

ELECTRONIC GOVERNMENT BILL, 2021

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# A BILL

## FOR

AN ACT TO MAKE PROVISIONS FOR THE ADMINISTRATION, MANAGEMENT AND OPERATIONS OF ELECTRONIC GOVERNMENT (E-GOVERNMENT) SERVICES AND FOR OTHER RELATED MATTERS

*Sponsored by Hon. Sani Bala*

[ ] Commencement

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

1           PART I - RESPONSIBILITY OF THE NATIONAL INFORMATION  
2           TECHNOLOGY DEVELOPMENT AGENCY AND THE GOVERNING  
3           BOARD OF THE AGENCY

4           1. The Agency established under Section 1(1) of the National  
5 Information Technology Development Agency Act No. 28, 2007 (in this Bill  
6 referred to as "the Agency") shall enforce the provisions under this Bill.

Role of the National  
Information  
Technology  
Development  
Agency

7           2.-(1) Notwithstanding the provisions of Section 6 of the National  
8 Information Technology Development Agency Act No. 28 2007, the Agency  
9 shall coordinate, oversee and promote e-Government initiatives and enforce  
10 e-Government related policies, laws, regulations, standards and guidelines  
11 in public institutions.

Auxiliary  
functions of the  
Agency

12           (2) Without prejudice to sub-clause (1), the auxiliary functions of  
13 the Agency in respect to provisions under this Bill shall be to:

14           (a) promote and provide quality e-Government services to public  
15 institutions;

16           (b) enforce compliance by public institutions to the National ICT  
17 Policy, e-Government related policies, laws, regulations, standards and  
18 guidelines during planning, acquisition, implementation, delivery, support  
19 and maintenance of ICT infrastructure and systems;

20           (c) provide guidance and assistance on e-Government initiatives to

- 1 public institutions;
- 2 (d) approve software and hardware to be used by public institutions;
- 3 (e) promote cooperation and coordination among users and providers  
4 of ICT services in public institutions;
- 5 (f) ensure end to end visibility of Government ICT systems and other  
6 systems offering services to the Government including undertaking periodic  
7 audits of them;
- 8 (g) ensure integration and interoperability of Government ICT  
9 systems and other systems offering services to the Government;
- 10 (h) enhance capacity of public institutions to implement e-  
11 Government initiatives;
- 12 (i) set technical standards and procedures for information and  
13 communication technology planning, acquisition, implementation,  
14 acceptance, support, sustenance, disposal, risk management, data protection,  
15 security and contingency management for public institutions;
- 16 (j) in collaboration with other relevant authorities, undertake ICT  
17 systems audits and ICT security assessments on Government ICT systems and  
18 other private ICT systems offering services to the Government;
- 19 (k) facilitate public institutions to access shared ICT infrastructure  
20 and systems;
- 21 (l) monitor and evaluate e-Government implementation in the Public  
22 institutions;
- 23 (m) facilitate and support implementation of all sector specific ICT  
24 systems and services;
- 25 (n) advise the Government on implementation of e- Government;
- 26 (o) facilitate public access to e-Government services;
- 27 (p) provide technical advice on ICT human resources recruitment and  
28 development in public institutions;
- 29 (q) promote e-Government research, development and innovation in  
30 public institutions;

1 (r) establish and maintain secure shared Government ICT  
2 infrastructure and systems;

3 (s) develop mechanisms for enforcement of ICT security standards  
4 and guidelines, provision of support on ICT security operations, and  
5 implementation of Government-wide cyber security strategies;

6 (t) provide technical advice on Government business process re-  
7 engineering and integration; and

8 (u) perform such other functions as may be conferred on the  
9 Agency by this Bill or any other written law.

10 3. Notwithstanding the provisions of any other written law, the  
11 Agency shall, in the performance of its functions under this Bill have powers  
12 to:

Powers of  
Agency

13 (a) demand any information, document, record or report in respect  
14 of any ICT related system, infrastructure, project or initiative from any  
15 public institution;

16 (b) commission or undertake investigations or performance audits  
17 on any ICT project, systems and infrastructure in the public institutions;

18 (c) inspect any ICT project, systems and infrastructure to ensure  
19 compliance with e- Government standards and guidelines by any public  
20 institution;

21 (d) manage complaints related to e-Government services from  
22 public, service providers or any other person;

23 (e) commission or undertake any study relevant to the  
24 determination of any decision made in executing ICT projects in the public  
25 institutions;

26 (f) stop any implementation of ICT project by public institution  
27 which is not in compliance with e-Government standards and guidelines;

28 (g) demand physical or logical access to any public institution ICT  
29 systems, infrastructure, or networks for the purposes of conducting ICT  
30 audits or ICT security assessments.

