

NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

A BILL FOR

An Act to provide for the establishment of the NATIONAL
INFORMATION TECHNOLOGY DEVELOPMENT AGENCY (NITDA) and
related matters





THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

National Information Technology Development Agency Act 2007

A BILL FOR

An Act to provide for the establishment of the NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY (NITDA) and related matters

Enacted by the National Assembly of the Federal Republic of Nigeria.

EXPLANATORY MEMORANDUM

This Act established the National Information Technology Development Agency to plan, develop and promote the use of Information technology in Nigeria.

SECTION OVERVIEW

PART I: ESTABLISHMENT OF THE AGENCY

1. Establishment of the Agency

PART II: COMPOSITION OF THE GOVERNING BOARD POWERS AND FUNCTIONS

2. Establishment and membership of the Government Board
3. Tenure of Office
4. Cessation of membership
5. Emoluments, etc. of members
6. Functions of the Agency
7. Powers of the Board

PART III: STAFF AND STRUCTURE OF THE AGENCY

8. Director General, Secretary and other staff of the Agency
9. Pension Reform Act 2004 No. 4
10. Staff Regulations
11. Removal from the office of the Director General etc.

PART IV: ESTABLISHMENT OF THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT FUND

12. Establishment etc., of the National Information Technology Development Fund
13. Exempted from Tax
14. Investments Cap. 449 LFN
15. Accounts and report of the Fund
16. Federal Inland Revenue Service to collect levy and pay into the Fund
17. Offences
18. Offences relating to corporate bodies



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

PART V: INFORMATION TECHNOLOGY PARKS

19. Information Technology Parks

PART VI: FINANCIAL PROVISIONS

20. Accounts of the Agency
21. Expenditure of the Board

PART VII: LEGAL PROCEEDINGS

22. Limitation of suits against the Agency Cap. 379 LFN
23. Service of Documents
24. Restriction on execution against property of the Agency
25. Indemnity

PART VIII: MISCELLANEOUS

26. Directives by the Minister etc.
27. Regulations by the Board
28. Transitional provisions
29. Interpretation
30. Short Title
31. Schedules



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

PART I: ESTABLISHMENT OF THE AGENCY

1. Establishment of the Agency

- (1) There is established a body to be known as National Information technology Development Agency (hereinafter in this Act referred to as “the Agency”).
- (2) The Agency shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

PART II: COMPOSITION OF THE GOVERNING BOARD POWERS AND FUNCTIONS

2. Establishment and membership of the Government Board

- (1) There is established for the Agency a Governing Board (in this Act referred to as “the Board”), which shall have overall control of the Agency.
- (2) The board shall consist of
 - a. A Chairman
 - b. A representative of each of;
 - i. The Federal Ministry of Science & Technology;
 - ii. The Ministry of Communication;
 - iii. The Federal Ministry of Education;
 - iv. The Standards Organisation of Nigeria;
 - v. The Nigerian Society of Engineers;
 - c. Four persons to represent affiliate bodies of the Computer Professionals’ Registration Council of Nigeria;
 - d. Two persons with cognate experience in Information Technology to represent the Academic Staff Union of Universities, and the Academic Staff Union of Polytechnics;
 - e. Six persons who are experts in the area of Information Technology appointed by the President from each of the six geo-political zones of Nigeria; and
 - f. The Director General of the Agency who shall be the Secretary of the Board.
- (3) The Chairman and members of the Board, other than the ex-officio members, shall be appointed by the President on the recommendation of the Minister.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

- (4) The supplementary provisions set out in the First Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned herein.

3. Tenure of Office

The Chairman and other members of the Board, other than ex-officio members shall each hold office:

- (a) For a term of 4 years in the first instance and may be reappointed for a further term of 4 years and no more; and
- (b) On such terms and conditions as may be specified in his letter of appointment.

4. Cessation of membership

- (1) Notwithstanding the provision of section 3 of this Act, a member of the Board shall cease to hold office if:
- (a) He resigns his appointment as a member of the Board by notice, under his hand, addressed to the President;
- (b) He becomes unsound of mind;
- (c) He becomes bankrupt or makes compromise with his creditors;
- (d) He is convicted of a felony or of any offence involving dishonesty or corruption;
- (e) He becomes incapable of carrying out the functions of his office, either arising from an infirmity of the mind or of the body; or
- (f) The President is satisfied that it is not in the interest of the Agency or of the public for the person to continue in office and notifies the member in writing to that effect.
- (2) When a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor provided that the successor shall represent the same interest as his predecessor.

