;

(zc)if:

(i) dass2 material is provided on asocial media service; and

(ii) tlte service is provided from a foreign country; and

om the provider 0fthe service has reasonable grottr:ds to believe that tlte material i,s hosted in Nigeria;

procedures to be followed *to* ensure the E-Comrnissioner is notified of the material;

(zd) if:

(i) class 2 material is provided on a relevant electronic service; and

(ii) the service is provided from a foreign country; and

(iii) the provider of the service has reasonable grounds to believe that the material is hosted in Nigeria;

procedures *to* be followed to ensure the E-Commissioner is notified of the material;

(ze)if:

(i) class 2 material is provided on a designated internet service; and

(ii) the service is provided from a foreign country; and

(iii) the provider of the service has reasonable grounds to believe that the material is hosted in Nigeria;

procedures to be foll wed

material;

(zf) the referral to the E-Commissioner of complaints about matters, where the complainant is dissatisfied with the way in which the complaint was dealt with under the code or standard;

(zg) ensuring that end users are provided with information, and support services, relating to online protection for Nigerians;

(zh) the making and retention of material directed towards the achievement of the objective of ensuring that, in the event that new social media services are developed that could put at risk the protection of children who are end users of the services, the £-Commissioner is informed about thoseservices;

(zi) the making and retention of material directed towards the achievement of the objective of ensuring that, in the event that new releva.Rt electronic services are developed that could put at risk the protection of children who are end users of the services, theE-Commissioner is informed about those services;

(zj) the making and retention of material directed towards the achievement of the objective oensuring that, in the event that new designated internet services are developed that could put at risk the protection of children who are end users of the services, the E-Commissioner is informed about those services.

Escalation of complaints

Scope:

(1) This section applies if an industry code or industry standard

deals wit_h the matter related to industry codes and industry standards

Escalation

(2) The industiy code or industry standard, as the case may be must alsb deal with the matter industry codes and industry standards

Industry codes

21, Registration of industry codes:

Scope:

. (I)Thissectionappliesif:

(a) the £-Commissioner is satisfied that a body or association represents a particular section of the online industry; and

(b) that body or association develops an industry code that applies to participaJ)ts in that section of the industry and deals with one or more matters relating to the online activities ofthose participants; and

(c) the body or association gives a copy of the code to the E-**Commissioner; and**

(d)the £-Commissioner issatisfied!hal:

(i) to the extent to which the code deals with one or more matte;s of **substantial relevance to the community-the code provides appropriate** community safeguards forthatmatterorthose matters; and

(ii) to the,extent to which the code deals with one or more matters that are not of substantial relevance to the community-the code deals with that **matter or those matters in an appropriate mariner; and**

(e) the £-Commissioner is satisfied that, before giving the copy of the code to the £-Commissioner:

(i) the body or association published a draft of the code and invited members of the public to make submissions to the body or association about th.e draft within a specified period; and

(ii) the body or association gave consideration to any submissions that were received from members of the public within that period; and

(f) the £-Commissioner is satisfied that, before giving the copy of the **code to theE-Commissioner:**

(i) the body or association published a draft of the code and invited participants in thati$ection of the industry to make submissions to the body or association about the draft within a specified period; and

(ii) the body or association gave consideration to any submissions -hat were received from participants in that section of the industry ·..within ·a,_ period; and

(g) the E-Comrnissioner has been consulted about the development ofthecode.

Registration

(2) TheE-Commissioner may register the cod10 by including it in the Register of industry codes kept under section 149.

Period of consultation

(3) A period specified under subparagraph (l)(e)(i) or (l)(f)(i) Ilast1 n

Replacing industry codes

(4)lf:

(a) an industry code (the new code) is registered under this Section; and

(b) the new code is expressed to replace another industry code;

the other code ceases to be registered under this Section when the new code is registered.

E-Commissioner may request codes

(!)If the E-Comrnissioner is satisfied that a body or association represents a particular section of the online industry, the E-Commissioner may, by written notice given to the body or association, request the body or assOciation to:

(a) develop an industry code that applies to participa_qts in t,'mt section of the industry and deals with one or more specified matters relatiug to the online activities ofthose participants; and

(b) give theE-Commissioner a copy of the code within the period

I spe' din

2 (2) The period specified in a notice under subsection (1) must run for

3 at least . 0 days,

4 (3) The £-Commissioner may vary a notice under subsection (I) by

5 extending the period specified in the notice.