- 1 (h) require any public institution to:
- 2 (i) furnish any information or produce any record or any document
- 3 relating to ICT projects, systems or infrastructure; or
- 4 (ii) answer all relevant questions relating to e-Government initiatives;
- 5 (i) examine records or other documents and take copies or extracts
- 6 therefrom; and
- 7 (j) request any professional or technical assistance from any
- 8 appropriate body within or outside the Nigeria.

Auxiliary  
functions of the  
Board

9 4. The Governing Board established under Section 2(1) of the

10 National Information Technology Development Agency Act shall with respect

11 to the objects of this Bill have the auxiliary functions, that is to:

- 12 (a) advise the Minister on matters relating to e-Government
- 13 initiatives; and
- 14 (b) perform any other functions as may, subject to the provisions of
- 15 this Bill, be directed by the Minister.

Electronic  
Government  
governance  
structure and  
processes

16 PART II - MANAGEMENT AND OPERATIONS OF E-GOVERNMENT

17 5.-(1) There shall be established e-Government governance structure

18 and processes in the Public Service to govern and control the implementation

19 and proper use of ICT in public institutions.

20 (2) The e-Government governance structure under sub-clause (1)

21 shall include:

- 22 (i) National e-Government Steering Committee,
- 23 (ii) e-Government Technical Committee and
- 24 (iii) Institutional e-Government Steering Committee.

National  
e-Government  
Steering  
Committee

25 6.-(1) There is established a National e-Government Steering

26 Committee charged with responsibility for overseeing national e-Government

27 matters.

28 (2) The National e-Government Steering Committee shall be

29 composed of the following members:

- 30 (a) the Permanent Secretary responsible for Information

- 1 Communication Technology who shall be the Chairman;
- 2 (b) the Permanent Secretary in the office of the Secretary to the
- 3 Government of the Federation;
- 4 (c) the Permanent Secretary responsible for finance;
- 5 (d) the Permanent Secretary responsible for national planning;
- 6 (e) the Permanent Secretary in the Office of Service of the
- 7 Federation;
- 8 (f) the Permanent Secretary responsible for Justice; and
- 9 (g) the Director General of the Agency
- 10 (h) The Agency shall serve as secretariat to the National e-
- 11 Government Steering Committee.

12 (3) The National e-Government Steering Committee shall perform

13 the following functions:

- 14 (a) provide strategic and policy direction required to drive the
- 15 transformation of the public service delivery and administration in the
- 16 digital age;
- 17 (b) approve cross cutting ICT policies, strategies, master plan and
- 18 directives in the Government;
- 19 (c) advise on key ICT projects and programmes to ensure
- 20 synergistic and cost-effective adoption of ICT in the Government;
- 21 (d) advise the Minister on all matters relating to e-Government;
- 22 and
- 23 (e) perform such other functions as may be directed by the Minister
- 24 in consultation with the Secretary to the Government of the Federation.

25 7.-(1) Subject to subsection (6) of the First Schedule of the

26 National Information Development Agency Act No.28 2007, there shall be

27 established the e-Government Technical Committee.

Establishment  
of the e-Government  
Technical Committee

28 (2) The e-government Technical Committee shall be composed of

29 the following members:

- 30 (a) the head of ICT from the Ministry responsible for Information

- 1 Communications Technology who shall be the Chairman;
- 2 (b) a head of ICT nominated from each of the following:
- 3 (i) Office of the Head of Service of the Federation;
- 4 (ii) Office of the Secretary to Government of the Federation;
- 5 (iii) Bureau for Public Procurement;
- 6 (iv) Department of State Security;
- 7 (v) Federal Inland Revenue Service;
- 8 (vi) Central Bank of Nigeria;
- 9 (vii) National Assembly Service Commission.

10 (2) Notwithstanding the provisions under sub-clause (2) the Board  
 11 may appoint or co-opt persons from within or outside the Government, and  
 12 voting rights of such person shall be determined by the Board.

