

# A BILL

## FOR

AN ACT TO AMEND THE CYBERCRIMES (PROHIBITION, PREVENTION, ETC.) ACT, 2015 TO MAKE ADEQUATE PROVISIONS FOR THE PREVENTION OF CYBER OFFENCES AND CRIMES, MINIMISATION OF CYBER BREACHES AND TO PROVIDE A FRAMEWORK FOR THE ESTABLISHMENT OF CYBER SECURITY MANAGEMENT SYSTEMS IN NIGERIA; AND FOR RELATED MATTERS

*Sponsored by Hon. Darlington Nwokocha*

[ ] Commencement

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

1           1. The Cybercrimes (Prohibition, Prevention, etc.) Act, 2015 (in  
2 this Bill referred to as "the Principal Act") is amended as set out in this Bill.

Amendment of  
2015 No.....

3           2. Section 21 of the Principal Act is amended by deleting the  
4 existing provisions and inserting the following as new provisions thereto:

Amendment of  
section 21

5           "(1) Any person or institution, who operates a computer system or a  
6 network, whether public or private, must immediately report to the National  
7 Computer Emergency Response Team (CERT) Coordination Centre or  
8 relevant sectoral Cyber Security Units of any attacks, intrusions,  
9 disruptions, compromise and breaches liable to hinder the proper  
10 functioning of another computer system or network, so that the National  
11 Computer Emergency Response Team Coordination Centre or the sectoral  
12 Cyber Security Unit can take up measures to tackle the such issues.

13           (2) In such cases mentioned in subsection (1) of this section, and in  
14 order to protect computer systems and networks, the National Computer  
15 Emergency Response Team Coordination Centre or relevant sectoral Cyber  
16 Security Units may propose the isolation of affected computers or network  
17 pending the resolution of the issue.

18           (3) Any person or institution making a report pursuant to

1 subsection (1) of this section shall include in such report, the investigation so  
2 far done and the manner of handling and improvements so far achieved with  
3 respect to the cyber security issue or breach.

4 (4) The Attorney-General of the Federation shall by regulation, from  
5 time to time, upon the advice of the National Security Adviser and the National  
6 Computer Emergency Response Team:

7 (a) grade cyber security incidences or breaches into categories taking  
8 into cognizance the responsibility levels, importance, confidentiality,  
9 sensitivity of business, hierarchy of agency, quality and attribute of  
10 information reserved or processed, scale and attribute of information and  
11 communication system, the government agency or non-government agency  
12 concerned; and

13 (b) provide for the decentralization of the reporting structure along  
14 sectoral lines and provide for the establishment of Sectoral Cyber Security  
15 Units which shall receive reports of cyber security incidences and breaches,  
16 handle and resolve such issues and in certain circumstances refer to the  
17 National Computer Emergency Response Team Coordination Centre.

18 (5) Any person or institution who fails to report any such incident to  
19 the National Computer Emergency Response Team Coordination Centre or the  
20 relevant sectoral Cyber Security Unit within 7 days of its occurrence commits  
21 an offence and shall be liable to denial of internet services and shall in addition  
22 pay a mandatory fine of N5,000,000.00 into the National Cyber Security Fund.

23 3. This Bill may be cited as the Cybercrimes (Prohibition, Prevention,  
24 etc.) Act (Amendment) Bill, 2020.

Short title

#### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Cybercrimes (Prohibition, Prevention, etc.) Act 2015 to provide for the prevention of cyber offences and crimes, minimisation of cyber breaches and to provide for the establishment of Cyber Security Management Systems in Nigeria.