6 (4) Subsection (3) does not limit the application of Objection notice

7 (5) A notice under subsection(!) may specify indicative targets for

8 achieving progress in the development ofthe code (for example, a target of60

9 dayto develop a preliminary draft of the code).

10 Publication of notice where no body or ysociation represents a section ofthe

11 on!ine industry

12 (I) If the £-Commissioner is satisfied that a particular section of the

13 on1ine industry is not represented by a body or association, the £

14 Commissioner may publish a notice in the Gazette:

15 (a) stating that, if such a body or association were to come into

!6 existence within a specified period, the E-Commissioner would be likely to

17 give a notice to that body or association under Commissioner request codes and

18 (b) setting *out* the rr:atter or matters relating to online activities that

19 v..:culd be likely to be specified in the Commissioner request codes notice.

20 (2) The period specified in a notice under subsection (1) must nm for

21 at'• cast 60 days_

22 Cc.r:1pliance with industry codes

(!)If:

24 (a) a person is a participant in a particular section of the onliJt_e

25 industry; and

26 (b) the £-Commissioner is satisfied that the person has contravened,

27 or is contravening, an industry code that:

28 (i) is registered under this Section; and

29 (il) applies to participants in that section ofthe industry;

30 the E-Commissione r may, by '0iritten notice given to the person, direct the

person to comply with the industry code.

(2) A person must comply with a direction under subsection (1).

Formal WlliTlings..breach of industry codes

Scope:

(l) This section applies to a person who is a participant in a 'tkular section of the online industry.

·ng:

(2) TheE-Commissioner may issue a formal warning if the person contravenes an industry code registered under this Sec,tion.

Industt)'standards

E-Commissioner may detennine an industry standard

(1) The E-Commissioner may, by legislative instrument, detennine a standard that applies to participants in a particular section of the online industry if:

(a) theE-Commissioner has made a request under Publication of notice where no body or association represents a section of the online industry in elation

of the following conditions is satisfied:

(i)the request is not complied with;

(ii) if a draft code is developed by the body or association-the draft does not contain appropriate community safeguards to deal with one or more matters specified in the request;

(iii) if indicative targets for achieving progress in the development of the code were specified in the notice of request-any of those indicative targets were not met;

(iv) the request is complied with, but the E-Cornmissioner subsequently refuses to register the code; or

(b) the E-Com.rnissioner has published a notice in relation to a particular section of the online hdustr:f that is nor represented by a body or association and aH of the foHm'.ring coaditions arsatisfied:

(i) the notice states that, if such a body or association were to come into e tence within a specified period, the E-Commissioner would be likely to give -otice to that body or association under Publication of notice where no body or. _:;ociationrepresents

{ii) the notice sets out one or more matters relating to the online activities of the participants in that section of the industry that would be specified in a notice under Publication of notice where no body or association represents a section of the online industry

(iii) no such body or association comes into existence within the period specified in the notice; or

(c) an industry code that applies to participants in a particular section of an online industry has been registered under Registration of industry codes for at least 180 days and all ofthe following conditions are met:

(i) theE-Commissioner is satisfied that the code is deficient;

(ii) the £-Commissioner has given the body or association tl1at developed the code a written notice requesting that deficiencies in the code be addressed within a specified period;

(iii) the period specified under subparagraph (ii) ends and the E Comrnissioner is satisfied that the deficiencies in the code have not been adequately addressed.

(Ia) Forthe p1rrposes of subparagraph (1)(c)(i), an industry code that applies to participants in a particular section of an online industry and deals with one or more matters relating to the online activities of those participants is deficient if:

(a) the code is not operating to provide appropriate community safeguards in relation to one or more of those matters; or

(b) the code is not otherwise operating to regulate adequately participants in that section of the online industry in relation to that matter or those matters.

(lb) The E-C01mnissioner must not detennine a standard under

subsection (I) that applies to participants in a particular section ofthe online industry unless the E-Commissioner is satisfied that it is necessary or convenient for theE-Commissioner to determine a standard in order to:

(a) provide appropriate community safeguards in relation to one or more matters relating to the online activities of those participants; or

(b) otherwise regulate adequately participants in that section ofthe online industry in relation to that matter or those matters.

(2) A standard under this section is to be known as an industry standard.

