

DIGITAL RIGHTS AND FREEDOM BILL 2019  
HB98  
EXPLANATORY MEMORANDUM

This Bill seeks to protect Internet users in Nigeria from infringement of their fundamental freedoms and to guarantee the application of human rights for users of digital platforms and/or Digital media.

Arrangement of Sections

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DIGITAL RIGHTS AND FREEDOM BILL, 2019

A BILL

FOR

AN ACT TO PROVIDE FOR THE PROTECTION OF HUMAN RIGHTS ONLINE, TO PROTECT INTERNET USERS IN NIGERIA FROM INFRINGEMENT OF THEIR FUNDAMENTAL FREEDOMS AND TO GUARANTEE APPLICATION OF HUMAN RIGHTS FOR USERS OF DIGITAL PLATFORMS AND/OR DIGITAL MEDIA AND FOR RELATED MATTERS, 2017 (HB. 98)

[ ]

Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I - PRELIMINARY

1. The Objectives of this Bill are to:

Objectives

- (a) promote the freedoms of expression assembly and association online;
- (b) guarantee the fundamental privacy rights of citizens in the use, development and deployment of security-related technologies.
- (c) affirm the freedom of citizens and their constitutional right to communicate freely without fear of undue monitoring and interference.
- (d) accord data privacy more priority in the digital age;
- (e) guarantee application of the human rights which apply offline within the digital environment and online;
- (f) provide sufficient safeguards against abuse and provide opportunities for redress where infringement occurs;
- (g) safeguard the digital liberty of Nigerians, now and in the future;
- (h) seek to guarantee the inviolability of communications, except by order of Court obtained in accordance with the due process of Law; and
- (i) equip the judiciary with the necessary legal framework to protect human rights online.

2. The provisions of this Bill shall apply throughout the Federal Republic of Nigeria.

Application.

PART II - FUNDAMENTAL RIGHTS AND FREEDOMS

3. (1) Unlawful, unauthorized and undue interference with the online privacy of any person, is prohibited under this Bill. Right to digital privacy.

(2) Except the context otherwise provides, the Rule of Confidentiality shall apply to the entire provisions of this Bill.

(3) Every person shall be entitled to the ownership of online content created by themselves or their agents, and shall be responsible for them.

(4) The digital assets or data sets of an owner such as passwords, instructive memos, digital contracts, digital receipts, pictures, medical information, bank accounts, writings, social interactions or anything else that a user has access to primarily in the digital space is inheritable to be managed and owned by his heirs or next of kin.

(5) Service providers shall strictly protect the privacy rights of owners against violation by third parties and by the service providers themselves or their agents howsoever; the occurrence of which shall give rise to compensation as shall be determined by the court having due regard to the extent of damage.

(6) Every person is guaranteed the confidentiality of his personal data.

(7) The integrity and confidentiality of personal data and information of citizens is inviolable and therefore guaranteed.

(8) Requests for private data shall follow legally stipulated procedures and Court warrants shall be necessary in order for an intermediary to honor a request for private data, which request shall be reported to the concerned individual.

(9) Every private entity in Nigeria holding citizen data – personal details of private individuals – shall publish in publicly accessible legacy and digital media platforms detailing the nature and frequency of government requests.

(9) All entities that collect, store and/or process personal data in the course of their activities shall have data privacy policies that are readily and easily accessible to the public.

(10) Under certain exceptional situations where the State may limit the right to privacy for the purposes of administration of criminal justice or prevention of crime, such measures shall be in compliance with provisions of the Constitution of the Federal Republic of Nigeria and this Law with adequate safeguards against abuse.

(11) Measures referred to in sub-clause (10) include ensuring that any measure to limit the right to privacy is taken on the basis of a specific decision by a State Authority expressly empowered by law to do so, and shall respect the principles of necessity and proportionality.

