



TEMPLARS LEGISLATIVE WATCH: “SOCIAL MEDIA BILL”: SB. 132: Protection from Internet Falsehoods and Manipulation and Other Related Matters Bill, 2019

The Protection from Internet Falsehood and Manipulation Bill, 2019 (SB 132) (the “**PIFM Bill**”), passed second reading in the Senate (the “Senate”) of the National Assembly (the “NASS”) 20th November 2019 having passed its first reading on 5th November 2019.

The Bill seeks to provide a framework for the regulation of the information in the social media space in Nigeria and amongst others aims to:

- prevent the transmission of false statements/declaration of facts in Nigeria and to enable measures to be taken to counter the effects of such transmissions;
- suppress the financing, promotion and other support of online locations that repeatedly transmit false statements/declaration of facts in Nigeria;
- enable measures to be taken to detect, control and safeguard against coordinated inauthentic behavior and other misuses of online accounts and;
- to enable measures to be taken to enhance disclosure of information concerning paid content directed towards a political end and to sanction offenders.

The bill proposes a fine of N300,000 (approx. US\$800.00) or three years imprisonment for offenders and N10 million (US\$30,000.00) for corporate organizations found guilty. It also

includes regulations for dealing with the transmission of false declarations of facts within and outside Nigeria. According to the Bill, a Law Enforcement Department¹ may issue regulations if a false declaration of fact has been transmitted in Nigeria or the Law Enforcement Department is of the opinion that it is in the public interest to issue the regulation.² Under the Bill, regulation³ may be issued to a person whether within or outside of the Jurisdiction of Nigeria and it may require the person to whom it is issued to, to carry out an act to correct or stop transmission of false declaration within or outside Nigeria. The Bill also confers powers on the Law Enforcement Department to make other subsidiary regulations as the need arises.

The Bill has generated strong reactions from both its proponents and those in opposition. The proponents of the Bill see the Bill as imperative to mitigate the risk associated with information transmission via internet to monitor abuse and deliberate misconducts of users. On the other hand, those in opposition

of the Bill see it as an attempt to gag the fundamental right of freedom of speech and expression. The debate continues.

Following its second reading, the Bill was referred to the Senate Committee on Judiciary, Human Rights and Legal Matters for further legislative action. In line with the Senate rule making process, once the Bill is considered at the committee stage, it will be presented to the whole house for third reading. Where the Bill passes third reading, it will be forwarded to the House of Representatives for concurrence, after which it will be presented to the President for assent. Ordinarily, given the typical length of these proceedings and the public backlash on the Bill there should have been a delay in the completion of the process. However, in view of the recent speed of the passage of laws that ostensibly have the backing of the Ruling Party, it is possible that this Bill may become an Act as soon as Q1 2020 or before the end of Q2 of 2020 if it has similar backing.

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¹ Law Enforcement Department is interpreted as The Nigerian Police Force in the clause for General Interpretation.

² Section 6 PIFM Bill 2019

³ A Part 3 Regulation is one of the Regulations mentioned in the proposed Bill and it means a Correction Regulation or a Stop Transmission Regulation.