(3) The Relevant Minister may, by legislative instrument, give the E-Commissioner a written direction as to the exercise of the E-Commissioner's powers under this section.

Compliance wi 'l

If:

(a) an industry standard that applies to participants in a particular section of the online industry is registered under this Section; and

(b) a person is a participant in that section of the online industry;

the person must comply with the industry standard.

Formal warnings-breach of industry standards

Scope:

(1) This section applies to a person who is a participant in a particular section of the online industry.

Warning:

(2) TheE-Commissioner may issue a fonnal warning if the person contravenes an industry standard registered under this Section.

Public consultation on industry standards

(1) Before determining or varying an industry standard, theE-Commissioner must:

(a) make a copy of the draft available on the E-Commissioner's website; and

(b) publish anoticeon theE Comrnissioner's website—

(i) stating that the E-Commissjoner has prepared a draft of the industry standard or variation; and

(i)

5 draft to theE-Commissioner within the period specified in the notice.

(2) The period specified in the notice must run for at least30 days after the publication of the notice.

(3) Subsection(!) does not apply to a variation if the variation is of a minornature.

(4) If interested persons have given comments in accordance with a notice under subsection (1), theE-Commissioner must have due regard to those comments in determining or varying the industry standard, fls the case maybe.

Register ofindustry codes and industl)' standards

E-Commiss1onerto maintain Register of industry codes and industry standards

(!)The £-Commissioner is to maintain a Register in which theE-Commissioner includes:

(a) aU industry codes that the E-Cornmissioner decides to register under this Section; and

(b) all industry standards; and

(c) all requests made under Commissioner request for codes; and

(d) all directions under Compliance with indust!)' codes.

(2)The Register maybe maintained by electronic means.

(3) The Register is to be made available for inspection on the E-Commissioner's website.

Industry standards prevail over inconsistent industry codes

!fan industry code is:

(a) registered under this Section; and

(b) applicable to a person;

the code has no effect to the extent to which it is inconsistent with an industry

standard that is:

(c) registered under this Section; and

(d) applicable to the person.

Federal Court Orders

22. Federal Court may order a person to cease providing a social media service

(I) If theE-Commissioner is satisfied that:

(a) a person is the providerofa social media service; and

(b) there were 2 or more occasions during the previous 12 months on which the person contravened a civil penalty provision ofthis Part; and

(c) as a result of those contraventions, the continued operation of that social media service represents a significant community protection risk;

the E-Commissioner may apply to the Federal Court for an order that the person cease providing **that** social media service.

(2) lfthe Federal Court is satisfied, on such an application, that:

(a) the person is the provider of a social media service; and

(b) there were 2 or more occasions during the previous 12 montl1S on which the person contravened a civil penalty provision of this Part; and

(c) as a result of those contraventions, the continued operation of that social media service represents a significant community protection risk;

the Federal Court may order the person to cease providing that social media service.

Federal Court may order a person to cease providing a relevant electronic s rvtce

(I) lfthe E-Commissioner is satisfied that:

(a) a person is the provider ofarelevantelec!ronic service; and

(b) there were 2 or more occasions during the previous 12 months on \Yhich the person contravened a civil ;.;enalty provision o this

(c) as a result of those contraventions, the cor:tinued operati:.)t;_ of that relevant electronic service represents a significant community protection risk.

the £-Commissioner may apply *to* the Federa] Court for an order that the person cease providing that relevant electronic service.

(2) Ifthe Federal Court is satisfied, on such an application, that:

(a) the person is the providerofarelevrmt electronic service; and

(b) there were 2 or more ·occasions during the previous 12 months on which the person contravened a civil penalty provision ofthis Part; and

(c) as a result of those contraventions, the continued operation ofthat relevant electronic service represents a significant community protection risk;

the Federal Court may order the person to cease prDvidlng that rel.evallt electronic servke.

Federal Court may ordt:r a person to cease pwviding a designated intenH;t service

*(;)If*the E"':Ca:runissioucr is satisfied that:

(a) a _t.J ii>On

(b) t:H fe

which the persa;" ontraven fl

(c) as a. result of those contraventions} tJJe continued opemt1oa *o[hat* designated internet service represents a significant commm1ity protect!or ,_

the £-Commissioner may apply to the Federal Court for an order that the person cease providing that designated internet service.