4.(1) Every person may access the internet and communicate electronically using instruments, including technical systems, which protect their anonymity and prevent the collection of personal data, in particular with a view to exercising civil and political Freedoms without being subject to discrimination or censorship.

Anonymity.

(2) Restriction may be imposed only when they are based on the need to safeguard a major public interest and are necessary, proportional and grounded in law and in accordance with the basic features of a democratic society.

(3) In the event of violations of the dignity and fundamental rights of any person, as well as in other cases provided for by the law, the courts may require the identification of the author of a communication with a reasoned order.

5. (1) The right to opinion and expression on the Internet shall not be subject to any restrictions, save as provided for under the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Freedom of Information Act, 2011, and other relevant legislations.

**Freedom of expression online.**

6. (1) Every person shall have the right to freely express opinion online without interference, this right includes the freedom to seek, receive and impart information and ideas, regardless of digital frontiers.

**Freedom of expression of opinion online.**

(2) Under this Bill, freedom of expression further includes the freedom to express and impart information and ideas of all kinds that can be transmitted to others, in whatever form, and regardless of media. Information or ideas that may be regarded as critical or controversial by the Authorities or by a majority of the population, including ideas or views that may "shock, offend or disturb" are also covered by the right to impart information and ideas of all kinds through any media and regardless of frontiers.

(3) Means of expression shall include books, newspapers, pamphlets, posters and banners in digital format or online, as well as all forms of audio-visual, electronic and internet-based modes of expression.

(4) The right to freedom of expression includes the right to seek and receive information through the use of the Internet.

(5) The government shall not use or compel intermediaries to undertake censorship on its behalf and intermediaries shall not be required to prevent, hide or block content or disclose information about Internet users, or to remove access to user generated content, including those that infringe copyright laws, without the leave of court.

(6) The decision of intermediaries which has the tendency to affect the interest of a user shall be made taking into account the need to protect expression that is legitimate.

(7) Professional journalists, bloggers as well as citizen journalists and others who contribute to shaping public debate and public opinion on the Internet shall be recognized as agents of the larger society who enable the formation of opinions, ideas, decision-making and democracy.

(8) Inconsistent and abusive application of legislation shall not be used to censor criticism and debate concerning public issues and to foster a climate of fear and self-censorship among media actors and the public at large.

(9) The abuse of the freedom of expression under the guise of protection of national security is prohibited. Consequently the state shall balance the need by ensuring that anti-terrorism laws, treason laws or similar provisions relating to national security conform with the Constitution of the Federal Republic of Nigeria and the rule of law.

(10) The right to freedom of expression on the Internet shall not be subject to any restrictions, except those which are provided by law, for a legitimate purpose and necessary and proportionate in a democratic society

(11) Any restriction on freedom of expression must be provided by law, and shall only be imposed for the grounds set out in the Constitution of the Federal Republic of Nigeria, and shall be, as a matter of obligation, in conformity to the strict tests of necessity and proportionality.

(12) No restriction on freedom of expression on the ground of protection of the rights of others, including copyright, may be imposed unless the State can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect those interests. The burden of demonstrating the validity of the restriction rests with the State or the copyright holder.

Provided that–

(a) “prescribed by law” means that the law must be accessible, unambiguous, drawn narrowly and with sufficient precision so as to enable individuals to foresee whether a particular action is unlawful;

(b) this Bill is premised on the rule of law and thus provides for prompt, full and effective scrutiny of the validity of the restriction by an independent court, tribunal or other independent adjudicatory body;

(c) any restriction on freedom of expression that the State seeks to justify on grounds of protection of copyright interests must have the genuine purpose and demonstrable effect, on the basis of independent evidence, of protecting the ends that copyright seeks to achieve;

(d) disconnection from access to the Internet on grounds of copyright is always a disproportionate restriction on the right to freedom of expression;

(e) filtering, blocking, removal and other technical or legal limits on access to content are serious restrictions on freedom of expression and can only be justified if they strictly comply with the Constitution of the Federal Republic of Nigeria, the Rule of Law, and other human rights instruments which Nigeria is party to, relating to limitations and due process;