5. Emoluments, etc. of members

The Chairman and members of the Board shall be paid such emoluments, allowances and benefits the Federal Government may, from time to time, direct.

6. Functions of the Agency

The Agency shall:



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

- (a) Create a frame work for the planning, research, development, standardization, application, coordination, monitoring, evaluation and regulation of Information Technology practices, activities and systems in Nigeria and all matters related thereto and for that purpose, and which without detracting from the generality of the foregoing shall include providing universal access for Information Technology and systems penetration including rural, urban and under-served areas.
- (b) Provide guidelines to facilitate the establishment and maintenance of appropriate for information technology and systems application and development in Nigeria for public and private sectors, urban-rural development, the economy and the government.
- (c) Develop guidelines for electronic governance and monitor the use of electronic data interchange and other forms of electronic communication transactions as an alternative to paper-based methods in government, commerce, education, the private and public sectors, labour, and other fields, where the use of electronic communication may improve the exchange of data and information.
- (d) Develop guidelines for the networking of public and private sector establishment.
- (e) Develop guidelines for the standardization and certification of Information Technology Escrow Source Code and Object Code Domiciliation, Application and Delivery Systems in Nigeria.
- (f) Render advisory services in all information technology matters to the public and private sectors.
- (g) Create incentives to promote the use of information technology in all spheres of life in Nigeria including the setting up of information technology parks.
- (h) Create incentives to promote the use of information technology in all spheres of life in Nigeria including the development of guidelines for setting up of information technology systems and knowledge parks.
- (i) Introduce appropriate regulatory policies and incentives to encourage private sector investment in the information technology industry.
- (j) Collaborate with any local or state Government, company, firm, or person in any activity, which in the opinion of the agency is intended to facilitate the attainment of the objective of this act.
- (k) Determine critical areas in Information Technology requiring research intervention and Development in those areas.
- (l) Advise the Government on ways of promoting the development of information technology in Nigeria including introducing appropriate information technology legislation, to enhance national security and vibrancy of the industry.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

- (m) Accelerate internet and intranet penetration in Nigeria and promote sound internet Governance by giving effect to the Second Schedule of this Act; and
- (n) Perform such other duties, which in the opinion of the Agency are necessary or expedient to ensure the efficient performance of the functions of the Agency under this act.

7. Powers of the Board

The Board shall have power to:

- (a) Formulate overall policy for the management of the affairs of the Agency;
- (b) Manage the National Information Technology Development Fund established under Section 12 of this Act;
- (c) Appoint, promote, terminate, dismiss and exercise disciplinary control over the principal officers and senior staff of the Agency;
- (d) Structure the Agency into such number of departments as it deems fit for the effective discharge of the functions of the Agency; and
- (e) Exercise such powers as are necessary of expedient for giving effect to the provision of this Act.

PART III: STAFF AND STRUCTURE OF THE AGENCY

8. Director General, Secretary and other staff of the Agency

- (1) There shall be for the Agency a Director General who shall:
 - (a) Be appointed by the President;
 - (b) Be the chief executive and accounting officer of the Agency;
 - (c) Be responsible for the execution of policy and the day to day administration of the affairs of the Agency; and
 - (d) Perform such other duties as the Board may, from time to time, assign to him.
- (2) The Director General shall hold office for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more and on such terms and conditions as may be specified in his letter of appointment.
- (3) The Agency may subject to the approval of the Board, appoint such other staff as it may deem necessary and expedient, from time to time, for the proper and efficient performance of the function of the Agency.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

- (4) The terms and conditions of service including remuneration, allowances, benefits and pensions of the staff and employees of the Agency shall be determined by the Board in such a manner as to attract and retain quality and high calibre manpower.
- (5) The Board shall consider and in consultation with the National Income and Wages Commission determine and review from time to time the remunerations and allowances payable to the Agency's staff.