(2) If the Federal Court is satisfied, on such an application, that:

(a) the person is the provider of a designated internet service; and

(b) there were 2 or more occasions during the previous !2 montos on which the person contravened a civil penalty provision of this Part; and

(c) as a result of those contraventions, the continued operation of that designated internet service represents a significant community protection risk;

the Federal Court may order the person to cease providing that designated internet service.

Federal Court may order a person to cease supplying an internet carriage service

(1) If theE-Commissioner is satisfied that:

(a) a person is the supplier of an internet carriage service; and

(b) there j-ere 2 or more occasions during the previous 12 months on which the person contravened a civil penalty provision of this Part; and

(c) as a result of those contraventions, the continued operation of that internet carriage service represents a significant community protection risk;

theE-Commissioner may apply to the Federal Court for an order that the person cease supplying that internet carriage service.

(2) lfthe Federal Court is satisfied, on such an application, that:

(a) the person is the supplier of an internet carriage service; and

(b) there were 2 or more occasions during the previous 12 months on which the person contravened a civil penalty provision of this Part; and

(c) as a result of those contraventions, the continued operation of that internet carriage service represents a significant community protection risk;

the Federal Court may order the person to cease supplying that internet carriage service.

Penalties

23.-(1) Except as otherwise provided in this Act, a person guilty of an offence under this Act shall, on conviction, be liable

(a) for a first offence, to a fine of up to N1,000,000.00 for an individual, N5,000,000 for a company; and

(b) for a second and subsequent offence, to a fine of up to NlO,OOO,OOO.OO for a company.

(2) The institution of proceedings or imposition of a penalty under this Act shall not relieve a company from liability to pay to the Service a tax which is or may become due under this Act.

(3) Notwithstanding subsection (l)(a) and (b) of this section, where any company or corporate body liable to file an child online protection tax return under this Act fails in any year to file such return, the

Service, if it ic;r-t::.e apinion that such a company or corporate body is liable to pay child ;:::;r,; :::::

determine the amount of assessable profit of such company and make an assessment of child online protection tax in accordance with the provisions of thisAct.

Removal Notices relating to class1 material

24. Removal notice given to the provider of a social media service, relevant electronic service or designated internet service

(l)Jf:

(a) material is, or has been, provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) theE-Commissioner is satisfied that the material is or was class 1 material; and

(c)the material can be accessed by end users in Nigeria; and

(d) the service is not:

(i) an exempt Parliamentary content service; or

(ii) an exempt court/tribunal content service; or

(iii) ao exempt official inquir;content service;

theE-Commissioner may give the provider ofthe sendee a written nutice, to Oe kno\Vll as a removal notice, requiring the provider to:

(e) take all reasonable steps to ensure the removal of the mt'ie:-i;o' r,,,,·•· the service; and

(f)dosowithin:

(i) 24 hours after the notice was given to the provider; or

(ii) such longer period as theE-Commissioner allows.

(2) So far as is reasonably practicabie, the materia! must bi\Jellt i .:;d in the removal notice in a way that is sufficient to enable the p·:::xk:e·

service to comply with the notice.

Removal notice given to a hosting service provider

(1) If:

(a) materia; is, or has been, p:·::vided c:1:

(i) a social media service; oc·

(ii) a releVant electronic service; or

(iii) a designated internet service; and

(b) theE-Commissioner is satisfied that the material is or was class 1 material; and

(c) the material can be accessed by end users in Nigeria; and

(d) the service is not:

(i) an exempt Parliamentary content service; or (ii) an exempt court/tribunal content service; or (iii) an exempt official inquiry content service; and

(e) the material is hosted by a hosting service provider;

the E-Commissioner may give the hosting service provider a written notice, to be known as a removal notice, requiring the provider to:

(f) take all -- to cease hosting

'.i' \ill do so wii 1 .n. _

(i) 24 hoursafterthenotice was given to the provider; or

(ii) such longer period as the £-Commissioner allows.

(2) So far as is reasonably practicable, the material must be identified in the removal notice in a way that is sufficient to enable the hosting service provider to comply with the notice.

Compliance with removal notice

A person must comply with a requirement under a removal notice to the extent that the person is capable of doing so.

Formal warning

TheE-Commissioner may issue a formal warning if a person contravenes Compliance with removal notice.