(f) website blocking on grounds of copyright protection shall be considered a disproportionate restriction on freedom of expression because of associated risks of over-blocking and the general lack of effectiveness of this measure;

(g) insofar as website blocking may already be permitted by law, this measure shall only be imposed by courts or other independent adjudicatory bodies. In determining the scope of any blocking order, the courts or adjudicatory bodies shall address themselves to the following—

(i) any blocking order shall be as targeted as possible;

(ii) no blocking order should be granted unless the rights holder seeking the order has established copyright in the works which are said to be unlawfully accessed;

(iii) no blocking injunction should be granted beyond the works in which copyright has been established by the rights holders;

(iv) whether the blocking order is the least restrictive means available to bring an end to individual acts of infringement including an assessment of any adverse impact on the right to freedom of expression;

(v) whether access to other non-infringing material will be impeded and if so to what extent, bearing in mind that in principle, non-infringing content should never be blocked;

(vi) the overall effectiveness of the measure and the risks of over-blocking;

(vii) whether the blocking order should be of limited duration;

(viii) website blocking orders to prevent future copyright infringements are a form of prior censorship and as such are a disproportionate restriction on freedom of expression.

(h) a restriction on freedom of expression is proportionate in a democratic Nigeria only if—

(i) it is the least restrictive means available for protecting that interest; and

(ii) the restriction is compatible with democratic principles.

(i) protection of national security or countering terrorism/insurgency cannot be used to justify restricting the right to expression unless it can be demonstrated that—

(i) the expression is intended to incite imminent violence;

(ii) it is likely to incite such violence; and

(iii) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence.

(j) knowingly submitting a court application for blocking of content without copyright should be penalized and those harmed by such applications shall be compensated, the amount of which shall be determined by the court. The same applies to overbroad and negligent blocking applications;

(k) any restriction that prevents the flow of information online shall be in line with permissible limitations as set out in the Constitution of the Federal Republic of Nigeria and other human rights instruments which Nigeria is signatory to.;

(+) independence for both public and private media, fair and independent media markets shall be held as essential for exercising the right to free expression.

(13) Any speech, gesture or conduct, writing, or display capable of inciting violence or prejudicial action against or by a protected individual or group, by disparaging or intimidating a protected individual or group on the basis of attributes such as gender, ethnic origin, religion, race, disability, or sexual orientation, amounts to hate speech and is forbidden.

(14) Hate Speech on social media or other online platforms which incites violence, hatred or discrimination against individuals or groups identified by a specific set of characteristics are prohibited.

(15) Government concerns about hate speech shall not be abused to discourage citizens from engaging in legitimate democratic debate on matters of general interest.

(16) It shall be the duty of the courts to make a distinction between, on the one hand, genuine and serious incitement to extremism and, on the other hand, the right of individuals (including journalists and politicians) to express their views freely and to “offend, shock or disturb” as a way of combating certain forms and expressions of hate speech.

(17) Censorship on the Internet, which usually takes the form of laws allowing for the total or partial banning of certain web pages and in certain extreme circumstances, where the State resorts to the complete disconnection of the Internet network, thus isolating a

whole region from the rest of the country and the world at large, is a violation of the freedom of expression.

(18) The jamming of wireless signals, another means of censorship which deprives individuals of their right to freedom of opinion and expression, is prohibited.

(19) The state shall not unduly restrict, control, manipulate and censor content disseminated via the Internet without any legal basis, or on the basis of broad and ambiguous laws, without justifying the purpose of such actions; and/or in a manner that is clearly unnecessary and/or disproportionate to achieving the intended aim.

(20) All provisions in legislations, regulations, guidelines and all forms of subsidiary legislations which seek to limit the right to freedom of expression of citizens shall be:

- a. clear, precise, accessible and foreseeable;
- b. applied by an independent body in a manner that is not arbitrary or discriminatory; and
- c. effectively safeguards against abuse including through the provision of a right of appeal to the Courts.

