

PUBLIC INTEREST DISCLOSURE AND PROTECTION BILL, 2020

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# A BILL

## FOR

AN ACT TO REPEAL THE PUBLIC COMPLAINTS COMMISSION ACT (ACT NO. ....), ENACT THE PUBLIC INTEREST DISCLOSURE AND PROTECTION ACT ESTABLISH THE PUBLIC INTEREST DISCLOSURE AND COMPLAINTS COMMISSION, PROVIDE A FRAMEWORK FOR MAKING DISCLOSURE AND PROTECTION OF DISCLOSURE, AND FOR RELATED MATTERS

*Sponsored by Hon. Nkeiruka Onyejeocha*

[ ] Commencement

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

### PART I - OBJECTIVE AND SCOPE

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1. The main objectives of this Act are to-

Objective

(a) provide a legal and institutional framework for the regulation and management of public interest disclosure and protection of discloser;

(b) encourage and facilitate disclosure of wrongful or unlawful activities which directly or indirectly impact on the administration and management of public office or authority;

(c) make adequate provisions for the protection of a person making public disclosure, including persons in employment in the public service, public service contractors, whistle blowers and informants from reprisals or other adverse consequences;

(d) ensure that information disclosing wrongful or unlawful activities received from the persons referred to in paragraph (c) of this subsection (in this Act referred to as "public interest disclosure") is properly assessed, investigated and dealt with;

(e) establish an appropriate framework for rewarding or protecting, as the case may be, persons making public interest disclosures;

(f) ensure that adequate consideration is given to the rights of-

- 1 (i) persons who make public interest disclosures; and  
2 (ii) Public Interest Disclosure Protection Programme established  
3 under this Act; and  
4 (g) harmonise all existing policies and legal framework on  
5 complaint, public interest disclosure and protection of discloser.

Application

- 6 2.-(1) The provisions of this Act concerning public interest disclosure  
7 shall apply to disclosure-
- 8 (a) of wrongdoing or unlawful activities made after the date on which  
9 this Act comes into operation, whether or not the wrongful or unlawful  
10 activities occurred before or after that date;
  - 11 (b) relating to offences under any legislation pertaining to -
    - 12 (i) terrorism,
    - 13 (ii) money laundering prevention and prohibition,
    - 14 (iii) economic and financial crimes,
    - 15 (iv) corrupt practices and other related offences,
    - 16 (v) drugs and narcotics and their trafficking,
    - 17 (vi) trafficking in persons,
    - 18 (vii) oil bunkering,
    - 19 (viii) Criminal and Penal Code offences,
    - 20 (ix) customs and excise management,
    - 21 (x) any legislation dealing with proceeds of crimes, confiscation and  
22 forfeiture of assets, and
    - 23 (xi) such other offences as may be contained in enactments by the  
24 National Assembly and designated by Attorney - General by an order published  
25 in the Federal Gazette.
  - 26 (2) The provisions of this Act on public interest disclosures apply to  
27 wrong doing and unlawful activities by public authorities and offices in the  
28 performance of their duties and responsibilities pertaining to compliance with  
29 laws, regulations and standards in areas, including-
    - 30 (a) environment and public health;

- 1 (b) social, economic and educational development;  
 2 (c) provision of infrastructure and public utilities;  
 3 (d) planning and development control;  
 4 (e) public order and safety;  
 5 (f) utilization and management of public funds, assets and natural  
 6 resources; or  
 7 (g) national security.

8 (3) The provisions of this Act apply to-

9 (a) all justice sector institutions and authorities, including the  
 10 courts, law enforcement and security agencies, and other relevant regulatory  
 11 institutions towards the protection of disclosers in the course of the  
 12 investigation, detection and prosecution of offences;

13 (b) the Executive, Legislative and Judicial arms of the Government  
 14 of the Federation, subject to the limitations contained in this Act or any other  
 15 enactment, rules or regulations;

16 (c) public sector contractors; and

17 (d) private sector where public interest is involved.

18 (4) The provision of this Act apply to complaint and investigation  
 19 following complaints lodged before the Commission by any person on any  
 20 administrative action of a public authority or offices.

21 PART II - PUBLIC INTEREST DISCLOSURE AND COMPLAINTS COMMISSION

22 3.-(1) There is established the Public Interest Disclosure and  
 23 Complaints Commission (in this Act referred to as "the Commission").

24 (2) The Commission-

25 (a) shall be a body corporate with perpetual succession and a  
 26 common seal;

27 (b) may sue and be sued in its corporate name; and

28 (c) may for the purposes of its functions, acquire, hold or dispose of  
 29 property (whether movable or immovable).

30 (3) The Commission shall be responsible for the implementation

Establishment of  
 the Public Interest  
 Disclosure and  
 Complaints  
 Commission

1 of the Public Interest Disclosure Protection Programme established under this  
2 Act;

3 (4) The Commission shall be independent in the performance of its  
4 functions and in the exercise of its powers under this Act.

5 (5) The Headquarters of the Commission shall be in Abuja, Nigeria  
6 with a branch office in each State of the Federation and in the Federal Capital  
7 Territory, Abuja.

8 (6) The common seal of the Commission shall be kept in the custody  
9 of the Director of Administration and shall be authenticated by the signature of  
10 the Executive Director.

Establishment  
and membership  
of the Management  
Board of the  
Commission

11 4.-(1) There is established a Management Board for the Commission  
12 (in this Act referred to as "the Board").

13 (2) The Board shall consist of the following members-

14 (a) the Chairman;

15 (b) the Clerk of the National Assembly or his representative not below  
16 the rank of a Director in the Ministry;

17 (c) Attorney-General of the Federation or his representative not below  
18 the rank of a Director in the Ministry;

19 (d) the Minister of Finance; or his representative not below the rank of  
20 a Director in the Ministry;

21 (e) the Director-General of the Department of States Security; or his  
22 representative not below the rank of a Director;

23 (f) the Inspector-General of Police or his representative not below the  
24 rank of Commissioner of Police;

25 (g) the Executive Secretary of the National Human Rights  
26 Commission; or his representative not below the rank of a Director in the  
27 Ministry;

28 (h) the Executive Chairman of the Economic and Financial Crimes  
29 Commission; or his representative not below the rank of a Director in the  
30 Ministry;



1 (i) the Chairman of the National Drug Law Enforcement Agency;  
2 or his representative not below the rank of a Director in the Ministry;

3 (j) the Chairman of the Independent and Corrupt Practices  
4 Commission or his representative not below the rank of a Director in the  
5 Ministry;

6 (k) the Director - General of the National Agency for Prohibition  
7 of Trafficking in Persons or his representative not below the rank of a  
8 Director;

9 (l) a representative of the Civil Society Organisation working on  
10 human rights and access to justice;

11 (m) the Executive Director of the Commission who shall also be  
12 the Secretary of the Board.

13 (3) The Board may invite a person to advise the Board at any of its  
14 meeting, but a person so invited shall not count towards a quorum or vote at  
15 the meeting.

16 (4) The Board shall meet at least quarterly and at such times as the  
17 Chairman may determine.

18 (5) Subject to the provisions of this section, the Board may  
19 regulate its proceedings and make standing orders with respect to the  
20 holding of its meetings, notices to be given, the keeping of minutes of its  
21 proceedings and such other matters as the Board may, from time to time,  
22 determine.

23 5.-(1) The Board shall-

24 (a) advise, formulate and provide general policy guidelines to the  
25 Commission generally on the exercise of its functions and powers under this  
26 Act;

27 (b) have general oversight on the administration of the  
28 Commission;

29 (c) provide technical support to the Commission in the formulation  
30 of public interest disclosure and complaint policies in accordance with the

Functions and  
powers of the  
Board

1 provisions of this Act and international best practices;

2 (d) monitor and ensure the implementation of the policies and  
3 programmes of the Commission; and

4 (e) perform any other functions as may be conferred on it by this Act.

5 (2) The Board shall have power to do such things as are necessary and  
6 expedient for the effective and efficient performance of its functions under this  
7 Act.

8 PART III - FUNCTIONS AND POWERS OF THE COMMISSION

9 6. The Commission shall-

10 (1) be responsible for the management of public interest disclosure  
11 and complaint in the manner specified under this Act.

12 (2) monitor the management of public interest disclosures and  
13 complaint, including-

14 (a) monitoring compliance with this Act;

15 (b) collecting statistics about public interest disclosures and  
16 complaint;

17 (c) monitoring trends in relation to public interest disclosures and  
18 complaint; and

19 (d) review, from time to time, the way in which public interest  
20 disclosures and complaint are dealt with under this Act by persons and  
21 authority concerned with the handling of public interest disclosures;

22 (3) shall perform an educational and advisory role, including-

23 (a) promoting the objectives of this Act;

24 (b) providing advice about public interest disclosures and complaint;

25 and

26 (c) providing, or co-coordinating the provision of education and  
27 training programmes about public interest disclosures and complaint.

28 (4) determine the type of protective measures to be applied for  
29 persons making public interest disclosures under the provisions of this Act:

30 (a) advise any public authority or any other person on the adoption of

1 strategies and measures on public interest disclosures;

2 (b) collate, analyse, store and disseminate information relating to  
3 public interest disclosures;

4 (c) give such instructions to a protected person as the Commission  
5 may consider necessary;

6 (d) provide guidelines for the protection of the identity and  
7 anonymity of a discloser of public interest disclosure including the  
8 allocation of appropriate identifier to be used by all parties involved;

9 (e) recommend to the appropriate or competent authority any line  
10 of action considered appropriate following any investigation or enquiry into  
11 any public interest disclosure; and

12 (f) perform such other functions as may be necessary for effective  
13 implementation of the objectives of this Act.

14 7.-(1) The Commission has powers to-

Powers of the  
Commission

15 (a) enter into arrangements with other persons, bodies or  
16 organisations within or outside Nigeria as it may consider desirable or  
17 appropriate in furtherance of the objectives and purpose of this Act;

18 (b) enter into confidential agreements with relevant foreign  
19 authorities, international criminal courts or tribunals and other regional or  
20 international bodies relating to the relocation of protected persons and  
21 witness protection measures;

22 (c) search a protected person and his property and seize items  
23 regarded by the Commission to be a threat to the protected person or another  
24 person or the integrity of the Public Interest Disclosure Protection  
25 Programme established under this Act;

26 (d) summon and with an appropriate court order, enforce the  
27 attendance of any public officer or any other person to appear before it or to  
28 produce a document or thing or information which may be considered  
29 relevant to the functions of the Commission within a specified period of time  
30 and in such manner as it may specify;

1 (e) request for any public record or document from any department,  
2 agency or office with the appropriate order of court;

3 (f) demand from any appropriate or competent authority the report  
4 and the action taken with respect to any public interest disclosure referred for  
5 investigation by the appropriate or competent authority;

6 (g) represent Nigeria at any international fora on issues relating to  
7 public interest disclosure and witness protection; and

8 (h) carry out such other activities as are necessary or expedient for the  
9 full discharge of the functions conferred on it under this Act.

