

FREE INTERNET ACCESS IN PUBLIC PLACES BILL, 2020

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO PROVIDE LEGAL FRAMEWORK FOR THE FREE INTERNET ACCESS PROGRAMME IN SELECTED PUBLIC PLACES IN NIGERIA AND FOR RELATED MATTERS.

Sponsored by Hon. Uyiye Idem

[] Commencement

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

- 1 1. The Country hereby recognizes the vital role of information and
2 communications technology in nation-building and declares its policy to
3 promote an environment for the development of structures that would
4 ensure availability and accessibility to reliable and secure internet access
5 suitable to the needs and aspirations of the Nigerian people.
6 There shall be created a Free Public Internet Access Programme hereinafter
7 referred to as the Programme;
- 8 (a) No fee shall be collected from users to connect on the public
9 internet access points;
- 10 (b) The free internet service provided shall be separate from the
11 internet service used for backend computer systems and programmes,
12 databases, and / or management and information systems in government
13 offices. Provided that the shared use of infrastructure shall not be prohibited;
- 14 (c) Technical solutions that may limited or restrict access shall only
15 be employed where there is clear and present technical risk or breach that
16 cannot be remedied through ordinary technical solutions. Provided that
17 technical solutions that can likewise maintain or promote ease of access
18 shall be prioritized and pursued.
- 19 2.-(1) Public places to be covered by this ACT shall include the
20 following:

Free Public
Internet Access
Programme

Coverage of the
Programme

- 1 (a) Federal, state and local government offices;
- 2 (b) Secondary and tertiary institutions;
- 3 (c) State universities, polytechnics, colleges of educations, technical
- 4 education and skills' development agencies;
- 5 (d) Public hospitals, health centres and rural health units;
- 6 (e) Police, army, navy and custom barracks;
- 7 (f) Public parks, plazas, libraries and reading centres;
- 8 (g) Public airports and sea ports;
- 9 (h) Public transport terminals.

10 (2) At the minimum, the programme shall be made available in areas
11 within the foregoing places where maximum use and access to the benefit shall
12 be ensured. Appropriate signage shall be placed in conspicuous areas of sites
13 with access to the free internet service provided by the programme.

14 (3) The Nigerian Communications Commission (NCC) and National
15 Information Technology Development agency (NITDA) shall be authorized to
16 set standards and qualifications in determining which public place shall be
17 included and prioritized for the roll out of the programme.

Lead
Implementation
Agencies

18 3. NCC and NITDA shall be the lead implementing agencies that will
19 oversee the effective and efficient implementation of this ACT. Others are
20 Nigerian Satellite Communications Limited and Nigerian Internet Group, an
21 internet advocacy group.

Agency
Responsibilities

22 4. For purposes of administering provisions of the ACT, NCC and
23 NITDA shall:

24 (a) Within one year of the commencement of this Act, develop a
25 comprehensive plan for timely and effective implementation and propagation
26 of this programme;

27 (b) Liaise with Federal, State and Local government areas, other
28 relevant agencies, private sector, Nigeria Internet Group and concerned
29 organizations to ensure that the comprehensive plan is integrated with the plans

1 and budgets of all agencies mandated to provide free internet access under
2 this programme;

3 (c) Prescribe policies, regulations and coordinate the timely and
4 effective implementation of this Act;

5 (d) Enter into contract to undertake the implementation of this Act
6 subject to existing laws and regulations;

7 (e) Arrange funding for the programme from any source whether
8 private, government, foreign or domestic including official development
9 assistance, bilateral and multilateral loans subject to existing laws and
10 regulations;

11 (f) Ensure the minimum internet speed per user is two megabyte
12 per second (2mbps) or as prescribed by the National Broadband Plan
13 whichever is higher;

14 (g) Undertake the creation, establishment, installation,
15 maintenance and operation of infrastructure equipment, systems, platforms,
16 applications, and such other programme requirements necessary to
17 effectively provide free internet access in public places throughout the
18 country;

19 (h) Train its personnel and institute accounting and fiscal practices
20 for the operation of the programme including in instances where the
21 operation of the programme is outsourced to a qualified third party; and

22 (i) Prescribe regulations or subscribe to acceptable standards in the
23 installation, construction, maintenance and operation of infrastructure and
24 equipment. Provided however - That nothing in this Act shall prohibit NCC
25 and NITDA from providing internet connectivity by installing equipment
26 and establishing infrastructure.