Functions of  
 the e-Government  
 Technical  
 Committee

13 8. The e-Government Technical Committee shall perform the  
 14 following functions:

- 15 (a) to review and recommend on e-Government policies for adoption  
 16 by all public institutions;
- 17 (b) to review and recommend on e-Government master plan and  
 18 strategies for adoption by all public institutions;
- 19 (c) to recommend e-Government standards and practices to facilitate  
 20 data sharing across public institutions;
- 21 (d) to review and recommend on key national e- Government Projects  
 22 and programmes;
- 23 (e) to provide technical guidance on resolving conflicts on  
 24 implementation of key ICT projects and initiatives in public institutions;
- 25 (f) any other matter as the Board may deem appropriate.

Institutional ICT  
 Steering  
 Committee

26 9.-(1) The accounting officer of each public institution shall establish  
 27 an Institutional ICT Steering Committee for providing technical guidance on  
 28 implementation of ICT initiatives.

29 (2) The Institutional ICT Steering Committee shall be composed of a  
 30 minimum of six and maximum of seven members including:



- 1 (a) the accounting officer who shall be the Chairman;
- 2 (b) Director/head of ICT who shall provide secretariat to the
- 3 Committee;
- 4 (c) Director responsible for planning and administration;
- 5 (d) Director responsible for procurement;
- 6 (e) Internal Auditor; and
- 7 (f) Director responsible for finance;
- 8 (3) The Institutional ICT Steering Committee shall perform the
- 9 following functions:
- 10 (a) to review and approve ICT policy and strategy of the institution;
- 11 (b) to review and provide advice on ICT investment portfolio and
- 12 priorities;
- 13 (c) to ensure alignment of ICT with the organization's business
- 14 needs;
- 15 (d) to ensure e-Government guidelines and standards are
- 16 implemented by the institution;
- 17 (e) to ensure continuous monitoring and evaluation of institutional
- 18 ICT projects;
- 19 (f) to review and approve institutional disaster recovery plan and
- 20 ensure its effective implementation;
- 21 (g) to approve any other institutional e-Government sub-
- 22 committee as may, from time to time, be constituted and address specific
- 23 ICT related matters;
- 24 (h) to prepare and submit quarterly Ministerial e-Government
- 25 progress report to the Agency; and
- 26 (i) to perform such other functions as may be directed by the
- 27 accounting officer or the Agency.
- 28 (4) Institutional ICT Steering Committee for public institution
- 29 other than Ministry, States or Local Governments shall be composed of
- 30 members from the Ministry under which the public institution belongs.

1 (5) For effective data, security and service governance, public  
2 institutions may establish such other potential management sub-committees.

3 (7) The Institutional ICT Technical Committee shall prepare  
4 quarterly report of its deliberations and submit to the e-Government Technical  
5 Committee.

Operations,  
accountability  
and working  
relationship of  
committees

6 10. The Minister may make regulations prescribing matters relating  
7 to the operations, accountability, working relationship of the committees and  
8 other relevant matters.

Establishment  
of ICT Unit

9 11.-(1) For the effective carrying out the provisions under this Bill,  
10 there shall be established in every public institution an ICT Unit with such  
11 number of staff as may be required for efficient performance of functions in the  
12 respective public institution.

13 (2) The ICT Unit shall consist of ICT specialists with appropriate  
14 qualifications.

15 (3) The ICT Unit shall be headed by a person with appropriate  
16 academic and professional qualification and experience in ICT.

17 (4) The head of the ICT Unit shall report directly to the accounting  
18 officer of the public institution.

19 Definition: For the purpose of this clause, "ICT unit" includes directorate,  
20 department or unit responsible for ICT matters in the public institution.

e-Government  
Management

21 12.-(1) A public institution shall ensure that e- Government initiatives  
22 are managed in compliance with guidelines issued by the Minister and  
23 technical standards and guidelines issued by the Agency.

24 (2) in line with sub-clause (1) of this clause, a public institution shall,  
25 conduct on an annual basis, self-assessment on the implementation of e-  
26 Government initiatives and submit a copy of the report to the Agency.

27 (3) The Agency shall ensure that e-Government initiatives within  
28 public institutions are managed in compliance with relevant guidelines.

e-Government  
Infrastructure

29 PART III - e-GOVERNMENT INFRASTRUCTURE AND SYSTEMS

30 13.-(1) For the purpose of ensuring that the Government has

1 maximum optimization of infrastructure, public institutions shall use  
2 Government approved communication infrastructure for any  
3 communication.

