



The National Assembly amends the Cybercrimes (Prohibition, Prevention, etc.) Act

The Nigerian government has recently enacted the Cybercrimes (Prohibition, prevention, etc.) (Amendment) Act 2024 to improve and enhance the Cybercrimes (Prohibition, prevention, etc.) Act 2015. The amendment is designed to stop cybercriminals from exploiting Nigeria's digital space¹ and to address the new and evolving ways in which threat actors may seek to undermine the legal framework and technological measures introduced to deter their nefarious activities.

The Cybercrimes (Prohibition, prevention, etc.) (Amendment) Act 2024 was signed into law by President Bola Ahmed Tinubu on Thursday, February 28, 2024.² The Act is a significant move as it strives to equip law enforcement agencies with the necessary resources needed to effectively combat contemporary cyber threats, and to ensure improved freedom of expression in the country.

The key objectives of the Cybercrimes (Prohibition, prevention, etc.) (Amendment) Act 2024 include: increased government capacity to deal with terrorism, money laundering and improved mechanisms for international cooperation in the investigation and prosecution of cybercriminals.³

The key provisional amendments are:

1. Limiting the offence of cyberstalking to only messages sent by means of computers which are:
 - a) Pornographic
 - b) Likely to cause breakdown of law and pose a threat to life.⁴

¹ See, Cybercrimes (Prohibition, Prevention, etc) (Amendment) Act 2024 available at <https://prjdg-unstruc.s3.ca-central-1.amazonaws.com/Others/News/01893c40-2383-459f-9f59-3b7a29c2757a> accessed 8th May 2024.

² Ibid.

³ See, David Oputah, "Life Service: NGO Regulation, Cybercrimes bill, Constitution amendment for state policing to dominate sitting" available at <https://orderpaper.ng/2024/02/13/life-service-ngo-regulation-cybercrimes-bill-constitution-amendment-for-state-policing-to-dominate-sitting/> accessed 8th May 2024.

⁴ See, Section 24 (1) Cybercrimes (Prohibition, Prevention, etc) (Amendment) Act 2024.

2. Ordering 'Service Providers' to keep and protect specific traffic data and subscriber information in accordance with the provisions of the Nigeria Data Protection Act 2023.⁵
3. Charging the National Security Adviser to ensure the coordination and establishment of newly created security and enforcement agencies.⁶
4. Charging the National Security Adviser to coordinate Nigeria's involvement in international cybersecurity cooperation to ensure the integration of Nigeria into the global frameworks on cybersecurity.⁷ This will improve international cooperation in the investigation and prosecution of cybercriminals.
5. Combating terrorism, money laundering and evolving forms of cybercrime like electronic fraud, data interception etc., thereby placing a cybersecurity levy of 0.5% (0.005) which is equivalent to a half percentage of all electronic transaction values by businesses stipulated in the Second Schedule to the Act.⁸ Whilst excluding certain businesses from the cybersecurity levy, other businesses specified in the Second Schedule to this Act are to remit the 0.5% cybersecurity levy.
6. Prescribing penalties for non-compliance with remittance of the cybersecurity levy by the specified businesses in the Second Schedule to the amended Act.⁹

The amended Act is an overall positive step forward in the Nigerian digital space as the Act incorporates provisions to ensure freedom of expression in the country and combating evolving forms of cybercrime like electronic fraud, data interception, and unauthorised systems interference, to ensure the legal framework remains adaptable to new challenges in the digital era.

Recently, the Central Bank of Nigeria (CBN) on the 6th of May 2024 released a circular to all commercial merchants providing implementation guidance on the collection and remittance of the National Cybersecurity Levy.¹⁰

⁵ See, Section 38 (1) Cybercrimes (Prohibition, Prevention, etc) (Amendment) Act 2024.

⁶ See, Section 41 (1) (d) – (h) Cybercrimes (Prohibition, Prevention, etc) (Amendment) Act 2024.

⁷ See, Section 41 (1) (i) Cybercrimes (Prohibition, Prevention, etc) (Amendment) Act 2024.

⁸ See, Section 44 (2) (a) Cybercrimes (Prohibition, Prevention, etc) (Amendment) Act 2024. However, this provision was also provided for in the Principal Act (Cybercrimes (Prohibition, Prevention, etc) Act 2015.), but the amended Act provided was elaborate on the equivalent of the cybersecurity levy.

⁹ See, Section 44 (2) (8) Cybercrimes (Prohibition, Prevention, etc) (Amendment) Act 2024.

¹⁰ See, CBN, "CYBERCRIMES (PROHIBITION, PREVENTION, ETC.) (AMENDMENT) ACT 2024 - IMPLEMENTATION ON THE COLLECTION AND REMITTANCE OF THE NATIONAL CYBERSECURITY LEVY" available at <https://www.cbn.gov.ng/Out/2024/CCD/CIRCULAR%20REF%20PSMDIRPUBLAB017004%2006052024.pdf> accessed 9th May 2024.

However, on the 9th of May 2024, the House of Representatives directed the Central Bank of Nigeria to withdraw the circular directing financial institutions to commence implementation of the 0.5 per cent (%) cybersecurity levy, as such circular was likely to be misunderstood by Nigerians.¹¹ The House of Representatives pointed out that the circular was not framed in accordance with the legal provisions of the Cybercrimes Prohibition Act, as amended.

Access an electronic copy of the Cybercrimes (Prohibition, prevention, etc.) (Amendment) Act 2024 [here](#) to read up on the Act.

¹¹ See, Peoples Gazette, “Reps direct CBN to halt cybersecurity levy implementation, say it’s for companies not individuals” available at <https://gazettengr.com/reps-direct-cbn-to-halt-cybersecurity-levy-implementation-says-its-for-companies-not-individuals/> accessed 9th May 2024.