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# What NITDA's New Draft Code of Practice Entails

The National Information Technology Development Agency (NITDA) is the primary body responsible for technology regulation in Nigeria. According to Section 6B of the NITDA Act, the agency is vested with the function of providing 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.

In furtherance of the power enshrined in the NITDA Act, the agency in June 2022 released a draft **Code of Practice** for Interactive Computer Service Platforms/Internet Intermediaries (Regulation).



The Regulation aims to control how internet platforms operate in order to prevent disruptions to the country's ICT sector. The Nigerian Communications Commission (NCC), National Broadcasting Commission (NBC), as well as input from Interactive Computer Service Platforms (also known as Tech Giants) like Twitter, Facebook, WhatsApp, Instagram, Google, and Tik Tok among others, were involved in the development of the Code of Practice.

The fundamental goals are to secure key technology infrastructure, safeguard minors online, ensure online safety, and enforce best practices for interactive online platforms.

The Securities and Exchanges Commission and the Central Bank of Nigeria have produced legislation that are industry-specific and adds to the increasing list of technology rules.

## Scope of Directive

1. Interactive Computer Service Platforms (CSPs)
2. Agents of CSPs and Intermediaries
3. Internet intermediaries

## Important Lessons from the Code of Practice

1. More robust provision on compliance with takedown notices.
2. Secondary liability of CSPs where sufficient action is not taken in respect of harmful or illegal content.
3. Introduction of dispute/compliant resolution standards.
4. Verification obligation in respect of government accounts by authorized agencies approved by NITDA.
5. Provisions around the removal of illegal and non-consensual sexual content e.g. nudity, deepfakes etc, where targeted at malicious use.

## Legal and Regulatory Compliance Touchpoints

1. **Incorporation** – large platforms are to be incorporated in Nigeria and maintain liaison in Nigeria.
2. **Takedown Notices** – Acknowledgement and dealing with takedown notices within 24 hours of receipt.
3. **Customer onboarding and identity management:** CSPs must comply with a court order requesting disclosure of customer/user identity, verification of government accounts.
4. **Content Oversight** – to ensure compliance with applicable laws and regulations.
5. **Compliant Management** – issuance of tracking numbers, acknowledgement, treatment in a reasonable time and information of resolution in writing.
6. **Legal Documentation:** – Terms of use to meet specifications including informing users of prohibited content.

7. **Risk Assessment**- CSPs to examine content to determine potential harms or risks on receipt of takedown notices having regard to socio-cultural peculiarities, nature of content, etc.
8. **Content Management**- label removed content and state ground(s) for the removal.
9. **Report** - Annual report to NITDA on metrics such as removed content, registered users, closed accounts, etc. -  
**Part II (9) of the Draft Directive.**



## Penalties for non-compliance of the directive

According to **Part VI (2 and 3)**, non-compliance with this Regulation shall be construed as a breach of the provisions of the **National Information Technology Development Agency (NITDA) Act of 2007**. Also, any platform and/or internet intermediary that is responsible for the violation of this Regulation may be liable to disciplinary measures under civil service rules, prosecution and conviction for violation of **NITDA Act 2007**.

## Conclusion

The Code of Practice established by NITDA provides protocols to protect the security and welfare of Nigerians as they interact on these platforms. It intends to hold online platforms accountable for any illegal or harmful content on their platforms. If you need further details about compliance, **get in touch with us.**