4 (2) For the purpose of ensuring cost effectiveness and ICT  
5 readiness, construction of any Government owned infrastructure such as  
6 roads, railways, buildings and such other infrastructure shall, subject to the  
7 guidelines issued by the Agency:

8 (a) include ICT Infrastructure as part of the project design in  
9 accordance with the standards, conditions or guidelines issued by the  
10 Agency;

11 (b) share all the necessary ICT design with the Agency; and

12 (c) provide necessary environment for installation of  
13 communication infrastructure.

14 (3) Notwithstanding any other written law the installation of  
15 Government ICT infrastructure in road, railway or any reserve shall not be  
16 subject to any charges.

17 14.-(1) Each public institution shall implement ICT projects in ICT Projects  
18 compliance with technical standards and guidelines as may be prescribed by  
19 the Agency.

20 (2) For the purpose of ensuring compliance with technical  
21 standards and guidelines and avoiding duplication of efforts, any institution  
22 that intends to implement ICT project shall submit to the Agency for advice  
23 and-

24 (a) provide details of the projects during the planning stage and  
25 receive clearance from the Agency before solicitation of the funds;

26 (b) formulate a competent project team;

27 (c) Maintain all necessary project documents; and

28 (d) submit final project report to the Agency in a format provided  
29 by the Agency.

e-Government  
Systems

1                   **15.** Public institutions shall, for the purpose of e- Government system  
2 sustainability, reliability, continuity and availability:

3                   (a) in the case of development of new system:

4                   (i) prepare all the necessary requirements and initial documentation  
5 based on the set of standards and guidelines as provided by the Government  
6 and share with the Agency;

7                   (ii) involve relevant stakeholders and avoid duplication;

8                   (iii) where applicable, use Government centralized systems instead of  
9 developing new system;

10                  (iv) formulate government competent team to participate in the  
11 system development; and

12                  (v) submit all system development reports to the Agency.

13                  (b) in the case of system deployment and hosting:

14                  (i) assess the system and produce assessment report before  
15 deployment in the production environment; and

16                  (ii) host the system to the Government approved hosting  
17 environment.

18                  (c) in the case of system operations and maintenance:

19                  (i) ensure availability of competent staff to support the system  
20 operations;

21                  (ii) establish user support mechanism of the system; and

22                  (iii) undertake regular maintenance of the system when required.

Government  
ICT Resources

23                   **16.-(1)** For the purpose of proper utilization and management of  
24 Government owned ICT resources, public institutions shall:

25                   (a) observe value for money, flexibility in customization, scalability,  
26 integration and interoperability in sourcing or using application software;

27                   (b) develop or apply licensed and approved software to conduct their  
28 business processes;

29                   (c) ensure Government ICT resources are used only for the benefits of  
30 the Government and its service delivery;

1 (d) maintain a register of all Government ICT resources owned by  
2 the public institution through central system managed by the Agency; and

3 (e) acquire Government ICT resources specifications guide from  
4 the Agency.

5 *Definition:* For the purpose of this clause, "Government ICT  
6 resources" includes ICT equipment, software, bandwidth, documents and  
7 other ICT related resources.

8 PART IV - e-GOVERNMENT SERVICES

9 17.-(1) Without prejudice to any other written law, where a public  
10 institution has power to deal with data or information or a document or to  
11 provide services, it may deal with that information or document or provide  
12 such services in electronic form in accordance with this Bill.

Recognition of  
e-Government  
services

13 (2) For the purpose of sub-clause (1), the Minister may, by notice  
14 published in the Gazette, issue guidelines specifying:

15 (a) the manner and format in which the electronic transaction shall  
16 be made;

17 (b) the type of electronic signature required, in cases where an  
18 electronic transaction has to be signed;

19 (c) the manner and format in which the electronic signature may be  
20 attached or associated with an electronic transaction;

21 (d) the identity or criteria to be met by an authentication service  
22 provider for e- Government services;

23 (e) the appropriate control process and procedure to ensure  
24 adequate integrity, security and confidentiality of information, an electronic  
25 transaction or an electronic payments; and

26 (f) any other requirements that relate to electronic transaction.