Revocation of removal notice

If a removal notice is in force under section Removal notice given to the

provider of a social media service, relevant electro;;ic service or designated internet service or Removal notice given to a hosting service provider in relation to:

(a) theproviderofasocialmediaservice; or

(b) the provider of a relevant electronic service; or

(c) the provider of a designated internet service; or

(d) a hosting service provider;

the E-Commissioner may, by written notice given to the provider, revoke the removal notice.

Service provider notifications

If the E-Cornmissioner is satisfied that there were 2 or more occasions during the previous 12months on which:

(a) class 1 material is,orhas been,provided on:

(i) a social media service;or

(ii) a relevant electronic service;or

(iii) a designated internet service; and

(b) the material can be, or was able to be, accessed by end users in Nigeria; and

(c) the service is not:

(i) an exempt Parliamentary content service; or

(ii) an exempt court/tribunal content service; or

(iii) an exempt official inquiry content service; and

(d) the provision of the material contravened the service's ter:-r;.s ;Jf use;

theE-Comrnissionermay:

(e) prepare a statement to that effect; and

Jf) JlUbJishthstaleme!!t9!>\he-E£ommissicne<'&we Jsite; and

(g) give a copy of the statement to the provider of the seiVice.

Terms and conditions for the E-sommissiner

25. Remuneration and allowances:

(1) The E-Commissioner is to be paid the remuneration that is

determined by the Revenue Mobilisation Allocation and Fiscal Commission,

(2) The E-Commissioner is to be paid tbe allowances that are prescribed bytbe legislative rules.

Leave of absence

(I) TheE-Commissioner has tbe recreation leave entitlements that are determined by the relevant Laws.

(2) The Relevant Minister may grant tbe E-Commissioner leave of absence (other than recreation leave) on the terms and conditions, as to remuneration or otherwise, that the Relevant Minister determines.

Outside employment

The E-Commissioner must not engage in paid employment outside tbe duties of the E-Commissioner's office witbout tbe Relevant Minister's approval.

Disclosure of interests to the Relevant Minister

The £-Commissioner must give written notice to the Relevant Minister of all interests, pecuniary or otherwise, that the £-Commissioner has or acquires, and that conflict or could conflict with the proper performance of tbe E-Commissioner's functions.

Resignation

(1) The E-Commissioner may resign the E-Commissioner's appointment by giving the Relevant Minister a written resignation.

(2) The resignation takes effect on tbe day it is received by the Relevant Minister or, if a later day is specified in tbe resignation, on that later day.

Termination of appointment

(I) The Relevant Minister may terminate tbe appointment oftbe E-Commissioner:

(a) formisbehaviour; or

(b) ifthe £-Commissioner is unable to perform tbe duties ofthe E-

Commissioner's office because of physical or mental incapacity.

(2) The Relevant Minister may terminate the appointment of the E-**ConEnissioner if:**

(a) the £-Commissioner:

(i) becomes bankrupt; or

(ii) applies to take the benefit of any law for the relief ofbankmpt or **insolvent debtors; or**

(iii) compounds with the E-Cornmissioner's creditors; or

(iv) makes an assignment of the E-Cornmissioner's remuneration for the benefit of!}1e E-Commissioner's creditors; or

(b) the £-Commissioner is absent, except on leave of absence, for 14 **consecutive days or for 28 days in any 12 months; or**

(c) theE-Commissioner engages, except with the Relevant Minister's approval.,t,paid t loyment **office; or** ._ ;

(d) the £-Commissioner fails, without reasonable excuse, to comply **with [11]Disclosure ofiitterests to the Minister[11].**

Other terms and conditions

The £-Commissioner holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Relevant **Minister.**

Other Matters

26. SUPPLEMENTARY POWERS:

(1) The powers ofthe £-Commissioner include, but are not limited to, **the power to enter into contracts.**

(2) Any contract entered into by the £-Commissioner is to be entered into on behalf ofNigeria.

(3) Any real or personal property held by the E-Commissioneris held for and on behalf ofNigeria.

(4) Any money received by the £-Commissioner is received for and on behalfofNigeria;

{5) The E.-Commissioner cannot hold real or personal property, or mone:;.r, on trust fer-

(6) To avoid doubt, a right to sue is taken not to be person.a1 property for the purposes ofsubsection(3).

E COMMISSIONER'S

(I) Any financial liabilities of the E-Conunissioner are taken to be liabilities ofNigeria.