10 (2) The Commission shall have power to investigate either on its own  
11 initiative or following complaints lodged before it by any other person, any  
12 administrative action taken by any-

13 (a) Department or Ministry of the Federal or any State Government;

14 (b) Department of any local government authority (howsoever  
15 designated) set up in any State in the Federation;

16 (c) statutory corporation or public institution set up by any  
17 Government in Nigeria;

18 (d) company incorporated under or pursuant to the Companies and  
19 Allied Matters Act whether owned by any Government aforesaid or by  
20 private individuals in Nigeria or otherwise howsoever; or

21 (e) officer or servant of any of the aforementioned bodies.

22 (3) The Commission shall-

23 (a) by regulation made in accordance with the provision of this Act  
24 determine the manner by which complaints are to be lodged;

25 (b) have access to all information necessary for the efficient  
26 performance of its duties under this Act and for this purpose may visit and  
27 inspect any premises belonging to any person or body mentioned in sub-  
28 section (1) of this section;

29 (c) ensure that administrative action by any person or body mentioned  
30 in subsection (1) will not result in the commission of any act of injustice against

1 any citizen of Nigeria or any other person resident in Nigeria;  
2 (d) investigate administrative actions of person or body mentioned  
3 in subsection (1) of this section which are or appear to be-  
4 (i) contrary to any law or regulation;  
5 (ii) arbitrary in the determination of fact;  
6 (iii) unreasonable, unfair, oppressive or inconsistent with the  
7 general functions of public authorities or offices;  
8 (iv) ill motivated or based on irrelevant considerations; or  
9 (v) otherwise objectionable;  
10 (e) be competent to investigate administrative actions of heads of  
11 court.

12 (f) have the power to obtain information from any person by notice  
13 pursuant to subsection (3) of this section and such request shall be complied  
14 with not later than thirty days from receipt of the notice.

15 (4)(a) In the discharge of the functions of the Commission under  
16 this Act, the Commission shall have power to summon in writing any person  
17 who in the opinion of the Commission is in the position to testify on any  
18 matter before him, to give evidence in the matter and any person who fails to  
19 appear when required to do so shall be guilty of an offence under this Act;

20 (b) Any person guilty of an offence under this section shall on  
21 conviction be liable to a fine of N100,000 or imprisonment for a term of six  
22 months or to both such fine and imprisonment.

23 8.-(1) The Commission shall establish and maintain the minimum  
24 standards of conduct and integrity to be complied with by a person making a  
25 public interest disclosure and complaint under this Act and the way in which  
26 appropriate or competent authorities are to deal with public interest  
27 disclosures.

Setting of  
standards

28 (2) Subject to subsection (1) of this section, the standards may  
29 provide for procedures relating to the-

30 (a) way in which appropriate or competent authorities are to

- 1 facilitate the making of public interest disclosures;
- 2 (b) way in which appropriate or competent authorities are to perform
- 3 their functions under this Act;
- 4 (c) protection of persons from acts of victimisation taken by
- 5 appropriate or competent authorities and employers; and
- 6 (d) provision by appropriate or competent authorities to the
- 7 Commission of statistical information about public interest disclosures.

8 (3) The Commission may amend, review or revoke the standards

9 established under this section taking-

10 (a) into account the independence that any particular appropriate or

11 competent authority has under a written law or an appropriate authority within

12 the Public Service Rules and Regulations; and

13 (b) reasonable steps to consult with the appropriate or competent

14 authority to which a particular standard may apply and such other persons as it

15 considers it desirable and practicable to consult.

16 (4) A failure to consult under subsection (3) of this section does not

17 affect the validity of the standards.

18 (5) The Commission shall as soon as practicable after making the

19 standards, publish the standards as a Notice in the Federal Gazette and on the

20 official website.

Issuance of  
guidelines

21 9.-(1) The Commission shall issue guidelines on internal procedures

22 relating to the responsibilities of appropriate or competent authorities in

23 connection with public interest disclosures under this Act and ensure that all

24 appropriate or competent authorities have copies of the guidelines.

25 (2) The guidelines issued under this section shall be approved by the

26 Board established under section 4 of this Act and published in the Federal

27 Gazette.

28 PART IV - MANAGEMENT AND STAFF OF THE COMMISSION

Executive Director  
of the Commission

29 10.-(1) There shall be for the Commission an Executive Director who

30 shall be appointed by the President subject to the confirmation of the Senate.

- 1 (2) A person shall not be appointed as an Executive Director unless  
2 he-
- 3 (a) is a legal practitioner and has been so qualified for a period of not  
4 less than fifteen years;
- 5 (b) is of an unquestionable integrity; and  
6 (c) has considerable experience in legal practice, human rights or  
7 humanitarian law, administration and management.
- 8 (3) The Executive Director shall-
- 9 (a) be the chief executive of the Commission;
- 10 (b) be responsible for the execution and implementation of the  
11 policies of the Commission and its day-to-day administration;
- 12 (c) exercise supervision and control over all staff of the  
13 Commission;
- 14 (d) cause to be kept the minutes of the meetings of the Board and  
15 such other records as the Board may direct;
- 16 (e) ensure that, in conducting the affairs of the Commission, the  
17 Commission is guided by the laws of Nigeria and international best practices  
18 which shall include, the development and implementation of information,  
19 security measures, technical and administrative competence, the principles  
20 of impartiality, confidentiality, objectivity and integrity; and
- 21 (f) perform such other functions as may be assigned under this Act.
- 22 (4) The Executive Director shall hold office-
- 23 (a) for a term of four years, which may be renewed for a further  
24 term of four years and no more; and
- 25 (b) on such other terms and conditions as are specified in his letter  
26 of appointment.
- 27 (5) The Board may advise the Executive Director on matters as are  
28 necessary to enable him execute efficiently the day-to-day administration of  
29 the Commission.

Officer staff of  
the Commission

1           11.-(1) Subject to the provisions of section 12 of this Act, the  
2 Commission may appoint directly, or on secondment or transfer from  
3 Government Ministries, Departments or Agencies such number and categories  
4 of employees as it may require to assist it in the effective discharge of its  
5 functions under this Act, provided that appointment into any office, department  
6 or unit in the Commission shall be through open advertisement and qualifying  
7 candidates shall be selected on competitive basis.

8           (2) The Commission shall designate such numbers of employees,  
9 from the employees referred to in subsection (1) of this section as Protection  
10 Officers or such other staff as the Commission may determine.

11           (3) The Executive Director shall for the purposes of the Programme  
12 established under this Act request for secondment or transfer of law  
13 enforcement and security agencies or authority, including the-

- 14           (a) National Security Adviser;  
15           (b) Inspector General of Police; and  
16           (c) Department of State Security.

17           (4) The secondment or transfer envisaged under subsection (3) of this  
18 section shall be carried out in such a manner to ensure that the officers  
19 seconded or deployed shall be officers with relevant knowledge and cognate  
20 experience as may be prescribed in regulations made under this Act.

21           (5) The Commission shall control and supervise its employees in a  
22 manner and for such purposes as may be necessary for the promotion of the  
23 purpose and the object for which the Commission is established.

24           (6) The Commission shall be responsible for the determining the job  
25 description, title, terms, conditions, qualifications and salaries, including the  
26 allowances of its employees.

27           (7) In determining the terms and conditions of service of its  
28 employees, the Commission shall be guided by the following principles, that-

- 29           (a) public interest disclosure and protection falls in a strategic sector  
30 in the administration of justice process of Nigeria;



1 (b) the nature of the public interest disclosure and protection  
2 requires commensurate compensation, adequate protection of disclosers;  
3 and

4 (c) the nature of the operations of the Commission requires probity,  
5 integrity and incorruptibility.

6 (8) The Commission shall make rules subject to the approval of the  
7 Board relating generally to the conditions of service of its employees,  
8 including rules providing for the appointment, promotion, advancement,  
9 determination of appointment and disciplinary control over the employees.

10 (9) The Commission shall publish rules made under subsection (8)  
11 of this section in such manner as it may determine.

12 (10) The Commission shall, for the purpose of achieving  
13 maximum efficiency in the discharge of its functions set out in this Act,  
14 institute schemes for the training of its employees.

15 12.-(1) A person shall not be appointed, seconded or transferred to  
16 perform any of the functions of the Commission unless-

Screening of  
employees of the  
Commission

17 (a) information with respect to that person has been gathered in a  
18 security screening investigation by the Department of State Security; and

19 (b) the Commission, after evaluating the information gathered, is  
20 satisfied that the person may be so appointed, seconded or transferred  
21 without the possibility that he might be a security risk or might act in any  
22 way prejudicial to the objectives of the Commission.

23 (2) Where the Commission is satisfied under subsection (1) of this  
24 section, it shall certify that the person has successfully undergone a security  
25 clearance.

26 (3) The Executive Director may at any time, after consultation with  
27 the Department of State Security, subject a person referred to in subsection  
28 (1) of this section to further security screening investigation as  
29 contemplated under that subsection.

30 (4) The Commission shall issue to every member of its staff on

1 appointment, a card of identity in such form as the Commission may  
2 determine.

Service in the  
Commission to  
be pensionable

3 13.-(1) Service in the Commission shall be approved service for the  
4 purpose of the Pensions Reform Act, and accordingly, officers and other  
5 persons employed in the Commission shall in respect of their service in the  
6 Commission be entitled to pensions, gratuities and other retirement benefits  
7 enjoyed by persons holding equivalent grades in the public service of the  
8 Federation.

9 (2) For the purposes of the application of the provisions of the  
10 Pensions Reform Act, any power exercisable under that Act by a Minister or  
11 other authority of the Government of the Federation (not being the power to  
12 make regulations under the Act by a Minister) is hereby vested in and shall be  
13 exercisable by the Commission and not by any other person or authority.

14 (3) Nothing in this Act shall preclude the appointment of a person to  
15 any office on terms in the Commission which precludes the grant of pension or  
16 gratuity in that respect.

Delegation of  
powers by the  
Executive Director

17 14.-(1) The Executive Director may delegate any of his functions and  
18 powers under this Act to any competent officer of the Commission and may  
19 instruct any employee to perform any of the functions assigned to him under  
20 this Act.

21 (2) A delegation or instruction under subsection (1) of this section  
22 shall be subject to such limitations or conditions that the Executive Director  
23 may impose and does not relieve the Executive Director of the ultimate  
24 responsibility concerning the exercise of the delegated power or the  
25 performance of the assigned function.

26 (3) The Executive Director may confirm, vary or revoke any decision  
27 taken by an employee in consequence of a delegation or instruction under  
28 subsection (1) of this section.