27 *Definition:* In this clause, "electronic transaction" includes  
28 transmission of data, information, document or providing services  
29 electronically.

Delivery of  
e-Government  
services

1                   18. A public institution shall, for proper delivery of e-Government  
2 services:

3                   (a) use ICT to deliver government services to achieve objectives of  
4 the institution;

5                   (b) ensure business processes subject for re- engineered to enhance e-  
6 Government service provision;

7                   (c) ensure availability of e-Government services that are reliable and  
8 citizen-centric;

9                   (d) use appropriate channels and languages that enable citizens to  
10 access Government services based on available technologies;

11                   (e) consider impact on persons with limited access to e-services and  
12 persons with disabilities;

13                   (f) ensure e-Government services delivered have adequate support  
14 systems to end users;

15                   (g) maintain and promote integrated and interoperable systems to be  
16 used in service provision; and

17                   (h) ensure any business process that facilitates revenue generation is  
18 automated and integrated with approved Government payment systems.

Reduction of  
paper documents

19                   19.-(1) Public institutions shall reduce paper documents acquired,  
20 prepared, circulated, and preserved by it by innovating and digitalizing work  
21 processes and sharing administrative information amongst public institutions.

22                   (2) The Minister may make regulations prescribing matters related for  
23 implementation of this clause.

Enhancement  
of electronic  
records

24                   20.-(1) Where any law provides that records shall be retained for any  
25 specific period, that requirement shall be deemed to have been satisfied if such  
26 records are retained in the electronic form if:

27                   (a) the information contained in that record remains accessible so as  
28 to be usable for a subsequent reference;

29                   (b) the electronic record is retained in the format which represent  
30 accurately the information originally generated, sent or received; and

1 (c) the details which will facilitate the identification of the origin,  
2 destination, date and time of dispatch or receipt of such electronic record are  
3 available in the electronic record.

4 (2) Management and use of public electronic records shall be in  
5 accordance with the National Archives Act.

6 21. Where the law requires payment to be made or issuance of any  
7 receipt of payment, that requirement shall be met if payment is made or  
8 receipt is issued by an electronic means in accordance with legislations  
9 relating to electronic transactions.

Payment of money  
and issuance of  
receipt in  
electronic form

10 22. Where any law provides that any document shall be published  
11 in the Gazette, such requirement shall be deemed to have been satisfied if  
12 such document is published in the Gazette or electronic Gazette.

Publication of  
documents in  
electronic Gazette

13 23.-(1) Where any law provides for:

Electronic  
communication  
of Government

14 (a) the sending of any letter, request, report, internal memo or any  
15 other document within Government office, authority, body or agency in a  
16 particular manner; and

17 (b) the issue of short messaging, calling, video or any other form of  
18 multimedia communication within the Government offices or officials, such  
19 communication shall be deemed to have been met if effected by means of  
20 electronic form.

21 (2) The Minister may, for the purposes of sub-clause (1) by rules,  
22 prescribe:

23 (a) the standards of the approved systems and devices to be used for  
24 official Government Communication; and

25 (b) the category, type, classification of information and data that  
26 shall not be transmitted through electronic communication.

27 24. Where any law provides for audit of documents, records or  
28 information, that law shall also be applicable for audit of documents, records  
29 or information processed and maintained in electronic form.

Audit of documents  
in electronic form

Delivery of  
services by service  
provider

1                   25.-(1) The Minister may, with the advice of the Agency, for the  
2 purposes of efficient Government authorize any service provider to integrate  
3 with the government systems, maintain and upgrade the computerized  
4 facilities and perform such services as it may be specified, by order published  
5 in the Gazette.

6                   (2) A service provider authorized under sub-clause (1) of this clause  
7 may collect, and retain appropriate service charges, as may be prescribed by the  
8 Minister in consultation with the Minister responsible for finance, for the  
9 purposes of providing such services.

10   PART V - e-GOVERNMENT SECURITY

Establishment  
of e-Government  
Security Operations  
Center

11                   26.-(1) Without prejudice to any other written law, there shall be  
12 established within the Agency an e-Government Security Operations Center.

13                   (2) The Minister may make regulations with respect to the  
14 composition and duties of e- Government Security Operations Center.