9. Pension Reform Act 2004 No. 4

- (1) Service in the Agency shall be approved service for the purpose of the Pensions Act, and accordingly, officers and employees of the Agency shall be entitled to pensions, gratuities and other retirement benefit prescribed under the Pension Act.
- (2) Without prejudice to the provisions in subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office and conditions which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.
- (3) For the purpose of the application of the provisions of the Pensions Act, any power exercisable by a Minister of other authority of the Federal Government, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

10. Staff Regulations

- (1) Subject to the provisions of this Act, the Agency may make staff regulations relating generally to the conditions of service of the staff and without prejudice to the generality of the foregoing, such regulations may provide for:
 - (a) The appointment, promotion, termination, dismissal and disciplinary control of staff or employees of the Agency; and
 - (b) Appeals by staff or employees against dismissal or other disciplinary measures and until such regulations are made any instrument relating to conditions of service in the Public Service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Agency.
- (2) The staff regulations made under subsection (1) of this section shall not have effect until approved by the Board, and when so approved the Agency shall cause a notice of the staff regulations to be issued to all affected staff in such manner as it may, from time to time, determine.

11. Removal from the office of the Director General etc.

Notwithstanding the provisions of Section 7 (c) and 9 of this Act, the Director General of the Agency may be removed by the President on recommendation of office of the Minister.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

PART IV: ESTABLISHMENT OF THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT FUND

12. Establishment etc., of the National Information Technology Development Fund

- (1) There is established a fund, which shall be known as the National Information Technology Development Fund (in this Act referred to as “the Fund”)
- (2) There shall be paid and credited into the Fund established under subsection (1) of this section:
 - (a) A levy of one percent of the profit before tax of companies and enterprises enumerated in the Third Schedule to this Act with an annual turnover of Third Schedule N 100,000,000 and above and such paid by the companies shall be tax deductible.
 - (b) Grants-in-aid and assistance from bilateral and multilateral agencies;
 - (c) All other sums accruing to the Fund by way of gifts, endowments, bequest or other voluntary contributions by persons and organisations:

Provided that the terms and conditions attached to such gifts, endowments, bequest or contributions will not jeopardize the functions of the Agency;

- (d) Such monies as may be appropriated for the Fund by the National Assembly; and
- (e) All other monies or assets that may, from time to time accrue to the Fund.

13. Exempted from Tax

All monies accruing to the Fund and account of the Agency from the sources specified in section 12 and 19 of this Act respectively shall be exempted from income tax and all contributions to the Fund and the accounts of the Agency shall be tax deductible.

14. Investments Cap. 449 LFN

The Board may, in accordance with the Investments Trustees Act, invest any surplus funds in profit yielding ventures and the net incomes so generated shall be paid into the treasury.

15. Accounts and report of the Fund

- (1) The Director General of the Agency shall keep proper records of the accounts, Accounts and sources and use of the monies and assets of the Fund and shall render accounts to the Board, from time to time.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

- (2) The account of the Fund shall be audited not later than 3 months after the end of the year to which it relates by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor General for the Federation.

16. Federal Inland Revenue Service to collect levy and pay into the Fund

- (1) The Federal Inland Revenue Service shall assess and collect the levy imposed under section 12 of this Act.
- (2) The Federal Inland Revenue Service shall while assessing any company for either company or income tax or Petroleum profit tax for an accounting period of the company, also assess such company for the levy or tax due under this Act.
- (3) The levy imposed under section 12 of this Act shall be due and payable within 60 days after the Federal Inland revenue Service has served notice to the assessment on a company in such form as the Federal Inland revenue Service may, from time to time, determine.
- (4) Where a levy due under section 12 of this Act is not paid within the time specified in that section, the Federal Inland Revenue Service shall serve on the company, a demand note for the unpaid tax plus a sum which is equal to 2 percent of the levy.
- (5) Any company, agency or organisation that fails within two months after a demand note, to pay the levy or the import duty imposed under section 11 of this Act commits an offence and is liable on conviction to a fine of not less than N 1,000,000.00 and the Chief Executive Office of the company, Agency or Organisation shall be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.
- (6) The institution of proceeding or imposition of a penalty under this Act shall not relieve a company or Organisation from liability to pay the Federal Inland Revenue Services such levy or levies that may become due under this Act.

17. Offences

- (1) Except as otherwise provided in this Act, any person or corporate body who contravenes or fails to comply with the provisions of this Act commits an offence.
- (2) Where a body corporate fails to make payment within two months after a demand note for unpaid levy plus a sum which is equal to 2 percent of this levy has been served on the body corporate, the body corporate commits an offence under this Act.
- (3) Where an offence under this Act is committed by a body corporate or firm or other association of individuals:



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

- (a) Every Chief Executive Officer of the body corporate or any officer acting in that capacity or on his behalf; and
 - (b) Every person purporting to act in any capacity mentioned under paragraph (a) of this subsection (3) commits an offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.
- (4) Where a person or body corporate fails to comply with the guidelines and standards prescribed by the Agency in the discharge of its duties under this Act, such person or body corporate commits an offence
- (5) The Agency shall collaborate with the Standards Organisation of Nigeria to enforce the guidelines and standards formulated by the Agency in the discharge of its duties under the Act.