(2) For the purposes of this section, fmancial liability means a liabHir;to pay a -rerson an ammmt, where the amount, or the method for working out the amc·unt, has been determined.

ANNUAL REPORT

(I) TheE-Commissioner must, as soon as practicable after the end of each financial year, prepare and give to the Relevant Minister, for presentation to the Parliament, a report on the operations of the E-Commissioner during that year.

(2) A report under subsection (1) relating to a financial year must set out the foilowing:

(aa) the number of objection notices given to theE-Commissioner duringthatyear;

(a) the number of notices given by theE-Commissioner during that year;

(b) the number of notices given by the £-Commissioner during that year;

(c) the number of notices given by theE-Commissioner during that year;

(d) the number of notices given by the £-Commissioner during that year;

(e) the number of notices given by the E Commissioner year;

(f) the number of notices given by theE-Commissioner during that year;

(g) the number of notices given by theE-Commissioner during that **year;**

(h) the number of notices given by theE-Commissioner during that **year;**

(i) the number of directions given by theE-Commissioner during that **year;**

Gl the number of notices given by theE-Commissioner during that year;

(k) the number of notices given by the E-Commissioner during that year;

(l) the nu!IJ.ber of notices given by theE-Commissioner during that year;

(Ia) the number of requests made by theE-Commissioner during that year;

(m) the number of notices given by theE-Commissioner during that year;

(n) the number of notices given by theE-Commissioner during that year;

(o) the number of notices given by the E-Commissioner during that year;

(p) the number of notices given by the E-Commissioner during that year;

(q) the number of notices given by theE- during that year;

(r) the number of notices given by theE-Commissioner during that year;

(s) the number of notices given by theE- during that year;

(t) the number of notices given by the E-Commissioner during that

(u) the number of notices given by theE-Commissioner during that year;

(v) the number ofnotices given by theE-Commissioner during that year;

(w)the number of directimis given by the E-Commissioner during thatyear;

(x) the number of applications made by the E-Commissioner duringthatyear;

(y) the number of applications made by the E'Commissioner duringthatyear;

(z) the number of applications made by the E-Commissioner during that year;

(za}the number of applications made by the E-Commissioner duringthatyear;

(zb) the number of notices given by theE-Commissioner during thatyear;

(zc) the number of notices given by theE-Commissioner during thatyear;

(zd) the number of notices given by the E-Comrnissioner during thatyear;

(ze) the number of decisions that were reviewed by the E-Commissioner under the internal review scheme during that year;

(zt) the number of applications that were received by the E-Commissioner under the internal review scheme during that year;

(zg) the number of informal notices given, and informal requests made, by the E-Comrnissioner to a person in relation to cyber bullying material targeted at a Nigerian child during that year;

(zh) the number of informal notices given, and informal requests made, by the E-Commissioner to a person in relation to non consensual sharing of intimate images during that year;

(zi) the number of informal notices given, and informal requests made, by the E-Commissioner to a person in relatioto cyber abuse material targeted at a Nigerian minorduringthatyear;

(zj) the number of informal'notices given, and informal requests made, by the E-Cofnmissioner to a person in relation to material that depicts abhorrent violent conduct during that year;

(zk) the number of informal notices given, and informal requests made, by the E-Commissionerto a person in relation to class I material during that year;

(zl) the number of informal notices given, and informal requests made, by the E-Commissionerto a person in relation to class 2 material during that year;

(zm) the number and :ercentage of complaints made to the E Commissioner during that year for cyber bullying material targeted at a Nigerian child by ground or categoty of harm, with such grounds or categories ofharm to be determined by theE-Commissioner;

(zn) the number and percentage of complaints made to the E Commissioner during that year for non consensual sharing'ofintimate images by ground or categoty ofharm, with such grounds or categories of harm to be determined by theE-Commissioner;

(zo) the number and percentage of complaints made to the E-Commissioner during that year for cyber abuse material targeted at a Nigerian minor by ground or category ofharm, with such grounds or categories ofharrr: to be determined by theE-Commissioner;

(zp) the number and percentage of complaints made to the E-Commissioner during that year under the online content scheme by ground or category ofharm, with such grounds or categories ofhann to be determined by theE-Commissioner.

Advisory Committees

27.-(1) The E-Commissioner may, by writing, establish advisory

committees to assist the E-Commissioner in performing any of the E-

Commissioners functions.

(2) An advisory committee consists of such persons as the E-Commissionerfrom time to time appoints to the committee.