ICT security  
governance and  
management

15                   27. A public institution shall for the purpose of ICT security  
16 governance and management:

17                   (a) develop and implement institutional ICT security policy and ICT  
18 security strategy that provide directives for managing ICT security;

19                   (b) set and review objectives for ICT security strategy and make  
20 budgetary provisions to achieve those objectives;

21                   (c) establish ICT security governance structure that provides strategic  
22 direction and oversight of ICT security issues;

23                   (d) comply with the technical standards and guidelines prescribed by  
24 the Minister on ICT security matters;

25                   (e) perform regular ICT security risk assessment at such intervals as  
26 may be prescribed by the Agency; and

27                   (f) prepare regular ICT security reports and submit them to the  
28 Agency.

ICT security  
operations

29                   28.-(1) A public institution shall, for the purpose of ICT security  
30 operations:



1 (a) monitor ICT systems against ICT security requirements for  
2 performance and compliance with the ICT security policy;

3 (b) record and retain key information relating to information  
4 system activities as per security requirements;

5 (c) perform vulnerability assessment and penetration testing on  
6 networks and systems as may be prescribed by the Agency;

7 (d) secure networks by segmentation, putting adequate intrusion,  
8 detection and prevention mechanisms, deploying firewalls and other  
9 security measures;

10 (e) protect systems from potential vulnerabilities by patching and  
11 updating applications and operating systems;

12 (f) perform ICT security testing before deployment of critical  
13 application software;

14 (g) secure data from unauthorized interception, alteration and  
15 destruction in storage, in transit or while being processed; and

16 (h) implement complete security for endpoint ICT equipment as  
17 may be prescribed by the Agency.

18 *Definition:* In this clause, "endpoint ICT equipment" means the  
19 ICT equipment that allows entry to a network system.

20 29. A public institution shall, for the purpose of security of ICT  
21 assets identify, classify, manage and report to the Agency ICT assets such as  
22 network appliances, systems, applications, storage devices and data.

Security of ICT  
assets

23 30. All public institutions shall, for the purpose of identity and  
24 access management-

Identity and access  
management

25 (a) authenticate users of ICT systems appropriately by granting  
26 identity, access and privileges on the basis of a verified business need;

27 (b) monitor access for appropriate usage and revoke access when  
28 no longer required;

29 (c) implement focused auditing on the use of administrative  
30 privileged functions and monitor for anomalous behavior; and

1 (d) inform users of ICT systems on their obligations and  
2 responsibilities for ICT security.

ICT security  
incident  
management

3 31. A public institution shall, for the purpose of ICT security incident  
4 management identify, manage and recover from ICT security-related incidents  
5 in a timely and effective manner by-

6 (a) anticipating potential ICT security incidents and plan resource  
7 mobilization to ensure appropriate incident response when required; and

8 (b) reporting significant incidents to the Agency for appropriate  
9 support and facilitation of cross- governmental information sharing.

Information  
system continuity  
management

10 32. A public institution shall, for the purpose of information system  
11 continuity management-

12 (a) develop and implement proper backup and restoration  
13 mechanisms for ICT systems continuity;

14 (b) develop and implement disaster recovery plan (DRP); and

15 (c) test the disaster recovery plan at such intervals as may be  
16 prescribed and submit the report to Agency.

Information  
systems acquisition,  
development and  
maintenance

17 33. A public institution shall, for the purpose of ensuring security  
18 during information systems acquisition, development and maintenance-

19 (a) specify ICT security control requirements in business  
20 requirements for new systems or enhancements; and

21 (b) design, develop, implement and test ICT security controls against  
22 ICT security requirements.

Human resource  
security

23 34. Public institutions shall for the purpose of human resource  
24 security-

25 (a) make a careful and critical examination of personnel before  
26 assigned responsibilities for handling critical ICT systems;

27 (b) make provision for an appropriate segregation of duties taking  
28 into consideration ICT security risk assessment results; and

29 (c) provide ICT security awareness to all staff and trainings to ICT  
30 technical staff as may be prescribed and submit report to the Agency.

1                   35. A public institution shall, for the purpose of physical and  
2 environment security:

Physical and  
environment  
security

3                   (a) protect critical Government ICT processing and hosting  
4 facilities from unauthorized access, damage, interference and  
5 environmental threats;

6                   (b) use the available Government ICT processing and hosting  
7 facilities or use Government approved supplier environment only; and

8                   (c) record and retain ICT processing and hosting facilities  
9 visitation and maintenance information.