Establishment  
of Departments  
and Special Units

29 15.-(1) The Commission shall establish Departments and Special

1 Units for the effective and efficient discharge of its functions and powers  
2 under this Act.

3 (2) All Departments and Special Units shall carry out such duties as  
4 may be required in the exercise, performance or carrying out of the powers,  
5 functions and duties of the Commission under this Act.

6 PART V - FINANCIAL PROVISIONS

7 16. The Commission shall establish and maintain a fund into  
8 which shall be paid-

Fund of the  
Commission

9 (a) take-off grants as may be made available to the Commission by  
10 the Government;

11 (b) budgetary allocations as may be appropriated by the National  
12 Assembly for the administration of the Commission;

13 (c) two percent from the proceeds of monies accruing from public  
14 interest disclosure into the confiscated and forfeited assets Account  
15 established by an Act of the National Assembly;

16 (d) gifts, endowments, aid and assistance from international  
17 bilateral and multilateral agencies provided that the purpose for such gifts,  
18 endowments, aids and assistance does not conflict with the objectives of this  
19 Act; and

20 (e) any other financial resources that may from time to time be  
21 vested in or accrue to the Commission in the course of performing its  
22 functions under this Act or any other moneys which may accrue to the  
23 Commission from any other lawful source, including interest on deposit and  
24 other investments made by the Commission.

25 17.-(1) The Commission shall, from time to time, apply the  
26 moneys in the fund established and maintained under section 16 of this Act  
27 to-

Expenditure of  
the Commission

28 (a) the cost of administration of the Commission;

29 (b) the payment of allowances, expenses and other benefits of  
30 members and committees of the Board and the salaries, allowances and

1 benefits of the employees of the Commission; and

2 (c) undertake such other activities as are connected with the functions  
3 of the Commission and the Board as provided under this Act.

4 (2) Monies which are not immediately required to be expended in the  
5 discharge of any of the functions of the Commission shall, with prior approval  
6 of the Board, be invested in the securities of the Federal Government.

Budget and  
expenditure

7 18.-(1) The Commission shall not later than 30th September of each  
8 year, submit to the National Assembly through the Attorney-General, estimates  
9 of the income and expenditure of the Office for the preceding financial year.

10 (2) Notwithstanding the provisions of subsection (1) of this section,  
11 the Commission may, where necessary due to unforeseen circumstances,  
12 submit supplementary or adjusted statements of estimated income and  
13 expenditure to the Attorney - General for submission to the National Assembly.

Accounts and  
audit

14 19.-(1) The Commission shall-

15 (a) keep proper records and accounts of its incomes and expenditures;  
16 and

17 (b) prepare a statement of accounts in respect of each year.

18 (2) The Commission shall, within the first four months of each  
19 financial year, submit its accounts to auditors appointed by the Commission  
20 from the list and in accordance with guidelines approved by the Auditor-  
21 General of the Federation, for auditing.

22 (3) The audited accounts of the Commission and the Auditor-  
23 General's report on those accounts shall form part of the Auditor General's  
24 overall annual report to the National Assembly.

Annual report

25 20.-(1) The Commission shall, not later than 30th June of each  
26 financial year, submit to the Attorney-General in respect of the preceding  
27 financial year an annual report on the activities of the Commission in such form  
28 as the Attorney-General may direct.

29 (2) The report under subsection (1) of this section shall include-

1 (a) information with regard to the activities of the Commission in  
2 that year;

3 (b) a copy of the audited accounts of the Commission for that year  
4 together with the Auditor-General's report on the accounts;

5 (c) statistical information about public interest disclosures and  
6 protected persons; and

7 (d) such other information as the Attorney-General may request.

8 (3) The Attorney-General shall, as soon as practicable after  
9 receiving the annual report, cause it to be submitted to the President.

10 (4) The Executive Director shall also, from time to time, provide  
11 the Attorney-General with such information relating to the affairs of the  
12 Commission as the Attorney-General may request.

13 PART VI - GENERAL PRINCIPLES FOR MAKING PUBLIC INTEREST

14 DISCLOSURE AND COMPLAINTS

15 21.-(1) Subject to the provision of section 1 (d) of this Act, a public  
16 interest disclosure is the disclosure of information that-

Meaning of public  
interest disclosure

17 (a) shows or tends to show that, in relation to the performance of a  
18 public function, including the functions listed in section 2 (2) of this Act, a  
19 public authority, a public officer, or a public sector contractor is, has been, or  
20 proposes to be, involved in a wrongful or unlawful activities; or

21 (b) relates to any of the offences referred to under section 2 (1) (b)  
22 of this Act.

23 (2) A public interest disclosure includes assistance given by a  
24 discloser.

25 (3) A disclosure is not a public interest disclosure if the discloser  
26 commits an offence by making it.

27 (4) A disclosure is not a public interest disclosure if it is an  
28 information made in respect of which a claim to legal professional privilege  
29 could be maintained.

30 (5) A disclosure is a legal professional privilege only if it is

- 1 disclosed in the course of obtaining legal advice in legal proceedings.
- Making of public  
interest disclosure 2 22.-(1) A person makes a public interest disclosure as provided under  
3 this Act if the person-
- 4 (a) believes on reasonable grounds that the disclosure is true; or  
5 (b) has no reasonable grounds on which to form a belief about the  
6 truth of the information but believes on reasonable grounds that the disclosure  
7 may be true and not solely for personal gain.
- 8 (2) A person may make a public interest disclosure about events that-
- 9 (a) happened or may have happened, whether before or after the  
10 commencement of this Act;
- 11 (b) are or may be happening at the time of making the disclosure; or  
12 (c) will or may happen at a later date.
- 13 (3) The making of a public interest disclosure in accordance with the  
14 provisions of this Act does not excuse, absolve or pardon a person from liability  
15 in respect of his conduct or involvement in the matter of the public interest  
16 disclosure.
- Mode of making  
public interest  
disclosure 17 23.-(1) A person may make a public interest disclosure orally, in  
18 writing or in such other manner as may be prescribed by the Commission in a  
19 regulation made under this Act, to-
- 20 (a) the Commission; or  
21 (b) an appropriate authority listed in the Schedule to this Act and  
22 responsible for the matter to which a public interest disclosure relates.
- 23 (2) Where a public interest disclosure is made to the Commission or  
24 an appropriate authority, the Commission or an appropriate authority, as the  
25 case may be, is considered to have received the disclosure for the purpose of  
26 this Act.
- Public interest  
disclosure in  
respect of an  
unidentified  
person 27 24. A person may make a public interest disclosure whether or not the  
28 person is able to identify a particular person to whom the disclosure relates.
- Public interest  
disclosure made  
under legal  
requirement 29 25.-(a) A person may make a public interest disclosure under a legal  
30 obligation;

1 (b) The fact that a person made a public interest disclosure under a  
2 particular provision of this Act does not prevent the person from making the  
3 disclosure under another provision of this Act or any other applicable law.

4 26.--(1) Where a person-

5 (a) has information that he may disclose as a public interest  
6 disclosure to the Commission; and

7 (b) discloses the information to a court in which the information is  
8 relevant and admissible,  
9 the disclosure is considered to be a public interest disclosure made to the  
10 court.

11 (2) The court may, after due consideration, refer the disclosure, for  
12 the purpose of this Act to the Commission or directly to the appropriate or  
13 competent authority.

14 27.--(1) The Attorney-General may by order published in the  
15 Federal Gazette prescribe a person ("a prescribed person") as an appropriate  
16 authority to receive public interest disclosure for the purposes of this Act.

17 (2) An order prescribing a person as an appropriate authority to  
18 receive public interest disclosure for the purposes of this Act-

19 (a) may specify persons or descriptions of persons or authorities;  
20 and

21 (b) shall specify the descriptions of matters in respect of which  
22 each person, or persons of each description, is or are prescribed.

23 (3) A person may make a public interest disclosure to a prescribed  
24 person under this Act where-

25 (a) the disclosure is in good faith; and

26 (b) the person reasonably believes that-

27 (i) the subject of the disclosure falls within any description of  
28 matters in respect of which that person is so prescribed, and

29 (ii) the information disclosed and any allegation contained in it, are  
30 substantially true.

Public interest  
disclosure in court  
proceedings

Public interest  
disclosure to  
prescribed person

Public interest  
disclosure to a  
journalist

1           28.-(1) A person may make a public interest disclosure of  
2           substantially the same information that was the subject of a public interest  
3           disclosure to a journalist where-

4           (a) the person has made a public interest disclosure under this Act to  
5           the Commission or to an appropriate authority; and

6           (b) the Commission or the appropriate authority to which the  
7           disclosure was made-

8           (i) decided not to investigate or deal with the disclosure,

9           (ii) investigated the disclosure but did not recommend the taking of  
10          any action in relation to the disclosure,

11          (iii) did not notify the person, within six months after the date the  
12          disclosure was made, whether or not the disclosure was to be investigated or  
13          dealt with.

14          (c) the discloser may request the Commission to review its decision  
15          and inform the Commission of his intention to inform the journalist after three  
16          months of disclosure.

17          (2) The disclosure of information to a journalist under this section is a  
18          public interest disclosure and the journalist may use the information as he  
19          deems appropriate within his professional duties;

General principles  
for complaint

20          29.-(1) The Commission-

21          (a) may determine the manner by which complaints are to be lodged;

22          (b) may decide in its absolute discretion whether, and if so, in what  
23          manner, it should notify the public of his action or intended action in any  
24          particular case.

25          (2) The Commission shall not investigate any matter-

26          (a) that is clearly outside his terms of reference;

27          (b) that is pending before the National Assembly, the Council of State  
28          or the President;

29          (c) that is pending before any court of law in Nigeria;

30          (d) relating to anything done or purported to be done in respect of any



1 member of the armed forces in Nigeria or the Nigeria Police Force under the  
2 Armed Forces Act, or the Police Act, as the case may be;

3 *[Cap. A20. Cap. PI9.]*

4 (e) in which the complainant has not, in the opinion of the  
5 Commission, exhausted all available legal or administrative procedures;

6 (f) relating to any act or thing done before 29 July 1975 or in respect  
7 of which the complaint is lodged later than twelve months after the date of  
8 the act or thing done from which the complaint arose;

9 (g) in which the complainant has no personal interest.

10 (3) For the purposes of paragraph (b) of subsection (2) of this  
11 section, a notice signed by the Secretary to the Federal Government and  
12 addressed to the Commission, certifying that any matter is pending before  
13 any of the bodies mentioned in that paragraph, shall be conclusive as to the  
14 pendency of the matter.

15 (4) In every case where the Commission decides not to investigate  
16 a complaint it shall state the reason.