(21) Any individual or institution who believes an expression or series of expression online or on any digital platform constitute defamation of the character of the individual or institution shall seek remedy under civil law and shall not use state authority, resources or systems to intimidate, harass or oppress the alleged defamer

(22) Where a conflict arises between the principles contained in this Bill and any domestic, regional or international human rights standards, the most favourable provision for the full exercise of the right to freedom of expression and the right of access to information shall take precedence.

7. (1) The use and re-use of government held data and information shall be available free of charge wherever practical, and if not, charging shall be transparent, reasonable, the same for all users, and not designed as a barrier to the use or reuse of the data.

Freedom of information online.

(2) The existing obligation on public bodies to share all information produced with the support of public funds in terms of sub-clause (1), subject only to clearly defined rules set out in law, as established by the Declaration of Principles on Freedom of Expression in Africa, shall extend to the proactive release of such information on the World Wide Web in openly licensed, freely re-useable formats.

(3) Copyrighted materials held by public bodies shall be licensed for re-use in accordance with relevant access to information laws and licensing frameworks.

(4) The right of citizens to access the Internet for the purposes of information gathering or sharing, conducting business and/or expressing personal opinion is hereby guaranteed; it



shall be illegal for government or any entity to deny or censor access to the Internet without providing adequate and acceptable reasons.

(5) The duty in terms of sub-clause (2) presupposes providing access to particularly rural areas and the urban poor where Internet penetration is low or nonexistent, lack of technological availability, slower Internet connection, and/or higher costs.

(6) Priority shall be accorded to persons with disabilities and persons belonging to minority groups, who often face barriers to accessing the Internet in a way that is meaningful, relevant and useful to them in their daily lives.

(7) Where the infrastructure for Internet access is present, the government shall support initiatives to ensure that online information can be accessed in a meaningful way by all sectors of the population, including persons with disabilities and persons belonging to linguistic minorities.

(8) Interference which may arise out of abusive, opportunistic or discriminatory (variable geometry) application of various laws, interference with privately operated Internet based platforms or applications, are prohibited.

(9) Blocking, which refers to measures taken to prevent certain content from reaching an end-user, or extensive filtering systems that block access to websites containing key terms includes preventing users from accessing specific websites, Internet Protocol (IP) addresses, domain name extensions, the taking down of websites from the web server where they are hosted, or using filtering technologies to exclude pages containing keywords or other specific content from appearing. The arbitrary act of blocking access to certain digital media such as the social network is prohibited.

(10) Unlawful, unauthorised and undue restriction on media freedom and pluralism which hinders the freedom to receive and impart information, diminishes media's ability to act as a public watchdog holding power to account, and which in turn undermines both public trust in the media and the exercise of democracy itself, is prohibited.

(11) Illegitimate types of information which may be restricted include child pornography (to protect the rights of children), hate speech (to protect the rights of affected communities), defamation (to protect the rights and reputation of others against unwarranted attacks), direct and public incitement to commit genocide (to protect the rights of others), and advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (to protect the rights of others, such as the right to life).

(12) Notwithstanding these provisions, the relevant laws shall apply in cases where the content infringes on the rights of another citizen.

**8. (1) Everyone shall have the right to peaceful assembly and association online, including through social networks and platforms. Right to peaceful assembly and**

association  
online.

(2) Organisers and participants of peaceful assemblies have the right to access the Internet and other new technologies at all times, without interference except those which are provided by law, for a legitimate purpose and necessary and proportionate in a democratic society, as consistent with the Constitution of the Federal Republic of Nigeria and human rights instruments which Nigeria is a signatory to.

(3) The freedom of assembly and association as guaranteed by section 40 of the 1999 constitution of the Federal Republic of Nigeria (as amended) shall apply to every Internet activity.