10                  36. A public institution shall, for the purpose of ICT security  
11 compliance and audit:

ICT security  
compliance and  
audit

12                  (a) perform regular independent ICT security assessments and  
13 audits as part of internal operations in a manner prescribed by the Agency;  
14 and

15                  (b) comply with legal, regulatory and ICT security requirements in  
16 ICT operations and management.

17                   PART VI - e-GOVERNMENT DATA MANAGEMENT

18                  37.-(1) Public institutions shall have the duty to establish and  
19 comply with electronic data management mechanism as may be prescribed  
20 by the Minister to ensure effective decision making and improved  
21 performance.

Electronic data  
management

22                  (2) Without prejudice to other laws, public institutions shall ensure  
23 confidentiality, integrity and availability of the electronic data owned by the  
24 public institution.

25                  38.-(1) Without prejudice to any written law and for the purpose of  
26 enhancing efficiency and decision making, public institutions shall share  
27 data electronically in the manner prescribed by the Minister.

Data sharing and  
exchange

28                  (2) For the purposes of facilitating data sharing across the Public  
29 Service, the Agency shall establish and manage a data sharing and exchange  
30 platform.

Data standards

1                   39. In case of capturing, storing, processing, and sharing of electronic  
2 data, public institutions shall comply with technical standards and guidelines  
3 issued by the Agency.

4   PART VII - GENERAL PROVISIONS

Funding  
e-Government  
Project

5                   40.-(1) In addition to the components of the account established in  
6 Section 20 of the National Information Technology Development Agency Act,  
7 there shall be increased budgetary provision for the Agency pursuant to the  
8 fulfilment of provisions under this Bill.

9                   (2) In the performance of its functions under the Bill, the Agency may  
10 collect fees, charges or commissions in a manner prescribed in the regulations.

Offences and  
penalties

11                  41.-(1) A person who:

12                   (a) illegally discloses or shares any data or electronic record accessed  
13 in the course of employment;

14                   (b) downloads unauthorized materials by the use of Government ICT  
15 equipment or infrastructure;

16                   (c) disseminate or transmit official information or data through  
17 unauthorized channel;

18                   (d) access information or programs through government ICT  
19 equipment without authorization;

20                   (e) unlawfully removes, destroys, alters or damages any data or  
21 electronic record or ICT infrastructure or ICT equipment;

22                   (f) knowingly or negligently fails to comply with prescribed technical  
23 guides and standards on ICT security matters; or

24                   (g) fails to comply with provisions of this Bill regarding  
25 implementation of ICT project, commits an offence and upon conviction shall:

26                   (h) in the case of offences under paragraphs (a), (c), (d) and (f), be  
27 liable to a fine of not less than N5,000, 000 but not exceeding N10,000, 000 or  
28 to imprisonment for a term of not less than six months but not exceeding twelve  
29 months or to both; and

30                   (i) in the case of offences under paragraphs (b), (c) and (g), be liable

1 to a fine of not less than N3,000,000 but not exceeding N5,000,000 or to  
2 imprisonment for a term of not less than six months but not exceeding  
3 twelve months or to both.

4 (2) A public servant who contravenes the provisions of this Bill  
5 shall be liable for disciplinary or criminal proceedings as provided for under  
6 the Public Service Rules or other relevant laws.

7 42.-(1) Where a person contravenes any of the provisions of this General penalty  
8 Bill for which no specific penalty is provided, commits an offence and on  
9 conviction, shall be liable to a fine of not less than N2,000,000 but not  
10 exceeding N20,000,000 or to imprisonment for a term of not less than six  
11 months but not exceeding five years or to both.

12 (2) Where a person is convicted of an offence under this Act, the  
13 court may in addition, order the person convicted to pay to the Agency a sum  
14 equal to the cost of repairing any damage so caused.

15 43.-(1) The Minister may, in consultation with the Agency, make Regulations  
16 regulations for the better carrying out or giving effect to the provisions of  
17 this Bill.