17 PART VII - PROCEDURAL REQUIREMENTS FOR PUBLIC INTEREST

18 DISCLOSURES, PROTECTION AND COMPLAINTS

19 30. Subject to the provisions of this Act, the Commission shall  
20 receive and record all public interest disclosures made to it.

Duty to receive  
and record public  
interest disclosures

21 31.-(1) The Commission shall examine the public interest  
22 disclosure referred to in section 30 of this Act and determine the appropriate  
23 or competent authority to investigate the public interest disclosure.

Obligation to  
investigate public  
disclosures

24 (2) Where a public interest disclosure relates to any of the matters  
25 referred in section 2 (1) (b) of this Act, the Commission-

26 (a) shall refer the matter to the relevant competent authorities in the  
27 list contained in the Schedule to this Act; or

28 (b) may refer any other relevant disclosure to any appropriate  
29 authority for necessary investigation

30 (3) An appropriate or competent authority shall, on the receipt of

1 the referral under subsection (2) of this section, investigate or cause the matter  
2 to be investigated.

3 (4) An appropriate or competent authority may refuse to investigate,  
4 or may discontinue the investigation of a matter raised by the disclosure if it  
5 considers that-

6 (a) the public interest disclosure is too trivial to warrant investigation  
7 and that dealing with the public interest disclosure would substantially and  
8 unreasonably divert the resources of the appropriate or competent authority.

9 (b) the public interest disclosure is vexatious or frivolous;

10 (c) the appropriate or competent authority reasonably considers that  
11 the public interest disclosure should be dealt with by another appropriate  
12 process;

13 (d) another appropriate or competent authority that has jurisdiction to  
14 investigate the public interest disclosure has recommended that investigation  
15 of the disclosure is not necessary; or

16 (e) the matter is being or has been adequately or properly investigated  
17 by another appropriate or competent authority to which a public interest  
18 disclosure has been made in accordance with the Schedule to this Act.

19 (5) An appropriate or a competent authority that refuses to investigate  
20 or deal with, or discontinues the investigation of a public interest disclosure  
21 under subsection (2) of this section, shall give reasons in writing for its decision  
22 to the Commission and the person that made the public interest disclosure shall  
23 be informed, accordingly, by the Commission.

24 (6) A person who receives reasons for a decision of an appropriate or  
25 competent authority under subsection (5) of this section may apply for a review  
26 of the decision through the Commission to the appropriate or competent  
27 authority within twenty-eight days of the receipt of the reasons.

28 (7) Where an appropriate or competent authority is a person subject  
29 of, or affected by the public interest disclosure, the disclosure shall be made to  
30 the Commission.

1           32.-(1) Where an appropriate or a competent authority forms the  
2 opinion that a person may be, may have been, or may in the future be,  
3 involved in a matter that may be the subject of a public interest disclosure,  
4 the appropriate or competent authority shall take such action as is necessary,  
5 reasonable, and within its functions and powers, to-

Action by  
appropriate or  
competent authority

6           (a) prevent the matter to which the public interest disclosure relates  
7 from continuing or occurring in the future;

8           (b) refer the matter to a competent authority referred to in the  
9 Schedule to this Act or to any other person or body having power to  
10 investigate the matter, or

11           (c) cause disciplinary action to be commenced, against a person  
12 responsible for the matter.

13           (2) Before taking action under subsection (1) (a) or (c) of this  
14 section, the appropriate or competent authority shall afford a person against  
15 whom, or in respect of whom, the action is to be taken the opportunity to  
16 make a submission, either orally or in writing, in relation to the matter.

17           33.-(1) Where a public interest disclosure is made to the  
18 Commission, the Commission shall, subject to section 34 of this Act, within  
19 three months after the disclosure is made, notify the person who made the  
20 disclosure of the action taken or proposed to be taken in relation to the  
21 disclosure.

Notification to a  
person who made  
public interest  
disclosure

22           (2) A discloser who has made a public interest disclosure under  
23 this Act, and has not received any information on the progress made in the  
24 investigation, may request the Commission to provide a report on the  
25 progress made in dealing with the public interest disclosure.

26           (3) The Commission shall request for progress report in relation to  
27 the investigation from the appropriate or competent authority dealing with  
28 the matter in compliance with the request made in subsection (2) of this  
29 section.

30           (4) If an investigation into a matter in relation to which the public

1 interest disclosure was made is complete, the appropriate or competent  
 2 authority who carried out the investigation shall submit a final report to the  
 3 Commission, who shall communicate the final report to the discloser stating-

4 (a) the outcome of the investigation and any action the appropriate or  
 5 competent authority has taken or proposes to take as a result of the  
 6 investigation; and

7 (b) the reason for taking the action that has been taken or that is  
 8 proposed to be taken.

Limitation on  
 notification to a  
 person that made  
 the public interest  
 disclosure

9 34. An appropriate or a competent authority shall not, in a notification  
 10 or report under section 33 of this Act, give information that, in its opinion, is  
 11 likely to adversely affect-

12 (a) the safety of a person;

13 (b) the investigation of an offence or possible offence; or

14 (c) the confidentiality of the existence or identity of a discloser other  
 15 than the person being given the information.

Limitation on  
 obligations of  
 certain persons

16 35.-(1) A competent authority listed in the Schedule to this Act that is  
 17 responsible for investigating any matter relating corruption, financial or  
 18 economic crimes referred to it for investigation is not required to comply with  
 19 the provisions of sections 33 and 34 of this Act if the public interest disclosure  
 20 relates to a matter that is a function of that competent authority to-

21 (a) to investigate, inquire into or deal with, or

22 (b) take any other step with respect to,

23 under any other written law, whether on the complaint of a person or on their  
 24 own volition.

25 (2) Where a public interest disclosure is made-

26 (a) to a prescribed person; and

27 (b) the disclosure relates to a matter which is a function of the person  
 28 to investigate, inquire into, deal with, or take any other step with respect to,  
 29 under another written law, whether on the complaint of a person or on that  
 30 person's own volition.

1 sections 33 and 34 of this Act do not apply to that prescribed person in  
2 relation to that disclosure;

3 (c) Where a prescribed person has a duty under a written law other  
4 than this Act to make a progress report to a person who has made a complaint  
5 to him-

6 (a) section 33 of this Act does not apply to the prescribed person;  
7 and

8 (b) the progress report shall be made to a person who made the  
9 public interest disclosure to that prescribed person under this Act as if the  
10 disclosure were the making of a complaint under that written law.

11 36.-(1) The accounting officer or chief executive of a public  
12 authority shall-

Obligations of  
accounting officers  
or chief executives  
of public authorities

13 (a) designate the occupant of a specified position with the public  
14 authority as the person responsible for receiving public interest disclosures;

15 (b) provide protection from detrimental action or the threat of acts  
16 of victimisation against an employee of the public authority who makes a  
17 public interest disclosure;

18 (c) ensure that the public authority complies with the provisions of  
19 this Act;

20 (d) ensure that the public authority complies with the standards  
21 established by the Commission under section 16 of this Act;

22 (e) prepare and publish internal procedures relating to the public  
23 authority's obligations under this Act; and

24 (f) provide information annually to the Commission on-

25 (i) the number of public interest disclosures received by the  
26 designated officer of the public authority referred to in subsection (1) (a) of  
27 this section over the report period,

28 (ii) the results of any investigation conducted as a result of the  
29 public interest disclosures and the action, if any, taken as a result of each  
30 investigation, and

1 (iii) such other matters as are prescribed.

2 (2) Internal procedures prepared under subsection (1)(e) of this  
3 section shall be consistent with guidelines prepared by the Commission under  
4 section 17 of this Act.

Recommendations  
after investigation

5 37.-(1) The Commission may recommend to the appropriate person  
6 or responsible administrative agency, after due investigation of any disclosure  
7 or complaint, any of the following steps, that is-

8 (a) that a further consideration of the matter be made;

9 (b) that a modification or cancellation of the offending administrative  
10 or other act be effected;

11 (c) that an alteration of a regulation or ruling be effected;

12 (d) that full reasons behind a particular administrative or other act be  
13 given.

14 (2) Where appropriate, the Commission may refer cases, where he  
15 feels that existing laws or administrative regulations or procedures are  
16 inadequate, to the National Assembly or the appropriate House of Assembly of  
17 a State or to any other appropriate person or body.

18 (3) In every case where the Commission discovers that a crime may  
19 have been committed by any person, he shall report his findings to the  
20 appropriate authority or recommend that person be prosecuted.

21 (4) In every case where the Commission is of the opinion that the  
22 conduct of any person is such that disciplinary action against such a person be  
23 taken, he shall make a report in that regard to the appropriate authority which  
24 shall take such further action as may be necessary in the circumstances.

#### 25 PART VIII - REFERRAL OF PUBLIC INTEREST DISCLOSURE

Referral of public  
interest disclosure  
by appropriate  
authority

26 38.-(1) An appropriate authority to which a public interest disclosure  
27 is made under section 23 of this Act, or referred under section 39 of this Act,  
28 may refer the public interest disclosure to a referral authority if the disclosure  
29 relates to-

30 (a) the referral authority or a public officer of the referral authority; or

1 (b) an appropriate authority, or another matter, that the referral  
2 authority has the power to investigate or remedy.

3 (2) The power of an appropriate authority to investigate or remedy  
4 conduct that is the subject of a public interest disclosure is not limited by a  
5 referral of the disclosure under subsection (1) of this section.

6 (3) An appropriate authority shall not refer a public interest  
7 disclosure to another appropriate authority if it considers that there is an  
8 unacceptable risk that a reprisal may be occasioned because of the referral.

9 (4) In considering whether there would be an unacceptable risk, the  
10 appropriate authority shall, if practicable, consult with the person who made  
11 the public interest disclosure.

12 (5) This section does not affect any other law under which an  
13 appropriate authority is expected to refer a report, complaint, information or  
14 evidence to another authority.

15 (6) In relation to referral, there should a subsection (6) that will  
16 require an appropriate authority to notify the Commission subject to section  
17 34. (limitation ....)

18 39.-(1) The Presiding Officer of a Legislative House to whom a  
19 public interest disclosure is made under section 5 of this Act may refer the  
20 disclosure to another appropriate authority if the Presiding Officer considers  
21 that the referral authority has power to investigate or remedy the conduct or  
22 other matter that is the subject of the disclosure.

Referral of public  
interest disclosure  
by Presiding Officer  
of Legislative House

23 (2) A Legislative House may, notwithstanding a referral under  
24 subsection (1) of this section, deal with the public interest disclosure.

25 40.-(1) Section 39 of this Act does not limit the immunities,  
26 powers, privileges or rights of a Legislative House or of its members or  
27 Committee in relation to a public interest disclosure made to a Presiding  
28 Officer.