(4) Social and economic openness, to support innovation and guard against monopolies, is hereby protected.

(5) All data on the Internet shall be treated in an equal and non-discriminatory manner, and shall not be charged differentially, according to user, content, site, platform, application, type of attached equipment, and modes of communication or any other consideration whatsoever.

(6) There shall be no special privileges for, or obstacles against, the exchange of information online or any party or content on economic, social, cultural, or political grounds.

(7) Nothing in this clause may be interpreted as preventing affirmative action aimed at ensuring substantive equality for marginalised peoples or groups.

9. (1) Every person shall have the right to learn: traditional students, non-traditional students, adults, children, and teachers, independent of age, gender, race, social status, sexual orientation, economic status, state of origin, religion, bodily ability, and environment anywhere and everywhere in Nigeria.

Freedom to learn.

(2) It shall be the fundamental principle and practice of government agencies responsible for educational policymaking to include compulsory Internet literacy skills in school curricula, and support similar learning modules outside of schools.

(3) In addition to basic skills training, modules shall clarify the benefits of accessing information online, and of responsibly contributing information.

(4) The education in terms of sub-clause (2) shall also be directed towards helping individuals learn how to protect themselves against harmful content, and explain the potential consequences of revealing private information on the Internet.

(5) Online learning, which has the potential to ensure that the right to education is a reality for a greater percentage of the nation's population, shall be promoted to give universal access to learning.

(6) To ensure the right to access, learning shall be affordable and available, offered in myriad formats, to students located in a specific place and students working remotely, adapting itself to Freedom of Assembly and Association Online **Net Neutrality** people's different lifestyles, mobility needs, and schedules.

(7) Media and information literacy shall be promoted to enable all people to access, interpret and make informed judgments as users of information, as well as to create information.

(8) Accordingly, flowing from sub-clause 7, media and information literacy programmes shall be instituted in schools and in other public institutions, wherein practical school children, and other learners, shall have access to Internet enabled devices.

(9) It shall be the duty of Government at all levels to ensure that people with disabilities have equal access to knowledge.

(10) The lack of copyright exceptions benefiting people with sensory impairments constitute a breach of their rights to freedom of expression, private life and their right to participate in cultural life. Equal access to knowledge by people of all languages and levels of literacy shall be promoted.

(11) The lack of copyright exceptions benefiting minority language speakers and persons with low literacy levels undermines their rights to freedom of expression, private life and their right to participate in cultural life.

**10.** (1) Student privacy shall be protected as an inalienable right regardless of where learning takes place

Protection of privacy of students and learners.

(2) Students and other learners have a right to know how data collected about their participation in the online system will be used by the organization and made available to others.

(3) The provider shall offer clear explanations of the privacy implications of students' choices.

(4) Learners within a global, digital commons shall have the right to work, network, and contribute to knowledge in public; to share their ideas and their learning in visible and connected ways if they so choose.

(5) Courses offered shall encourage open participation and meaningful engagement with real audiences where possible, including peers and the broader public.

(6) Online students also have the right to create and own intellectual property and data associated with their participation in online courses.

(7) Online programs shall encourage openness and sharing, while working to educate students about the various ways they can protect and license their data and creative work.

(8) Any changes in terms of service shall be clearly communicated by the provider, and they shall never erode the original terms of privacy or the intellectual property rights to which the student agreed.

(9) Students shall have the right to know how their participation supports the financial health of the online system in which they are participating.

(10) They shall have the right to fairness, honesty, and transparent financial accounting. This is also true of courses that are “free”.

*Right to Education Online.*

(11) The provider shall offer clear explanations of the financial implications of students’ choices.

(12) Students shall have the right to understand the intended outcomes—educational, vocational, even philosophical of an online program or initiative.