18. Offences relating to corporate bodies

- (1) Except as otherwise provided in this Act, any body corporate or person who commits an offence under this Act where no specific penalty is provided, is liable on conviction:
- (a) For a first offence, to a fine of N 200,000.00 or imprisonment for a term of 1 year or to both such fine and imprisonment; and
 - (b) For a second and subsequent offence, to a fine of N 500,000.00 or to imprisonment for a term of 3 years or to both such fine and imprisonment.
- (2) The institution of proceedings or imposition of a penalty under this Act shall not relieve a body corporate from liability to pay to the Federal Inland Revenue Service such levy or tax which may become due under this Act.

PART V: INFORMATION TECHNOLOGY PARKS

19. Information Technology Parks

- (1) Subject to this Act, the Minister shall by Order, designate and facilitate the establishment of Information Technology Parks (in this Act referred to as "the Park") all over the country.
- (2) Upon application made in that behalf by the Minister, through the Board charged with responsibility for matters relating to Commerce, the President may by Order designate the Parks as Free Zones and may specify in the Order such incentives and/or tax holidays that enterprises engaged in the Parks may enjoy.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

PART VI: FINANCIAL PROVISIONS

20. Accounts of the Agency

The Agency shall establish and maintain an account into which shall be paid and credited:

- (a) All subventions and budgetary allocations from the Federal Government;
- (b) Gifts, loans, grants-in-aid from national, bilateral and multilateral organisations and agencies;
- (c) Rents, fees and other internally generated revenues from services provided by the Agency; and
- (d) All other sums accruing to the Agency from time to time.

21. Expenditure of the Board

The Agency may, from time to time, apply the proceeds of the Fund established under section 12 of this Act;

- (a) To the cost of administration of the Agency;
 - (b) To the payment of the emoluments, allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee set up by the Board and for such expenses as may be expressly authorized by the Boards;
 - (c) To the payment of the salaries, fees or other remuneration or allowances gratitudes ad pensions, and other benefits payable to the staff-and other employees of the Agency, so however that no payment of any kind under this paragraph (except such as may be expressly authorized by the Board) shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;
 - (d) For the development and maintenance of any property vested in or owned by the Agency;
 - (e) For maintaining general financial reserves subject to general or special directive that may be given in that behalf by the Minister in accordance with the provisions of this Act; and
 - (f) To any other expenditure in connection with all or any of its functions under this Act.
- (3) Proceeds from the Funds established under section 12 (c) shall be remitted to the Treasury of the Federal Government.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

22. Annual Estimates and Accounts

- (1) The Agency shall, not later than 30th September in each year submit to the Minister an estimate of its expenditure and income (including payments to the Agency of the fund for next succeeding year);
- (2) The Agency shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list in accordance with the guidelines supplied by the Auditor General for the Federation.

23. Annual Reports

The Agency shall prepare and submit to the Minister not later than 30th June in each year a report in such form as prescribed in this Act on the activities of the Agency during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Agency for that year and of the auditor's report thereon.

24. Power to accept gifts

- (1) The Agency may accept gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Agency shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Agency under this Act.

25. Power to borrow

The Agency may, in accordance with the general authority of the Minister, borrow such sums of money as the Agency may require in the exercise of its functions under this Act or its subsidiary legislation.

26. Exemption from tax

- (1) The Agency shall be exempted from the payment of income tax on any income accruing from investments made by the Board or otherwise howsoever;
- (2) The provision of any enactment relating to the taxation of companies or trust funds shall not apply to the Agency or the Board.

PART VII: LEGAL PROCEEDINGS

27. Limitation of suits against the Agency Cap. 379 LFN

- (1) Subject to the provisions of this Act the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any member or officer or employee of the Agency



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

- (2) Notwithstanding anything contained in any other law or enactment, no suit against a member of the Board, Director General or any other officer or employee of the Board for any act done in pursuance or execution of this Act or any other law or enactment, or of any public duties or authority or in respect of any alleged neglect or default in the execution of this Act or any other law or enactment, duties or authority, shall lie or be instituted in any court unless it is commenced:
- (a) Within three months next after the act, neglect or default complained of; or
 - (b) In the case of a continuation of damage or injury, within six months after the ceasing thereof.
- (3) No suit shall be commenced against a member of the Board, the Director General or any other officer or employee of the Agency before expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Agency by the intending plaintiff or his agent.
- (4) The notice referred to in subsection (3) of this section shall clearly and explicitly state:
- (a) The cause of action;
 - (b) The particulars of the claim;
 - (c) The name and place of abode of the intending plaintiff; and
 - (d) The relief which he claims.