Referral does not  
limit immunities  
of a Legislative  
House

29 (2) In this section-

30 "Committee" means a Committee of the Legislative House, whether or not a

1 standing committee.

2 PART IX - PUBLIC INTEREST DISCLOSURE PROTECTION PROGRAMME

Rules of  
confidentiality  
and disclosure  
of information

3 41.-(1) The Executive Director and any other employee of the  
4 Commission shall, on assumption of office in the Commission, take an oath or  
5 make an affirmation in the prescribed form.

6 (2) The oath or affirmation referred to in subsection (1) of this section,  
7 shall be taken or made, in the case of-

8 (a) the Executive Director, before the Attorney-General; and

9 (b) any other employee of the Commission, before the Executive  
10 Director.

11 (3) Subject to subsection (4) of this section, a person who obtains  
12 information in the ordinary course of his official duty relating to the  
13 administration of the Programme, shall not be required in any proceedings  
14 before any court, tribunal or commission of inquiry, howsoever described, to-

15 (a) produce any document; or

16 (b) divulge or communicate any matter obtained, relating to the  
17 performance of his duties in connection with the Programme,  
18 unless the Court makes an order in the interest of justice that provides to the  
19 contrary, or the proceedings relate to an offence against this Act.

20 (4) Subject to subsection (6) of this section, the Commission may, on  
21 such conditions as it considers fit, disclose any information in respect of a  
22 witness-

23 (a) with the consent of-

24 (i) the discloser concerned, or

25 (ii) his parent or guardian, if any, if he is a minor;

26 (b) where the discloser has previously disclosed the information or  
27 acted in a manner which resulted in the disclosure;

28 (c) where the disclosure is-

29 (i) required for the exercise or protection of any right, or

30 (ii) in the public interest; or



1 (d) in any criminal proceedings, if the disclosure is necessary to  
2 establish the guilt or innocence of a person.

3 (5) The Commission shall not disclose any information in respect  
4 of a minor without the prior approval of a Judge in chambers.

5 (6) The Commission shall, before it discloses any information in  
6 respect of a witness in the circumstances referred in subsection (4) (b), (c) or

7 (d) of this section, take reasonable steps to notif-

8 (a) the discloser; or

9 (b) the parent or guardian of the discloser, if any, if he is a minor,  
10 of the contemplated disclosure in the prescribed manner.

11 (7) The Commission shall allow a discloser or, where applicable,  
12 his parent or guardian, if any, to make written representations to it within the  
13 prescribed period and in the prescribed manner in relation to any matter  
14 relating to the contemplated disclosure.

15 (8) The provisions of subsection (6) of this section do not apply if  
16 the Commission is of the opinion that the notification may jeopardize the  
17 purpose for which the information is to be disclosed.

18 (9) The Commission shall, in determining whether information in  
19 respect of a discloser should be disclosed under subsection (4) of this  
20 section, take into consideration-

21 (a) the reasons for the disclosure;

22 (b) the probability that the disclosure may endanger the safety of  
23 the witness concerned or that of any other protected person or the integrity  
24 of the Programme under this Act;

25 (c) whether the need for the disclosure can effectively be met by  
26 any other means;

27 (d) whether there are effective means available to prevent any  
28 further disclosure of the information; and

29 (e) any other factor that, in the opinion of the Commission, should  
30 be taken into consideration.

1 (10) A person shall not disclose any information referred to in  
2 subsection (3) of this section-

3 (a) which came into his possession, or to his knowledge or was  
4 disclosed to him; or

5 (b) where he ought to have reasonably suspected that the information  
6 was disclosed to him, in contravention of the provisions of that subsection.

7 (11) A person, in respect of whom proceedings are, or may be, or have  
8 been instituted or conducted, or who is a suspect in the proceedings, shall not  
9 have access to any information, record, document or statement relating to the  
10 proceedings concerned, including any information, record, document or  
11 statement which is-

12 (a) contained in, or forms part of, a police docket; or

13 (b) is held by any police officer charged with the investigation relating  
14 to the proceedings,  
15 which may disclose any information referred to in section 30 of this Act, unless  
16 the Commission otherwise directs.

17 42.-(1) A Judge-

18 (a) at any proceeding in which a protected person is a party or a  
19 witness; or

20 (b) at any proceeding, other than "proceedings" as defined in section  
21 82 of this Act, instituted or conducted under any law, in which a protected  
22 person is a party or a witness and in respect of which he is under any law  
23 compellable to-

24 (i) answer questions,

25 (ii) give assistance, or

26 (iii) produce any book, record, document or object in his possession  
27 or under his control in the proceedings,

28 shall make an order referred to in subsection (2) of this section.

29 (2) The Judge shall make an order under subsection (1) of this section  
30 prohibiting the publication of any information, including any drawing, picture,

1 illustration, painting, photograph, whether produced through or by means  
2 of computer software on a screen or a computer printout, pamphlet, poster  
3 or other printed material, which may disclose the information relating to-

4 (a) the circumstances of the protected person;

5 (b) the identity of any protected person and the place of safety or  
6 location where the person is being protected; or

7 (c) the relocation or change of identify of the protected person,  
8 unless the Commission satisfies the Judge that exceptional circumstances,  
9 which are in the interest of justice, exist why the order should not be made.

10 43.-(1) The Commission may, with the approval of the Attorney-  
11 General, make an arrangement with a foreign State, international body,  
12 institution or organization on any matter relating to cooperation between  
13 Nigeria and that State, international body, institution or organization  
14 relating to witness protection.

Agreements with  
international bodies,  
institutions,  
organizations or  
foreign countries

15 (2) The Commission may enter into an agreement, either in general  
16 or on specific terms and condition with a competent authority in a foreign  
17 country in other to-

18 (a) place a protected person under a public interest disclosure  
19 protection arrangement administered by that country; or

20 (b) admit a protected person to public interest disclosure protection  
21 arrangement under any law applicable to that country.

#### 22 PART X - IMMUNITY AND PROTECTION

23 44. A person who makes a public interest disclosure under this

24 Act-

25 (a) does not incur civil or criminal liability for doing so; and

26 (b) is not, for doing so, liable-

27 (i) to any disciplinary action under a written law,

28 (ii) to be dismissed,

29 (iii) to have his services dispensed with or otherwise terminated, or

30 (iv) for any breach of a duty of secrecy or confidentiality or any

Immunity for  
public interest  
disclosure

1 other restriction on disclosure, whether or not imposed by a written law,  
2 applicable to the person.

Immunity from  
legal process

3 45.-(1) The Commission shall be liable to be sued in any court of law  
4 for any act done or omitted to be done in the due exercise of his duties under or  
5 pursuant to this Act.

6 [1979 No. 21.]

7 (2) Any report, statement or other communication or record of any  
8 meeting, investigation or proceedings which a Commissioner, officer or  
9 servant of the Commission may make in the due exercise of his functions under  
10 this Act, shall be privileged in that its production may not be compelled in any  
11 legal proceedings if the Attorney-General of the Federation certifies that such  
12 production is not in the public interest.

Offence of  
reprisal

13 46.-(1) A person who takes or threatens to take detrimental action  
14 against another person because a person has made, or intends to make, a public  
15 interest disclosure under this Act commits an offence and is liable on  
16 conviction to a fine of not less than five hundred thousand naira or  
17 imprisonment for a term of not less than two years or to both.

18 (2) A person who-

19 (a) attempts to commit an offence created by subsection (1) of this  
20 section; or

21 (b) intending that an offence created by subsection (1) be committed,  
22 incites another person to commit that offence,

23 commits an offence and is liable on conviction to a fine of not less than five  
24 hundred thousand naira or imprisonment for a term of not less than two years or  
25 to both.

Remedies for  
acts of victimisation

26 47.-(1) A person who takes or threatens to take detrimental action  
27 against another person because a person has made, or intends to make, a public  
28 interest disclosure under this Act commits an act of victimisation which may be  
29 dealt with as a tort.

30 (2) Proceedings in tort under subsection (1) of this section may be

1 taken against the perpetrator of an act of victimisation or an employer of the  
2 perpetrator.

3 (3) In proceedings against an employer of the perpetrator of an act  
4 of victimisation, it is a defence for the employer to prove that the employer-

5 (a) was not knowingly involved in the act of victimisation;

6 (b) did not know and could not reasonably be expected to have  
7 known about the act of victimisation; and

8 (c) could not, by the exercise of reasonable care, have prevented  
9 the act of victimisation.

10 (4) Notwithstanding any other provision of this Act, this section  
11 has no retrospective effect and no proceeding may be taken under this  
12 section in relation to an act of victimisation that occurred before the  
13 commencement of this Act.

14 48.-(1) A person may present to the Commission a complaint that  
15 he has been subjected to an act of victimisation in contravention of section  
16 47 of this Act.

Compensation  
for victimisation

17 (2) Where a complaint is presented under subsection (1) of this  
18 section and the act of victimisation to which the person is subjected to is-

19 (a) the termination of the person's employment, he shall be paid  
20 such compensation for any loss he has suffered, as the authority or court  
21 hearing the complaint determines to be just and equitable; or

22 (b) dismissal, he shall be paid such compensation as shall be  
23 prescribed by regulations made under this Act.

24 (3) Compensation may be paid under this section even if a  
25 prosecution in relation to an offence under section 47 of this Act has not been  
26 brought, or cannot be brought.

27 49.-(1) A person receiving, investigating, or otherwise dealing  
28 with a public interest disclosure under this Act, shall regard and deal with, as  
29 secret and confidential-

Duty as to secrecy  
and confidentiality

30 (a) the identity of the person making the public interest disclosure

1 and the disclosure made; and

2 (b) any statement given, or document, information or thing provided  
3 to the person in the course of carrying out an investigation, except that any  
4 statement given, or document, information or thing provided, in furtherance of  
5 an investigation, or any legal or disciplinary proceedings, shall not be regarded  
6 as being inconsistent with the obligation for secrecy and confidentiality.

7 (2) A person shall not make a disclosure that might identify or tend to  
8 identify a person as the person who has made a public interest disclosure under  
9 this Act, unless the person who made the public interest disclosure consents to  
10 the disclosure that might identify or tend to identify him.

11 (3) A person who contravenes subsection (1) of this section commits  
12 an offence and is liable on conviction to a fine of not less than five hundred  
13 thousand naira or imprisonment for a term of not less than two years or to both.

Preservation of  
confidentiality

14 **50.**-(1) Without prejudice to section 49 of this Act, if a person gains  
15 any other confidential information because of the person's involvement in the  
16 administration of this Act, the person shall not make a record of the  
17 information, or intentionally or recklessly disclose the information to anyone,  
18 other than as provided under subsection (4) of this section.

19 (2) A person who contravenes subsection (1) of this section commits  
20 an offence and is liable on conviction to a fine of not less than five hundred  
21 thousand naira or imprisonment for a term of not less than two years or to both.