**11.** (1) If a credential or badge or certification is promised by the provider, its authenticity, meaning, and intended or historical recognition by others – such as employers or academic institutions) shall be clearly established and explained. Right to create public knowledge

(2) Research capacity and appropriate human resource development in the field of ICT skills shall be promoted with a view to—

(a) introduce and extend e-Learning in institutions of learning;

(b) promote development of specialist/expert capacity in ICT;

(c) promote Digital Literacy;

(d) promote ICT for Education;

(e) accelerate Knowledge Development and Management;

(f) encourage the utilization of ICT across all socio-economic sectors in Nigeria;

(g) increase research and development capacity in ICT sectors; and

(h) harness skills and expertise of Nigerians in Diaspora in ICT development.

(3) Education and innovation are interrelated drivers of development, which shall be facilitated by ICTs, access to knowledge and education.

(4) Teacher professional development, digital learning resources, affordable technologies, education management information systems and National Research and Education Networks shall be accorded priority.

(5) Teachers' capacity in ICT shall be enhanced, as effective integration of technology into teaching and learning requires well qualified educators, a clear focus on equipping teachers with ICT literacy skills and support for teachers to use skills and technology in teaching and learning online.

(6) Educators and students shall access learning materials and collaboration platforms at affordable rates as more functional, low-cost devices become available.

(7) Broadband access shall be made commonly available as connectivity is crucial for accessing resources, and requires continued focus on competitive broadband access using suitable technologies – wired and wireless, and national collaborative networks.

(8) Access to content shall be improved by open educational resources, which can be copied and adapted without licence fees.

**12.** (1) An open, modernized e-governance system enabled by free-flow and access to information and the manner which citizens and businesses interact with government representatives and other agents of the state shall be pursued vigorously.

E-governance and financial transparency.

(2) Governments shall recognize the power of social media and use it to democratic advantage, in particular to reinforce democratic processes, drive efficiency, foster innovation, empower public sector workers and expose corruption.

(3) An effective e-governance service delivery system shall be pursued by the establishment of accurate, effective and efficient national identification systems, incorporating technology that reduces fraud and identity theft.

### PART III - OFFENCES AND PENALTIES

#### *General Offences and Penalties*

**13.** (1) Any person, who, intentionally and without authorization or in excess of authority, commits an offence contrary to the provisions of clause 3 (1) of this Bill, shall upon conviction be liable to five years imprisonment with an option of a fine not less than the sum of one million naira or to both. In the case of a body corporate, upon conviction, a fine of not less than five million naira shall apply.

Pedagogical transparency.

**(2) Any person who intentionally and without authorization or in excess of authority, publishes online any form of hate speech, such as the advocacy of regional, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, shall upon conviction be sentenced to a term of not less than one year or to a fine of not less than one million naira.**

**(3) In the event that such publication in sub-clause (2) results in loss of lives and destruction of property, such a person is liable on conviction to imprisonment for a term of not less than seven years, or to a fine not less than five million naira or to both fine and imprisonment including compensation to the victims. In the case of a body corporate, upon conviction, a fine of not less than ten million naira shall apply in addition to compensating the victim where necessary, in a sum to be determined by the court.**

**14.** (1) In proceedings against a person for offences under this clause, it is a defence for that person to prove- Defences

- (a) that at the time the alleged offence took place he was under the age of eighteen;
- (b) the person was prevented from complying with the relevant provisions by a natural disaster, an act of god or other reasonable cause;
- (c) that the action was necessary to save or protect life or health of some person(s), to protect serious damage to property, or to avoid adverse effect on the environment;
- (d) the commission of the offence was due to a mistake, accident beyond control or due to reliance on information supplied by the default of another person;

(2) It is also a defence if -

- (a) force majeure occurs;;
- (b) consent of the Plaintiff;
- (c) fault on the part of the Plaintiff;
- (d) compliance was not reasonably practicable in the circumstances of the particular case;
- (e) the National Human Rights Commission has granted exemption in the Federal Government Gazette to the responsible party on the basis of national interest or for the data subject's benefit.