28. Service of Documents

A notice, summons or other document required or authorized to be served on the Agency under the provisions of this Act or any other law or enactment may be served by delivering it to the Director General or by sending it by registered post addressed to the Director General at the principal office of the agency.

29. Restriction on execution against property of the Agency

- (1) In any action or suit against the Agency, no execution or attachment of process in the nature thereof shall be issued against the Agency unless not less than three months notice of the intention to execute or attach has been given to the Agency.
- (2) Any sum of money which by the judgment of any court has been awarded against the Agency shall, subject to any direction given by court, where no notice of appeal against the judgement has been given, be paid from the fund of the Agency.

30. Indemnity

A member of the Board, the Director General or any officer or employee of the Agency shall be indemnified out of the assets of the Agency against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director General, officer or employee of the Agency.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

PART VIII: MISCELLANEOUS

31. Directives by the Minister etc.

The Minister may give the Agency of the Director General such directives of a general nature or relating generally to matters of policy with regards to the exercise of its of his functions as he may consider necessary and it shall be the duty of the Agency or the Director General to comply with the directives or cause them to be complied with.

32. Regulations by the Board

The Board may make such regulations as in its opinion are necessary or expedient for giving full effect to the provisions of the Act and for the due administration of its provision.

33. Transitional provisions

- (1) The National Information Technology Development Agency is the successor-in-title in every way to the power, duties and functions of the former National Information Technology Development Agency
 - (a) All existing contracts agreements and compacts currently in effect by the National Information Technology Development Agency continue in effect.
 - (b) All existing contracts currently in effect by the National Information Technology Development Agency continue in effect.
 - (c) Any position authorized and allocated subject to the personnel laws of the former National Information Technology Development Agency are transferred to the National Information Technology Development Agency.
 - (d) All records, property and equipment previously belonging to or allocated for use of the former National Information Technology Development Agency become, on the effective date of this Act, part of the Property of the National Information Technology Development Agency.
 - (e) All existing forms, licenses, letterheads and similar items bearing the name of or referring to the “National Information Technology Development Agency” may be utilized by the National Information Technology Development Agency until existing supplies of those items are exhausted.

34. Interpretation

In this Act:

“**Agency**” means the National Information Technology Development Agency established under Section 1 of this Act.

“**Board**” means Governing Board f the Agency established under this Act.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

“**Computer**” means any electronic device of computational machinery using programmed instructions which has one or more of the capabilities of storage, retrieval, memory, logic, arithmetic or communication and includes all input, output, processing, storage, software, or communication facilities which are connected or related to such a device in a system or network or control function by the manipulation of signals, including electronic, magnetic or optical and shall include any input, output, data storage, processing or communication facilities directly related to or operating in conjunction with any such device or system or computer network.

“**Computer Network**” means the interconnection of one or more computers through;

“ **Computer system**” means a device or collection of devices including input and output support devices and excluding calculators which are not programmable and capable of being used in conjunction with external files, which contain computer programmes, electronic instructions, input data and output data, that performs logic arithmetic, data storage and retrieval, communication control and other functions;

“**Data**” means a representation of information, knowledge, facts, concepts or instructions, which are being prepared or have been prepared in a formalised manner, and is intended to be processed, is being processed or has been processed in a computer system or computer network, and may be in any form (including computer printout, magnetic or optical storage media, punched cards, punched tapes) or stored internally in the memory of the computers;

“**Director General**” means the Director General of the Agency appointed under Section 8 of this Act;

“**Electronic form**” with reference to information means any information generated, sent, received or stored in media magnetic, optical, computer memory, micro film, computer generated, micro fiche or similar device;

“**Electronic record**” means data, record or data generated, image or sound stored, received or sent in an electronic form or micro film or computer generated micro fiche;

“**Government**” means the Federal Government of Nigeria;

“**Information Technology**” encompasses all forms of technology used to create, store, exchange and use information in its various forms (business data, voice, conversation, still images, motion pictures, multimedia presentations and other forms including those not yet conceived);

“**Minister**” means the Minister charged with the responsibility of matters relating to science and technology;

“**President**” means the President of the Federal Republic of Nigeria;

“**Software**” includes any program, procedure and associated documentation concerned with the operation of a computer system.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

35. Short Title

This Act may be cited as the National Information Technology Development Agency Act 2007.