27 5.-(1) There shall be established a technical arm of this programme
28 to be known as the Technical Implementation and Advisory Committee.

29 (2) The Committee shall be responsible for the development of
30 policies, programmes, rules and regulations as well as setting standards and

Establishment
and Memberships
of the Technical
Implementation
and Advisory
Committee (TIAC)

1 determining places to be categorized as public. The Committee shall also be
2 responsible for ensuring success in implementation of the programme and
3 advise government accordingly.

4 (3) Members of the Committee shall be Executive Vice Chairman of
5 NCC as Chairman and the Director General of NITDA as Secretary.

6 (4) Other members of the Committee which shall be professionals
7 with requisite knowledge in internet matters shall comprise:

8 (a) Representatives of the Federal Ministry of Communications
9 Technology;

10 (b) Representatives of the Federal Ministry of Science and
11 Technology;

12 (c) Nigerian Internet Group;

13 (d) Telecommunications Operators;

14 (e) Nigerian Communications Satellite Limited (NIGCOMSAT);

15 (f) Senate and House Committee on Communications Technology;

16 (g) The Committee may co-opt when necessary any suitable Nigerian
17 whose contributions may be needed.

Public - Private
Participation

18 6.-(1) To promote an efficient and cost-effective delivery of the free
19 internet access for public places, NCC and NITDA may partner with the private
20 sector in the implementation of the programme.

21 (2) The excess capacity of private sector partners may be offered to
22 deliver supplemental internet access service for a reasonable fee to the user in
23 the areas where programme facilities are located. Provided, that the said
24 individuals or entities register with the Nigerian Communications
25 Commission (NCC) as value added service provider.

26 (3) In order to lower costs, increase and improve the free internet
27 access for public places, private service providers are encouraged to exchange
28 data tariffs of domestic internet protocol (IP) exchanges which may be
29 designated by NCC and NITDA.

30 (4) Internet Service Providers (ISPs) shall be allowed to acquire and

Bills

Bills and Amendments

1 utilize internet connectivity directly from satellites and other emerging
2 technologies to ensure universal coverage which when used to provide
3 internet connectivity shall be considered value-added services.

4 7. Any unfair methods of competition and exclusivity
5 arrangements in favour of a single telecommunications entity shall be
6 prohibited to promote the free and unrestricted access to public places
7 covered under this Act for the purpose of installation and operation of
8 broadband facilities. NCC and NITDA shall issue appropriate rules and
9 guidelines to enforce this provision. Any violation of the said prohibition
10 shall subject the concerned government officials and employees to
11 administrative penalties under existing civil service laws, rules and
12 regulations.

Exclusivity
Arrangement

13 8.-(1) NCC and NITDA shall be assigned such frequencies as it
14 shall require for the programme. Provided that this shall not cause
15 interference to usher private operators of the programme or hinder the
16 development of the broadcast, telecommunications, internet service or
17 value-added services authorized by or registered with the NCC.

Use of available
or unassigned
spectrum

18 (2) The use of available or unassigned and private entities subject
19 to transparent, fair, reasonable and non-discriminatory terms and conditions
20 as specified in the guidelines jointly issued by the NCC, NITDA after public
21 stakeholders' consultations.

22 (3) Within one (1) year from the commencement of this Act, NCC
23 and NITDA in conjunction with the Ministry of Communications
24 Technology shall issue the guiding principles and policy direction for the
25 open and shared use of spectrum, especially for the implementation of the
26 programme.