22 (3) A person gains information because of his involvement in the  
23 administration of this Act if the person gains the information, including  
24 receiving information relating to a public interest disclosure for a appropriate  
25 or competent authority, because of being involved, or an opportunity given to  
26 him by being involved, in the administration of this Act.

27 (4) A person may make a record of confidential information or  
28 disclose it to another person-

29 (a) for the purposes of this Act;

30 (b) to discharge a function under another legislation, including the

1 investigation of matters disclosed by a public interest disclosure;

2 (c) for a proceeding in a court;

3 (d) if the person to whom the confidential information relates  
4 consents in writing to the making of the record or disclosure of the  
5 information;

6 (e) where-

7 (i) the person cannot reasonably obtain the consent of the person to  
8 whom the confidential information relates, and

9 (ii) making the record or disclosing the information is unlikely to  
10 harm the interests of the person to whom the confidential information relates  
11 and is reasonable in all the circumstances;

12 (f) if there are reasonable grounds to believe that making the  
13 record or disclosing the information is necessary to -

14 (i) prevent or reduce the risk of injury to any person or damage to  
15 any property; and

16 (ii) provide for the safety or welfare of a person; or

17 (g) if authorised under regulations made under this Act or under  
18 any other law.

19 (5) This section does not affect an obligation a person may have  
20 under the principles of natural justice to disclose information to a person  
21 whose rights would otherwise be adversely affected.

22 (6) In this section, "confidential information"-

23 (a) includes information-

24 (i) disclosed by a public interest disclosure.

25 (ii) about an individual's personal affairs, and

26 (iii) that, if disclosed, may be detrimental to a person; and

27 (b) does not include information publicly disclosed in a public  
28 interest disclosure made to a court, tribunal or other body that may receive  
29 evidence under oath, unless further disclosure of the information is  
30 prohibited by law.

Loss of protection

1                   **51.-(1)** A person who makes a public interest disclosure under this Act  
 2                   and-  
 3                   (a) fails, without reasonable excuse, to assist a person investigating a  
 4                   matter to which the disclosure relates by supplying the person with any  
 5                   information requested, whether orally or in writing, by the person in such  
 6                   manner, and within such period, as is specified by the person making the  
 7                   request; or  
 8                   (b) discloses information contained in a public interest disclosure  
 9                   otherwise than under this Act,  
 10                  forfeits the protection given by section 39 of this Act.

11                  (2) Where a court is considering whether a person has pursuant to  
 12                  subsection (1) of this section forfeited the protection of section 39 of this Act  
 13                  and is of the opinion that the failure or disclosure-

14                  (a) has not materially prejudiced the public interest served by the  
 15                  appropriate disclosure; and

16                  (b) is of a minor nature,  
 17                  it may make an order restoring, in whole or in part, the protection afforded  
 18                  under section 39 of this Act, and such consequential orders as are necessary to  
 19                  give effect to the order.

20                  PART XI - PROTECTION OF EMPLOYEES MAKING PUBLIC INTEREST  
 21                  DISCLOSURES

Right of employees  
to appeal or apply  
for review

22                  **52.-(1)** An employee who, under any other law, has a right to appeal  
 23                  against, or apply for a review of any of the following actions-

24                  (a) disciplinary action taken against the employee;

25                  (b) the appointment or transfer of the employee or another employee  
 26                  to a position as an employee; or

27                  (c) unfair treatment of the employee,

28                  may, whether or not this Act specifies grounds for the appeal or review, also  
 29                  appeal against the action or apply to have the action set aside because he was  
 30                  subjected to an act of victimisation for making a public interest disclosure.



(2) Subsection (1) of this section applies even if the decision on the hearing of the appeal or review is in the form of a recommendation.

Relocation of employees

53.-(1) An employee may make an application to his employer for relocation on the ground that-

(a) it is likely that he will be subjected to an act of victimisation if he continues in his existing work location; and

(b) the only practical way to remove or substantially remove the danger of an act of victimisation is to relocate the employee.

(2) Where the employer considers that the ground under subsection (1) of this section is established, he may-

(a) direct that the employee be relocated within the employee's department or to another department; and

(b) do or authorize the doing of anything necessary or convenient to relocate the employee.

(3) An employer shall not give a direction under subsection (2) of this section without the agreement of-

(a) the employee; and

(b) where the relocation is to another department, the head of that department.

PART XII - PUBLIC INTEREST DISCLOSURES PERTAINING TO PUBLIC

FUNDS, ASSETS AND RESOURCES IN THE CUSTODY OF PUBLIC

AUTHORITIES

Public interest disclosures relating to public funds, etc.

54.-(1) This Part deals with disclosures made in connection with wrongdoing referred to in section 53 of this Act pertaining to public funds,

assets or resources in the custody of a public authority, including the accounts of the National Assembly and the judiciary.

(2) Any disclosure made pursuant to subsection (1) of this section is a public interest disclosure within the meaning of section 1 (d) of this Act

and falls under the oversight responsibility of the Commission.

(3) A public interest disclosure under this Part may be made by any

1 public officer, an employee of any public authority, a public sector contractor  
2 or any person within or outside a particular public authority, provided that-

3 (a) the disclosures are made in good faith and raise concern with the  
4 public authority; and

5 (b) the person making the disclosure has reasonable grounds to  
6 believe that there is serious wrong doing by anybody within any public  
7 authority or office or other related institutions of Government.

8 (4) Public interest disclosures made shall-

9 (a) not apply to personal grievances concerning private contracts,  
10 complaints of bullying or harassment or to disciplinary matters in respect of  
11 which the procedures for their treatment and protection are contained in other  
12 laws, rules and regulations;

13 (b) address genuine concerns, in a public spirited manner and made in  
14 good faith believing that the information disclosed and allegations contained  
15 in it are substantially true;

16 (c) not be made for purpose of personal gain; and

17 (d) in all circumstances be reasonable to make the disclosure

Matters to which  
public interest  
disclosure under  
this Part may be  
made

18 55.-(1) The public interest disclosures on the revenues, expenditure  
19 and other dishonest issues relating to public funds, assets and other resources  
20 can be made on matters including-

21 (a) a breach of Government Financial Regulations, particularly in  
22 cases of non-compliance with the provisions of any enactment, rule or  
23 regulation on the financial regulations, public procurement and finance control  
24 and management enactment or any other related legislation as may be enacted  
25 by the National Assembly;

26 (b) mismanagement or misappropriation of public funds, finances or  
27 assets, including any Government property, whether real or incorporeal,  
28 vehicles and any property of any kind;

29 (c) fraud, corruption and theft in relation to public funds or any  
30 Government property whatsoever;

1 (d) collecting or soliciting for bribes in connection with any  
2 Government transaction or business;

3 (e) improper conduct or any dishonest behaviour in connection  
4 with any of the matters referred to in paragraphs (a) to (d) of this subsection;

5 (f) engaging in acts that impact negatively on the integrity of  
6 Nigeria; and

7 (g) undertaking actions calculated to or attempting to suppress or  
8 conceal any information relating to any or all of the matters referred to under  
9 this subsection.

10 (2) For the purpose of this section, disclosures of acts of  
11 wrongdoing in relation to-

12 (a) public revenue include-

13 (i) any violation of the Treasury Single Accounts and guidelines  
14 prohibiting the opening and maintenance of multiple revenue accounts;

15 (ii) diversion or under-reporting of revenues;

16 (iii) non-remittance or late remittance of revenue;

17 (iv) mismanagement or conversion of Government revenues to  
18 personal use; and

19 (v) such other acts, or omissions calculated or amounting to any  
20 diversion of revenue;

21 (b) public expenditures include-

22 (i) unauthorised or unapproved spending or utilisation of public  
23 funds,

24 (ii) spending public funds without appropriate documentations or  
25 raising of vouchers without appropriate authorisation or signature,

26 (iii) failure to comply with efficiency expenditure guidelines or  
27 circular,

28 (iv) making fraudulent payments,

29 (v) spending public funds in violation of public procurement rules  
30 and procedures, frauds, particularly involving in and receiving

- 1 gratifications and back payments or bribes;
- 2 (vi) splitting of contracts contrary to the provisions of the public
- 3 procurement legislation,
- 4 (vii) manipulating of payrolls leading to the creation of fictitious
- 5 workers and engaging in person frauds, and
- 6 (viii) carrying out such other acts capable of undermining approved
- 7 expenditures made out of public funds.
- 8 (3) In establishing whether any act of wrongdoing has been
- 9 committed in relation to public funds or such other dishonest issues that shall
- 10 be considered include any proof or evidence of-
- 11 (a) manipulation of any data or records;
- 12 (b) mismanagement of financial information;
- 13 (c) mismanagement or misappropriation of public funds assets,
- 14 properties, real or incorporeal and any vehicles or other chattels of any kind
- 15 whatsoever;
- 16 (d) collecting or soliciting for bribes;
- 17 (e) conflict of interest pertaining to the use of public funds;
- 18 (f) theft of public funds and assets;
- 19 (g) corruption in any form or guise; or
- 20 (h) any other consideration or matter that can establish whether any
- 21 act of wrongdoing has been committed in relation to public funds.

Protection of  
persons making  
disclosures on  
wrongful doings  
in connection  
with public funds  
and assets

22 56.- (1) The Commission and any appropriate authority shall ensure

23 that a person making a public interest disclosure shall not be penalised or suffer

24 any adverse treatment on account of the public interest disclosure made under

25 this Act.

26 (2) The Commission shall ensure that the person that made the public

27 interest disclosure receives adequate protection and compensation, as the case

28 may be, under the provisions of this Act.

Protection of  
identity of persons  
making a public  
interest disclosure

29 57.- (1) A person making a disclosure to the Commission or an

30 appropriate authority shall state his name and contact address for

1 correspondence purpose to any public interest disclosure made.

2 (2) Anonymous public interest disclosures made to the  
3 Commission, or made or referred to an appropriate authority shall be  
4 investigated, taking into consideration the severity of the issues raised, the  
5 credibility of the allegation and the prospects of being able to investigate the  
6 matter effectively and in fairness to any person or group of persons reported  
7 upon.

8 (3) The Commission or the appropriate authority, as the case may  
9 be, shall upon the receipt of a public interest disclosure ensure that the  
10 person against whom a public interest disclosure is made is notified within  
11 twenty-eight days of the disclosure made with supporting evidence, if any,  
12 to allow the person to respond to the disclosure.

13 58.-(1) Where an investigation or referral under this Part led the  
14 Commission or the appropriate or competent authority to the conclusion  
15 that a wrongdoing pertaining to the public funds, assets or resources referred  
16 to in section 52 of this Act has occurred, the matter shall be referred to the  
17 competent authority referred to in the Schedule to this Act for further  
18 investigations with the aim of instituting criminal action or for the  
19 commencement of civil action for the recovery, from the person concerned,  
20 of the proceeds of the wrongful or unlawful activities in relation to the public  
21 funds, assets or resources from the person concerned.