Schedules

First Schedule

Section 2(4)

SUPPLEMENTARY PROVISION RELATING TO THE BOARD, ETC.

Proceedings of the Board

- (1) Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered, to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any of its committees.
- (2) At every meeting the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their numbers to preside at the meeting.
- (3) The quorum at a meeting of the Board shall be not less than one-third of the total number of the Board members at the date of the meeting.
- (4) The Board shall for the purpose of this Act, meet not less than four times each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman, and if require to do so by notice given to him by not less than 1/3 of members, he shall summon a meeting of the board to be held within fourteen days from the date in which the notice is given.
- (5) When the Board desires to obtain the advise of ay person on any particular matter, the board may co-opt him to the board for such period as it thinks fit, but a person who is a member by virtue of this paragraph shall not be permitted to vote at any meeting of the board and shall not count towards a quorum.

Committees

- (6) 1. Subject to its standing orders, the board may appoint such number of standing or ad hoc committees as it thinks fit to consider and report on any matter with which the Board is concerned.
2. A committee appointed under this paragraph shall:



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

(a) Consist of such number of persons (not necessarily members of the Board as may be determined by the Board) and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment; and

(b) Be presided over by a member of the Board.

3. The quorum of any committee set up by the Board shall be its quorum as provided under Section 3 of this Schedule.

4. The decision of any committee of the Board shall constitute a recommendation to the Board.

Miscellaneous

(7) The fixing of the Seal of the Agency shall be authenticated by the signature of the Chairman or any other person generally or specifically authorised by the Board to act for that purpose and that of the Director General.

(8) Any contract of instrument which if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Board by the Director General or any other person generally or specifically authorized by the Board to act for that purpose.

(9) Any document purporting to be contract, instrument or document duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been signed or sealed.

(10) The validity of any proceedings of the Board or any of its committees shall not be affected by:

(a) Any vacancy in the membership of the Board, or committee; or

(b) Any defect in the appointment of a member of the Board or committee; or

(c) Reason that any person not entitled to do so took part in the proceedings of the Board or committee.

(11) A member of the Board or a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

(12) No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Board.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

Second Schedule Section 6 (m)

SUPPLEMENTARY PROVISIONS RELATING TO THE SUPERVISION OF THE MANAGEMENT OF THE COUNTRY CODE TOP LEVEL DOMAIN (.ng) ON THE INTERNET

- (1) Subject to the provision of this Act, the Agency shall advise the Federal Government generally on matters and issues that are related to the management and administration of Nigeria's country code top level domain (.ng)
- (2) The Agency shall have supervisory authority over any organization incorporated under the laws of Nigeria to manage and administer Nigeria's country code top level domain (.ng) including but not limited to the following:
 - (a) Approve the constitution of the management of any such organization created to carry out acts mentioned in Section 2 (1) of this Schedule;
 - (b) Lay down standards which shall ensure that the membership of the organization when viewed collectively is broadly representative of the stakeholders of the ICT community in the country;
 - (c) Outline an operational rule for the organization which shall include but not limited to the following:
 - (i) The creation of any departments of the organization to perform specialized functions
 - (ii) The establishment and functioning of committees including a management board;
 - (iii) The preparation by the organization of an annual business plan in terms of which the activities of the organization are planned annually;
 - (iv) The determination through arbitration of any dispute concerning the interpretation of the memorandum and articles of association of the organization;
 - (v) The procedures and criteria for the establishment of second level domains and for delegations to such domains;
 - (vi) The domain name dispute resolution and related appeal mechanisms;
 - (vii) Criteria for the qualification of an appointment of Domain Name Hosts.
- (3) The Agency shall ensure that the activities of the organization comply with international best practice in the administration of country code top level domains.



THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT 2007

Third Schedule

Section 12 (2) (a)

Business which section 12 (2) (a) refers to:

- (i) GSM Service Providers and all Telecommunications companies;
- (ii) Cyber Companies and Internet Providers;
- (iii) Pensions Managers and pension related companies;
- (iv) Banks and other Financial Institutions;
- (v) Insurance Companies.

== E.O.D. ==