#### PART IV-JURISDICTION AND INTERNATIONAL CO-OPERATION

**15.** The Federal and State High Courts shall have original jurisdiction to the application of this Bill. Jurisdiction.

#### PART V-ENFORCEMENT OF VICTIMS' RIGHTS

**16.** (1) Any individual or legal entity can go to court to enforce the provisions of this Bill. Enforcement

(2) A court hearing proceedings in terms of subclause (1) may award an amount that is just and equitable, including-

- (a) payment of damages as compensation for patrimonial or non-patrimonial loss suffered by a citizen as a result of breach of the provisions of this clause;
- (b) aggravated damages, in a sum to be determined at the discretion of the court;
- (c) interest; and
- (d) cost of suit on such scale as may be determined by the court.

## PART VI – MISCELLANEOUS

**17.** The National Human Rights Commission 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. Regulations.

**18.** In this Bill, unless the context otherwise requires - Interpretation.

“An anonym” means an authenticated attribute that is not linked to an identifier;

“Cloud storage” a service model in which data is maintained, managed and backed up remotely and made available to users over a network (typically the Internet);

“Data Subject” means an identifiable person; one who can be identified directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity;

“Digital Media Platforms” means platforms developed in the information age that can be created, viewed, distributed, modified and preserved on digital electronic devices; platforms such as websites, blogs, and social media.

“Expression” means any commentary on a person’s own or on public affairs. Canvassing, discussion on human rights, journalism, scientific research, expression of ethnic, cultural, linguistic and religious identity and artistic expression, advertising, teaching are all examples of expressions that are covered by the freedom of expression. It also includes political discourse;

“Internet” means a publicly accessible system of networks that connects computers around the world via the TCP/IP protocol;

“Internet protocol address” or “IP address” means the code assigned to a terminal from a network to enable their identification, defined according to international standards;

“Internet application” means a set of functionalities that can be accessed through a device connected to the Internet;

“Internet connection” means the enabling of a device for sending and receiving data packets over the Internet;

“Legacy media platforms” means the mass media institutions that predominated prior to the Information Age; particularly print media, film studios, advertising agencies, radio broadcasting, and television.

“Necessary and Proportionate” within the context of limitation as used in this Bill means that such limitations must;

- a. originate from a pressing and substantial need that is relevant and sufficient;
- b. have a direct and immediate connection to the expression such that it is the least restrictive means of achieving the stated aim; and
- c. be such that the benefit of protecting the stated interest outweighs the harm to the expression, including with respect to the sanctions authorised.

“Owner” means anyone who created or can assert creative rights to a product or service;

“Personal data” means any information relating to an identified or 7 identifiable natural person ("data subject"); information relating to an individual, whether it relates to his or her private, professional or public life;

“Personal data” includes but is not limited to anything from a name, address, a photo, an email address, bank details, posts on social networking websites, medical information, or a computer’s IP address;

“Personal data filing system” means any structured set of personal data which are accessible according to specific criteria, whether centralized, decentralized or dispersed;

“Personal information” means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization;

“Platforms” refer to the entirety of software and/or hardware that make(s) a service available to users;

“Processing of personal data” means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;

“Protected speech” means the form of speech protected under this Bill. It shall extend to novel forms of conversation introduced by digital mediums which include but are not restricted to;

“retweets”, “likes”, “favourites”, “shares”, online comments, joining groups on social networking sites and similar forms of speeches;



“Rule of Confidentiality” means the principle that personal information about citizens, should not be revealed to persons not authorized to receive such information.

**19.** This Bill may be cited as the Digital Rights and Freedom Bill, 2017.

Citation.

PASSED BY THE HOUSE OF REPRESENTATIVES ON TUESDAY, 19<sup>TH</sup> DECEMBER, 2017

.....  
Speaker  
House of Representatives

.....  
Clerk  
House of Representatives