22 (2) Notwithstanding the provisions of subsection (1) of this  
23 section, disciplinary action may be commenced under the appropriate  
24 disciplinary procedures against the person concerned in respect of that  
25 person's involvement in the wrongdoing for which he has been found  
26 culpable.

27 59. In the exercise of its functions under this Part, the Commission  
28 or the appropriate authority may, for the purpose of carrying out the required  
29 investigations, request assistance from any investigating unit established by  
30 the Government or by any appropriate authority for the purpose of carrying

Referral to a  
competent authority  
for further  
investigation and  
prosecution

Involvement of  
other investigating  
authorities

1 out investigations into cases of misuse of public funds, assets or other  
2 resources.

Protection and  
compensation  
payable for  
public interest  
disclosure

3 60.-(1) The Commission shall afford protection as provided under  
4 this Act to any person who makes a disclosure in public spirit and in good faith  
5 under this Act regardless of whether or not the disclosure made is upheld  
6 against the person reported upon.

7 (2) A person who has made a disclosure as provided under this Act and  
8 suffers any adverse treatment as a result of making a public interest disclosure  
9 shall file a formal complaint in the prescribed manner to the Commission  
10 giving details of the adverse treatment encountered by him.

11 (3) The Commission shall give opportunity to the person or public  
12 authority against whom the report or complaint is made to show that the action  
13 complained of were not taken in retaliation of the public interest disclosure  
14 made.

15 (4) Where a prima facie case of adverse treatment has been  
16 established against the person or public authority, the Commission shall  
17 investigate the matter and shall cause disciplinary action to be taken against the  
18 perpetrator of the retaliatory action as provided under this Act.

19 (5) The Commission shall ensure that restitution shall be made to the  
20 person who suffered as a result of the retaliatory action for any loss suffered in  
21 accordance with the provisions of this Act.

External referrals

22 61. Subject to the provisions of sections 31, 32 and 33 of this Act,  
23 where-

24 (a) a person has made a genuine and bona fide public interest  
25 disclosure to the Commission; and

26 (b) the public interest disclosure has been referred to a competent  
27 authority for purposes of investigation and,  
28 the person may, if dissatisfied with the investigation and its outcome re-present  
29 the matter to the Commission for a re-opening of the investigation into the  
30 public interest disclosure.

1 PART XIII - REWARD AND COMPENSATION FOR RECOVERY OF STOLEN  
2 OR ILLEGALLY CONCEALED PUBLIC FUNDS OR ASSETS AND FOR OTHER  
3 PUBLIC INTEREST DISCLOSURES

4 62.-(1) The Attorney-General may on the recommendation of the  
5 Commission, by regulations prescribe the amount of compensation payable  
6 for public interest disclosures made pursuant to the provisions of this Act.

Compensation  
payable for public  
interest disclosures  
generally

7 (2) The Attorney-General may also on the advice of the  
8 Commission review, from time to time, by regulations the amount of  
9 compensation payable under subsection (1) of the section.

10 63.-(1) A person who makes a public interest disclosure leading to  
11 the recovery of public funds or assets stolen by any former or serving public  
12 officer shall be entitled to compensation as an incentive for making the  
13 public interest disclosure.

Compensation  
payable for recovery  
of stolen or illegally  
concealed public  
funds, etc.

14 (2) The compensation referred to in subsection (1) of this section  
15 shall be payable from the fund established under 16 of this Act.

16 (3) A person shall be eligible for payment under the Protection  
17 Fund where the person makes a report of-

18 (a) illegally hidden or concealed public funds, either inside or  
19 outside Nigeria;

20 (b) former or serving public officers hiding stolen public funds or  
21 other assets either inside or outside Nigeria;

22 (c) payments for public contracts awarded and not performed;

23 (d) stolen or mismanaged pension funds;

24 (e) tax fraud or evasion;

25 (f) fraudulent practices in securities dealings; and

26 (g) any person, body or authority holding public funds or assets in  
27 trust for and on behalf of any of the person involved in any of the  
28 wrongdoing or unlawful activities referred to in paragraphs (a) to (f) of this  
29 subsection.

30 (4) A person shall not be paid any compensation from the

1 Protection Fund under this section where-

2 (a) the Commission finds the information given to be misleading,  
3 untrue, speculative, publicly known or obtained by any means or in a manner  
4 that constitutes a criminal offence under any enactment; or

5 (b) no recoveries of the public funds, assets and other resources were  
6 made.

Offences and  
penalties for  
making untrue  
disclosure in  
relation to public  
funds, assets, etc.

7 64.-(1) A person who does not act in good faith or makes an allegation  
8 pertaining to wrongful or unlawful use of public funds or assets without having  
9 reasonable grounds for believing it to be substantially true, or makes it for  
10 purposes of personal gain or makes it maliciously or vexatiously commits an  
11 offence under this Act.

12 (2) A person who commits an offence under subsection (1) of this  
13 section is liable on conviction liable to a fine of five hundred thousand naira or  
14 imprisonment for a term of not less than two years or to both.

Making untrue  
statement for the  
purpose of receiving  
a reward under  
the Protection  
Fund

15 65.-(1) A person shall not for the purpose of receiving a reward under  
16 this Act provide information that is false or misleading in any way.

17 (2) A person found liable under the provision of subsection (1) of this  
18 section commits an offence and is liable on conviction imprisonment of not less  
19 than three years without option of a fine.

#### 20 PART XIV - OFFENCES AND PENALTIES

False or misleading  
disclosure

21 66.-(1) A person who makes a statement to the Commission or to an  
22 appropriate or competent authority intending that it be acted on as a public  
23 interest disclosure and in the statement, or in the course of inquiries into the  
24 statement, intentionally gives information that he-

25 (a) knows is false or misleading; or

26 (b) is reckless about whether it is false or misleading in a material  
27 particular,

28 commits an offence and is liable on conviction to a fine of not less than five  
29 hundred thousand naira or imprisonment for a term of not less than twelve  
30 months or to both.



1 (2) For the purposes of subsection (1) of this section, a statement is  
 2 made to the Commission or to an appropriate or competent authority if, were  
 3 the statement truly a public interest disclosure, it is disclosed to Commission  
 4 or to an appropriate or competent authority for the purposes of the Schedule  
 5 to this Act.

6 (3) A person who makes a statement in contravention of this  
 7 section is not protected by this Act in respect of that statement, whether or  
 8 not it is truly a public interest disclosure.

9 67. A person who, without lawful excuse, discloses information-

10 (a) about the identity or location of a person who is or has been a  
 11 discloser under the Programme; or

12 (b) which compromises the security of that discloser,  
 13 commits an offence and is liable on conviction to a fine of not less than one  
 14 million Naira or imprisonment for a term not less than five years or to both.

15 68. A person who, without prior written approval of the  
 16 Commission, in connection with an activity carried on by him, takes,  
 17 assumes, uses or in any manner publishes a name, description, title or  
 18 symbol-

19 (a) conveying or purporting to indicate or convey; or

20 (b) which is calculated or is likely to lead other persons to believe  
 21 or infer, that the activity is carried on under or by virtue of the provisions of  
 22 this Act or on behalf of the Commission,  
 23 commits an offence and is liable on conviction to a fine of not less than one  
 24 million Naira or to imprisonment for a term of not less than five years or to  
 25 both.

26 69. A person, who-

27 (a) not being the Executive Director or an employee of the  
 28 Commission, by words, conduct or demeanor falsely represents himself to  
 29 be the Executive Director or an employee of the Commission;

30 (b) exercises or attempts to exercise undue influence over the

Offences relating  
to disclosures  
concerning  
participants

Prohibition of  
false representation

Offences in  
connection with  
employees of the  
Commission

1 Executive Director or an employee of the Commission which is calculated to  
2 prevent the Executive Director or employee from carrying out his duties or  
3 encouraging him to perform an act which is in conflict with his duties; or

4 (c) is an accomplice to the commission of an act by which a lawful  
5 order given to an employee or a regulation or directive or other rule may be  
6 evaded,

7 commits an offence and is liable on conviction to a fine of not less than five  
8 hundred thousand Naira or to imprisonment for a term not exceeding two years  
9 or to both.

Obstruction of  
employees of  
the Commission

10 70. A person who assaults, resists or wilfully obstructs an employee  
11 of the Commission or a person acting under the direction of that employee in  
12 the due execution of his duties under this Act, commits an offence and is liable  
13 on conviction for-

14 (a) a first offence, to a fine of not less than five hundred thousand naira  
15 or to imprisonment for a term not exceeding two years or to both; and

16 (b) a second or subsequent offence, to imprisonment for a term not  
17 less than five years.

Prohibition of  
access to premises  
of the Commission

18 71.-(1) The Commission may, by notice in the Federal Gazette or in  
19 any other manner as it may be necessary in the circumstance, prohibit or restrict  
20 access to land or premises under the control of the Commission.

21 (2) The Commission may-

22 (a) take or cause to be taken measures as it may consider necessary  
23 for the security of, or the application of, a prohibition of or a restriction on  
24 access to land or premises referred to in subsection (1) of this section; and

25 (b) in connection with measures taken, cause notices to be published  
26 or warning notices to be erected as it may, in each particular case, consider  
27 necessary.

28 (3) A person who enters upon or is on land or premises in  
29 contravention of a prohibition or restriction under subsection (1) of this  
30 section, commits an offence and is liable on conviction to a fine of not less than

1 five hundred thousand Naira or to imprisonment for a term not exceeding  
2 twelve months or to both.

3 72.-(1) Any complaint lodged before the Commission shall not be  
4 made public by any person except the Commission and any person who  
5 contravenes the provisions of this subsection shall be guilty of an offence  
6 and shall be liable on conviction to a fine of N100,000 or imprisonment for a  
7 term of six months or to both such fine and imprisonment.

Offences and  
penalties relating  
to complaint

8 (2) If any person required to furnish information under this Act  
9 fails to do so or in purported compliance with such requirement to furnish  
10 information knowingly or recklessly makes any statement which is false in a  
11 material particular, he shall be guilty of an offence and liable on conviction  
12 to a fine of N100,000 or imprisonment for a term of six months or to both  
13 such fine and imprisonment.

14 (3) Any person who wilfully obstructs, interferes with, assaults or  
15 resists the Commission or any other officer or servant of the Commission in  
16 the execution of his duty under this Act or who aids, invites, induces or abets  
17 any other person to obstruct, interfere with, assault or resist the such  
18 Commission, officer or servant, shall be guilty of an offence and liable on  
19 conviction to a fine of N100,000 or imprisonment for a term of six months or  
20 to both such fine and imprisonment.