(3) TheE-Commissioner may revoke a person's appointment to an advisory comt?-ittee.

(4) TheE-Commissioner may give an advisory committee written directions as to:

(a) the way in which the committee is to carry out its functions; and

(b) the procedures to be followed in relation to meetings.

(5) An appointment to an advisory committee is not a public office within the meaning ofthe national salaries, income and wages Act.

Assistance to the E-Commissioner

28.-(1) The NATIONAL BROADCASTING COMMISSION must:

(a) assist the E-Commissioner to perform theE-Commissioner's functions and exercise the £-Commissioner's powers; and

(b) do so to such extent as the E-Commissioner reasonably requires.

(2) The assistance may include the following:

(a) the provision of advice;

(b) the making available of resources and fucilities;

(c) the making available of the Consumer Consultative Forum established by the Nationa! Broadcasting Commission to assist the E Commissioner to perform the £-Commissioner's functions in relation to matters affecting Nigerians.

MEMBERS OF THE STAFF OF THE NATIONAL BROADCASTING CoMMISSION

(3) TheNational Broadcasting Commission must:

(a) make available members of the staff of the National Broadcasting Commission to assistheE-Commissioner to perform theE-Commissioner's functions and exercise the E-Commissioner's powers, so long as the £-Commissioner considers that those members have the skills,

qualifications or experience necessary to so assist theE-Commissioner; and

(b) do o

(4}When perfor,mipg_ erv:ices

th _staff

ofthe E-Cornmissioner.

RELEVANT MINISTERIAL DIRECTIONS

(5) The Relevant Minister may, by legislative instrument, give directions_ to the National Broadcasting Commission in relation to the performance of its functions, or the e ercise

(6) The National Brpadcasting Commission must comply with a direction under subsection (5).

DEEMED MEMBERS OF THESTAFp OF THE NATIONAL BROADCASTING COMMISSION

(7) .For the purposes of this section, if a person is an officer or employee whose services are made available to the National Broadcasting Commission, the person is taken to be a member of the staff of the National Broadcasting Commission.

Contractors engaged by the E-Commissioner

29.-(1) The E-Co misSioner persons to assist the E-Commissioner to perform the £-Commissioner's functions and exercise theE-Commissioner's powers.

(2) The persons are to be engaged on the terms and conditions that the £-Commissioner determines in writing.

(3) When performing services for the E-Commissioner, a person engaged under subsection (!) is subject to the directions n· >t E-Commissioner.

Commissioner not subject to direction by the National Broadcasting Commission etc.

30. To avoid doubt, theE-Commissioner is not subject to direction by:

(a) the National Broadcasting Commission; or

(b) a member or associate member of the National Broadcasting Commission; or

(c) a member of the staffofthe National Broadcasting Commission;

n

the E-Cornrnissioner.

Consultants

31.-(1) The £-Commissioner may, on behalf of the -Nigerian, engage persons having suitable qualifications and experience as consultants to theE-Commissioner.

(2) The consultants are to be engaged on the terms and conditions that theE-Commissioner determines in writing.

Relevant Minister may give directioru to the E-Commissioner

32.-(1) The Relevant Minister may, by legislative instrument, give directions to the E-Commissioner about the performance of the E-Commissioner's functions or the exercise of the £-Commissioner's powers.

(2) A direction under subsection (I) must be of a general nature only.

(3) The E-Commissioner must comply with a direction under subsection (I).

Interpretation

33. In this Act:

access includes:

(a) access that is subject to a pre condition (for example, the use of a password); and

(b) access bywayofpush technology; and

(c) access byway of a standing request.

access control system, inrelation to material, means a system under which:

(a) persons seeking access to the material have a password, or a Personal Identification Number, that provides a means of limiting access by other persons to the material; or

(b) persons seeking access to the material have been provided with some other means oflimiting access by other persons to the material.

account includes:

(a)a free account; and

(b) a pre paid account; and

(c) anything that may reasonably be regarded as the equivalent of an **account.**

adult means an individual who is 18 or older.

app includes a computer program.

app distribution service means a service that enables end users to download apps, where the download of the apps is by means of a carriage service.

Short title

34. This Bill may be cited as. the Child Online Access Protection Bill, 2023.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the enactment of Child Online Access Protection Bill2023 and other issues of online violence against the Nigerian child.