27 9.-(1) Within one (1) year of the commencement of this Act, NCC
28 shall issue rules on minimum standards for quality of service including but
29 not limited to download speed latency, packet loss, and jitter for public free
30 internet service. The minimum quality for service standards provided for the

Data Collection
and Monitoring

1 programme shall not be lower than the minimum quality of service standards
2 provided for retail basic internet connectivity services offered to the public.

3 (2) NCC and NITDA shall periodically collect, update and publish
4 such information on the cost, performance, service quality, and compliance
5 with the minimum standards on free public internet access points to the public.

6 (3) NCC and NITDA shall impose penalties, upon ISPs that do not
7 comply with minimum standards set by NCC and NITDA and the agreed
8 quality of service as specified in their contract.

9 (4) The government shall respect the privacy of persons which use the
10 programme in no case shall the administrator or manager of the said
11 programme engage in collection, use or disclosure of user data including the
12 collection of anonymous traffic data.

Prohibition on
access to
pornography

13 10. Access to pornographic websites shall be prohibited under the
14 programme

Protection of
Children

15 11. NCC and NITDA in conjunction with relevant Agencies and in
16 consultations with telecommunications companies and civil society
17 organizations, shall develop standards and mechanisms for the protection of
18 children online, consistent with existing laws on the rights and protection of the
19 welfare of children.

Public safety
warning

20 12. NCC and NITDA and the telecommunications companies shall
21 ensure that facilities such as relay stations, repeaters, boosters and
22 telecommunications towers shall where warranted bear appropriate warning
23 signage when close and constant contact with such facilities which may be
24 harmful or hazardous.

Private Property
Ownership

25 13. The right to private property shall be respected in the
26 implementation of the Programme. In case the construction of any
27 infrastructure or installation of equipment should involve or affect privately
28 owned land or property, NCC and NITDA shall ensure that the necessary
29 public consultations are held with affected or concerned parties, such as home
30 owners and home owners associations, non-governmental organizations,

1 before the programme is implemented in their respective jurisdiction.

2 14. For the purpose of this ACT, concerned Federal, state and local
3 government areas shall:

Role of the
Federal, State
and Local
Governments

4 (a) Liaise with NCC and NITDA in streamlining of the application
5 renewal and approval of the permits and certificates and the regulation
6 standardization and implementation of fees pertinent to the effective
7 implementation of this Act;

8 (b) Facilitate the access of telecommunications companies to
9 government or government owned properties and facilities for the
10 deployment and temporary storage of equipment and property needed to
11 construct infrastructure or install equipment necessary for the
12 implementation of this Act;

13 (c) Align or enroll their respective programmes providing free
14 access to internet service with that provided in this Act;

15 (d) Ensure the security of installed equipment; and

16 (e) Assign a designated personnel who can act as site coordinator as
17 needed.

18 15.-(1) NCC and NITDA shall streamline the process for the
19 application, renewal and release of permits, licenses, and clearances needed
20 for the construction of infrastructure or installation of equipment in
21 conjunction with concerned Federal, state and local governments for the
22 effective implementation of this Act.

Permission and
Certification

23 (2) NCC and NITDA shall standardize and regulate fees for the
24 facilitation of permits, certificates and the rental rates of government-owned
25 or controlled properties for the construction of infrastructure and
26 installation of equipment necessary for the immediate and effective
27 implementation of the programme. Provided that the fee to be collected
28 should be just and reasonably sufficient to cover the costs of supervision and
29 regulation. The revenue collected from local fees, charges and other local
30 impositions shall be solely for the benefit of and subject to disposition by the

(3) NCC and NITDA shall coordinate with the federal, state and LGAs to conduct the necessary consultations with civil society organizations and other stakeholders in the development of the implementing rules and policies for the permitting and certification process.