21 (4) Any person who in respect of any complaint lodged by him  
22 knowingly makes to the Commission any statement, whether or not in  
23 writing, which is false in any material particular, shall be guilty of an offence  
24 and shall on conviction be sentenced to imprisonment for one year without  
25 the option of a fine.

26 PART XV - MISCELLANEOUS

27 73.-(1) No civil action shall be commenced against the  
28 Commission or its authorised officers before the expiration of a period of  
29 thirty days after written notice of intention to commence the suit shall have  
30 been served on the Commission by the intending plaintiff or his agent, and

Legal proceedings

1 the notice shall clearly and explicitly state the -

2 (a) cause of action;

3 (b) particulars of the claim;

4 (c) name and place of abode of the intending plaintiff; and

5 (d) relief sought.

6 (2) The notice referred to in subsection (1) of this section and any  
7 summons, or other documents required or authorized to be served on the  
8 Commission under this Act or any other enactment or law, may be served by-

9 (a) delivering it to the office of the Commission; or

10 (b) sending it by registered mail to the postal address of the  
11 Commission.

Restriction on  
execution against  
property of the  
Commission

12 74. In any action or suit against the Commission, no execution shall  
13 be levied or attachment process issued against the Commission unless not less  
14 than three months' notice of the intention to execute or attach has been given to  
15 the Commission.

Indemnity of  
officers of the  
Commission

16 75. A member of the Board, Executive Director, officer or employee  
17 of the Commission shall be indemnified out of the assets of the Commission  
18 against any proceedings brought against him in his capacity as a member of the  
19 Board, Executive Director, officer or employee of the Commission where the  
20 act complained of is not ultra vires his powers.

Other laws not  
excluded

21 76. The protection given by this Act is in addition to, and does not  
22 derogate from, any privilege, protection, or immunity existing apart from this  
23 Act under any other enactment passed by the National Assembly.

Review of the  
operations of  
this Act

24 77.-(1) The Attorney-General shall carry out a review of the operation  
25 of this Act five years after the commencement of this Act, and shall, for  
26 purposes of the review, have regard to-

27 (a) the attainment of the purposes of this Act;

28 (b) the administration of this Act; and

29 (c) such other matters as appear to him to be relevant.

30 (2) The Attorney-General shall prepare and submit to the President, a

1 report based on the review made under subsection (1) of this section.

2 78.-(1) The Commission may, with the approval of the Attorney-  
3 General, make regulations for or with respect to any matter necessary or  
4 expedient to be prescribed for carrying out or giving effect to this Act.

Power to make  
regulations, etc.

5 (2) The Attorney-General may by order published in the Federal  
6 Gazette add to or remove an appropriate authority to the list contained in the  
7 Schedule to this Act.

8 79. The Federal Ministry of Justice shall not later than three  
9 months after the coming into force of this Act, take such steps as are  
10 necessary to bring into being the institutional structures of the Commission  
11 pursuant to the provisions of this Act.

Role of the  
Federal Ministry  
of Justice

12 80.-(1) The Public Complaint Commission Act, 1975 is repealed.

Repeal and  
Savings

13 (2) Without prejudice to section 6 of the Interpretation Act, the  
14 repeal of the Act specified in subsection (1) of this section, and the section  
15 specified under section (2) of this section shall not affect anything done  
16 under or pursuant to the Act.

17 (3) All regulations, orders, reports, ongoing investigations, and  
18 other proceedings, actions taken and things done under the repealed Act  
19 shall continue and have effect as if made, issued, carried on, taken or done  
20 under this Act.

21 (4) Any conduct or activity which was a criminal conduct or  
22 activity under the repealed Act shall constitute a criminal conduct or activity  
23 in respect of which the provisions of this Act shall apply.

24 (5) An agreement or arrangement in existence under the amended  
25 Acts before the commencement of this Act shall continue to have effect  
26 subject to such modifications as may be necessary to give effect to this Act.

27 (6) The provisions of subsections (1) to (5) shall commence six  
28 months after the date of assent by the President.

29 81. In this Act, unless the context otherwise requires-

Interpretation

30 "appropriate authority" means a person or authority to which a public

- 1 interest disclosure can be made or referred to for the purpose of investigation  
2 and contained in list in the Schedule to this Act and includes the National  
3 Judicial Board or the Presiding Officer of a Legislative House;
- 4 "appropriate process" means  
5 "Attorney-General" means the Attorney-General of the Federation and  
6 Minister of Justice;
- 7 "competent authority" means any person or authority contained in the list in the  
8 Schedule to this Act with responsibility to investigate and prosecute any of the  
9 offences referred to in section 2 (1) (b) of this Act;
- 10 "complaint" includes an allegation, application, charge, motion, objection,  
11 petition, report, request or summons;
- 12 "Court" means the Federal High Court, the High Court of a State or the High  
13 Court of the Federal Capital, Abuja;
- 14 "court proceedings" include any proceeding in a court or tribunal;
- 15 "detrimental action" includes action causing, comprising, or involving-
- 16 (a) injury, damage, or loss;
- 17 (b) intimidation or harassment;
- 18 (c) adverse discrimination, disadvantage, or adverse treatment in  
19 relation to a person's career, profession, employment, trade, or business; or
- 20 (d) a reprisal;
- 21 "discloser" means a person, his affiliate or agent including a complainant who  
22 makes a disclosure of public interest information or complaint under this Act;
- 23 "employee" includes a public officer and a worker of a public sector contractor;
- 24 "employer" includes the Government of the Federation and a public sector  
25 contractor;
- 26 "environment" has the meaning given to it in the Environmental Impact  
27 Assessment Act (Cap. E121 LFN 2004);
- 28 "Executive Director" means the Executive Director appointed for the  
29 Commission under section 20 of this Act;
- 30 "family" means a spouse, child, adopted child, step child, grandchild, parent,

1 grandparent, niece, nephew, aunt, uncle or any other relative or person with  
2 whom the witness maintains a close family relationship;

3 "Government" means the Federal Government of Nigeria;

4 "journalist" means a person engaged in the occupation of writing or editing  
5 material intended for publication in the print or electronic news media;

6 "Judge" means a Judge of the Court;

7 "Legislative House" means the Senate or the House of Representatives;

8 "participant" means a witness who is included in the Programme;

9 "prescribed person" means a person prescribed by the Attorney-General as  
10 an appropriate authority under section 27 of this Act;

11 "proceedings" means any procedure conducted by or under supervision of  
12 the Judge or judicial officer, however described in relation to any alleged or  
13 proven offence, or any property derived from an offence, and include an  
14 inquiry, investigation, or preliminary or final determination of facts;

15 "Programme" means the Public Interest Disclosure & Protection  
16 Programme under Part IX of this Act;

17 "property derived from an offence" means any property derived or realized  
18 directly or indirectly from an offence and includes-

19 (a) on a proportional basis, property into which any property  
20 derived or realized directly from the offence was later successfully  
21 converted, transformed or intermediate; and

22 (b) income, capital or other economic gains derived or realized  
23 from the property at any time since the commission of the offence;

24 "protected person" means a witness included in the Programme;

25 "public authority" means-

26 (a) a Ministry, a department, extra Ministerial Department or any  
27 public office or institution;

28 (b) a Legislative House or the Judiciary;

29 (c) a prescribed person; or

- 1 (d) any other body that is established for a public purpose under a  
2 written law;
- 3 "public officer" means an officer in the service of the Federation and includes-
- 4 (a) a Minister of the Government of the Federation;
- 5 (b) a member of a Legislative House;
- 6 (c) a judicial officer;
- 7 (d) a police officer;
- 8 (e) a person authorised under a written law to execute or serve any  
9 process of a court or tribunal for remuneration;
- 10 (f) a member, officer, or employee of a public authority;
- 11 (g) the holder of-
- 12 (i) a public office that is established for a public purpose under a  
13 written law; or
- 14 (ii) an office that is established by a Minister; and
- 15 (h) any other person holding public office under the Government of  
16 the Federation;
- 17 "public interest disclosure" has the meaning given to it in section 3 of this Act;
- 18 "public sector contractor" means-
- 19 (a) a person who, other than as an employee, contracts with a public  
20 authority to supply goods or services to or on behalf of the authority or the  
21 Government of the Federation or as directed in accordance with the contract;
- 22 (b) a person who, other than as an employee, contracts with a public  
23 authority or the Government of the Federation to perform a public function; or
- 24 (c) a subcontractor or employee of a person referred to in paragraph  
25 (a) or (b) of this subsection and each person who contracts with another person  
26 for the execution of the whole or part of the requirements of a contract referred  
27 to in those paragraphs; and
- 28 "referral authority" means the appropriate authority to which a public interest  
29 disclosure has the meaning given to it in section 21 of this Act; disclosure is  
30 referred under this Act.





1 (j) income tax and related taxes, it is made to the Federal Inland  
2 Revenue Services;

3 (k) a matter of administration of funds or assets of a Government  
4 Ministry, department, agency or office, it is made to a person who occupies a  
5 position specified under section 38 (1)(a) of this Act in relation to the Ministry,  
6 department, agency or office concerned;

7 (l) a person who holds an appointment made under the Police Act, it is  
8 made to the Inspector-General of Police;

9 (m) a judicial officer, it is made to the National Judicial Board;

10 (n) a legislator, it is made to the Presiding Officer of the Legislative  
11 House to which the legislator belongs;

12 (o) an officer in the civil service of the Federation, it is made to the  
13 Federal Civil Service Commission;

14 (p) a matter falling within the area of responsibility of a public  
15 authority, it is made to a person who occupies a position specified under section  
16 38 (1)(a) of this Act in relation to that authority; and

17 (q) a person or a matter of a prescribed class, it is made to-

18 (i) a person prescribed by an order of the Attorney-General under  
19 section 9 of this Act to be an appropriate authority for the purposes of section 2  
20 (1) (b) of this Act in relation to the disclosure; or

21 (ii) any other authority specified in this Act or by regulations made  
22 under this Act.

23 (2) Where a "public interest disclosure" has the meaning given to it in  
24 section 3 of this Act; disclosure falls within two or more paragraphs of this  
25 Schedule, then it is made to an appropriate or competent authority if made to  
26 any or all of the authorities contemplated by the applicable paragraphs.

## EXPLANATORY MEMORANDUM

*(This memorandum does not form part of the Act but is intended  
to explain its purport)*

This Bill seeks to provide legal and institutional framework for giving special protection on behalf of the State to persons in possession of information of public interests including information from whistle blowers and informants. In addition, the Act seeks to protect persons from potential risk of intimidation for making public interest disclosures and cooperating with the investigation, prosecution, inquiry or tribunal, as the case may be and provides the basis of making rewards and paying compensation in deserving cases to persons making public interest disclosures.