18 (2) Without prejudice to the generality of sub-clause (1), the  
19 Minister may make regulations prescribing:

20 (a) the conditions and terms upon which any specified facilities or  
21 services within the scope of the functions of the Agency shall be provided to  
22 the public;

23 (b) the criteria for integrated systems;

24 (c) the manner in which electronic record shall be maintained,  
25 stored and accessed;

26 (d) manner of conducting assessment of system deployment and  
27 hosting;

28 (e) procedure for approval of new systems developed by public  
29 institutions;

30 (f) procedures for conducting inspection and investigation on any

1 ICT project, systems and performance audits;  
2 (g) procedures for reduction of paper work in public institutions;  
3 (h) manner of sharing information amongst public institutions;  
4 (i) procedure for management of complaints; and  
5 (j) providing for any matter which, in the opinion of the Agency, is  
6 necessary for the efficient performance of its functions under this Bill.

7 (3) The Minister shall, in consultation with the Minister responsible  
8 for procurement, make detailed specifications and standards of computers and  
9 other related equipment and tools for use by public institutions.

Rules, guidelines,  
code of ethics  
and conducts

10 44. The Agency may prepare rules, guidelines, code of ethics and  
11 conduct for regulating its staff activities, for compliance purposes, monitoring  
12 and evaluation.

Interpretation

13 45. In this Bill-

14 "Agency" means the Agency established under section 1(1) of the National  
15 Information;

16 Technology Development Agency Act No.28 2007;

17 "Board" means the Governing Board established under section 2 of the  
18 National Information Technology Development Agency Act No.28 2007;

19 "confidentiality" means preserving authorized restrictions on access and  
20 disclosure, including means for protecting personal privacy and proprietary  
21 information;

22 "critical application software" means application software which is used to  
23 deliver or perform core institutions or Government business processes;

24 "critical system" means a system which is used to deliver or perform core  
25 institutions or

26 Government business processes;

27 "data" means any information presented in an electronic form;

28 "e-Government" means the use of information and communication  
29 technologies (ICT) by the Government to deliver public services;

30 "e-Government initiative" means any intervention taken by public institution

1 for the purpose of implementing e- government;

2 "e-Government security" means ICT security in the public sector;

3 "e-Government services" means all services which are delivered by public  
4 institutions by electronic means;

5 "e-Government Technical Committee" means the e- Government Technical  
6 Committee established under clause 7 of this Bill;

7 "electronic communication" means any transfer of sign, signal or computer  
8 data of any nature transmitted in whole or in part by a wire, radio,  
9 electromagnetic, photo-electronic, photo optical or in any other similar  
10 form;

11 "electronic record" means a record that is created, generated, sent,  
12 communicated, received, stored or accessed by electronic means;

13 "ICT disposal" means ICT equipment and software disposal;

14 "ICT infrastructure" means computer hardware, software, network  
15 resources and services required for the existence, operation and  
16 management of an enterprise ICT environment;

17 "ICT project" means a project for acquiring, sourcing or improving ICT  
18 infrastructure or systems for undertaking e-Government initiatives;

19 "ICT Security" means protecting information systems from unauthorized  
20 access, use, disclosure, disruption, modification, or destruction in order to  
21 provide confidentiality, integrity and availability;

22 "ICT system" means an ICT set-up consisting of hardware, software, data,  
23 communication technology and people who use them;

24 "Institutional ICT Steering Committee" means the Institutional ICT  
25 Steering Committee established under clause 9 of this Bill;

26 "integrity" means guarding against improper information modification or  
27 destruction, and includes ensuring information non-repudiation and  
28 authenticity;

29 "interoperability" means the ability of different information technology  
30 systems and software applications to communicate, exchange data and use

- 1 of information that has been exchanged;
- 2 "metadata" means a set of data that describes and provides information about
- 3 other data;
- 4 "Minister" means the Minister responsible for e- Government;
- 5 "Minister" means Minister responsible for Information Communication
- 6 Technology;
- 7 "National e-Government Steering Committee" means the National e-
- 8 Government Steering Committee established under clause 6 of this Bill;
- 9 "public institution" Means ministries, departments, agencies, the National
- 10 Assembly, the judiciary, executive agencies, parastatals, organizations, public
- 11 corporations or any other Government autonomous or semi-autonomous
- 12 institutions;
- 13 "record" has the meaning ascribed to it under the National Archives Act;
- 14 "service provider" means an organization, business or individual which offers
- 15 electronic service to a public institution.

Citation

16 46. This Bill may be cited as the Electronic Government Bill, 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks to make provisions for the Administration, Management and Operations of Electronic Government (e-Government) Services.