(4) Failure on the part of the issuing agency to release the applied license without informing the applicant business entity of the errors, omission, or additional documents required shall mean automatic approval of the license or permit applied for within seven days after submission of the applicant business entity of the complete requirements and payments of the corresponding fees. Provided however, that in case where the cause of the delay is due to force majeure or natural or man-made disaster which may result in damage or destruction of documents the prescribed processing time shall be suspended and appropriate adjustments shall be made.

(5) No additional steps, permits, certificates or fee shall be required from any applicant other than that the requirements stipulated by NCC and NITRA.

(6) Initial issuance and agreements necessary to facilitate the implementation of the streamlined process shall be issued or released within three (3) months from the commencement of this Act.

21 include to 16 NCC and NTFDA shall liaise with relevant bodies and
22 stakeholders to prepare an annual report on the status of the implementation of

23 the programme and recommend necessary policies for the effective
24 implementation of this Act. The Report shall be submitted to the President of
25 the Federal Republic of Nigeria, the Senate President and Speaker of the House
26 of Representatives and the Committees on Communications Technology.

27 the law until 1991. By reason of this Act, there is hereby created a Fund to be
28 known as Free Public Internet Access Fund (FPIAF) to provide financing for
29 the implementation of the programme.

dispositions shall be solely for the benefit and subject to disposition by the corporation. The revenue collected from local fees, charges and other local

(2) The FPIAF which shall be under the management of NCC shall be utilized to:

(1) Promote, provide and establish free internet in public places in Nigeria.

(2) Assist in provision of equipment and installation of facilities that will enable free internet to the public.

(3) Provide trainings, set standards and management of the free internet programme in Nigeria.

(4) Provide incentives and subsidize cost of installations and purchase of equipment by interested internet service providers, telecommunications companies and other parties.

(5) Accommodate any other expenditures as may be prescribed by NCC and NITDA necessary for the success of this programme.

(6) Mandate the operators in the industry to allocate and contribute at least 0.5% of their annual profit to the Public Internet Access fund.

18. The following shall make contributions to the Free Public Internet Access Fund:

(a) The Federal Government shall devote and contribute 0.0025% of the annual budget to the fund;

(b) Telecommunications Companies shall devote 0.05% of their annual profit to the Fund;

(c) NCC has devote 50% of the Spectrum Users fees collected to the funds;

(d) Any other source to be identified by the Ministry of Communications Technology.

19.-(1) The amount necessary for the immediate and effective implementation of this ACT shall be charged against any available funds of NCC and NITDA. Thereafter, such funds as may be required for the implementation of this ACT shall be sourced from the FPIAF.

(2) Any deficiency in the budgetary requirements for the

Liabilities to the Fund

Appropriations

Implementing
Rules and
Regulations

1 implementation of this ACT shall be included in the annual appropriation Act
2 **20.** Within ninety (90) days from the commencement of the Act, NCC
3 and NITDA in conjunction with relevant agencies, shall promulgate the
4 necessary rules and regulations for the effective implementation of this Act.

Interpretation

5 **21.** In this Act, unless the context otherwise requires:
6 "President" means President and Commander in Chief of the Federal Republic
7 of Nigeria;
8 "Ministry" means Ministry of Communications Technology;
9 "NCC" means Nigerian Communications Commission;
10 "NITDA" means Nigeria Information Technology Development Agency;
11 "Committee" means the Technical Implementation and Advisory Committee;
12 "ISPs" means Internet Service Providers;
13 "NIG" means Nigerian Internet Group;
14 "Telecommunications Companies" means companies that provide telecoms
15 products and services including MTN, Airtel, GLOBACOM and 9mobile;
16 "Minister" means the Federal Minister In charge of Communications
17 Technology.

Short title

18 **22.** This Bill may be cited as the Free Internet Access in Public Places
19 Bill, 2020.

EXPLANATORY MEMORANDUM

The Bill seeks to put in place a Legal framework for free internet access in public places, ensure the pursuit of social and developmental objectives of Nigerians for a return on investment, help create job and wealth and SMEs to compete with global brands, assist in prompt reportage of security breaches and promote internet as tool for personal and national development.