

1 conspiracy, each shall be guilty of the offence and shall be sentenced to 3 years
2 imprisonment or fined 2 million Naira or both.

3 (2) If the offence is committed for purposes of commercial advantage,
4 malicious destruction or damage for private commercial gain or in furtherance
5 of criminal tortuous act in contravention of this Act or other laws of the Federal
6 republic of Nigeria, the offender shall be liable to pay a fine of 5 million Naira
7 or 7 years imprisonment or both.

What
constitute
unauthorised
access.

8 3. Whoever intentionally accesses a computer or electronic device without
9 authorisation or exceeds authorised access and thereby obtains information
10 contained in a financial database of a financial institution or a card issuer or
11 contained in a file of a customer and or consumer, or information from any
12 electronic device for any advantageous reasons without due authorization from
13 the administrator or owner of such a device, or information from any department,
14 ministry or agency of the government or obtain information from any classified
15 computer of government shall be guilty of an offence and upon conviction shall
16 be liable to a fine of 5 million Naira or imprisonment for 5 years or both.

Registration
of Cybercafe.

17 4.—(1) From the commencement of this Act all operators of a cybercafe
18 shall register as a business concern with the Local Government Authority in
19 addition to a business name registration with the Corporate Affairs Commission.
20 Cybercafés shall maintain a register of users through a sign-in register. This
21 register shall be available to law enforcement personnel whenever needed.

22 (2) Any person who perpetrates electronic fraud or online fraud using a
23 cybercafé. shall be guilty of a felony and shall be sentenced to 3 years
24 imprisonment or a fine of 1 million Naira or both.

25 (3) In the event of proven connivance by the owners of the cybercafe, such
26 owners shall be guilty of a felony and shall be liable to a fine of 2 million Naira
27 or a 2 years jail term or both.

28 (4) The burden of proof in section 3 above shall be on the prosecutor.

Meaning of
computer.

29 5. For the purpose of this Act, "Computer" means an electronic, magnetic,
optical, electrochemical or other high speed data processing device
performing
31 Logical, arithmetic, or storage functions and includes any data storage
facility

1 All communication devices that can directly interface with a computer through
 2 communication protocols shall form part of this definition. This definition
 3 excludes the following; portable hand-held calculator or other similar devices.

4 6. For the purpose of this Act, protected computer means a computer:
 5 (a) exclusively for the use of the Government including Local, State and
 6 Federal Government of Nigeria or computer used by financial institutions
 7 as defined in section 32 of this Act

Protected
computer.

8 *Stopping or Rerouting of Electronic Mails.*

9 7. person or organisation who unlawfully stops messages with the intent
 10 to commit any act for the purpose of fraudulently benefiting directly or indirectly
 11 through his act of commission or omission is guilty of a felony and is liable to
 12 imprisonment for seven years in the first instance and imprisonment for fourteen
 13 years for second offenders.

Computer
manipulation.

14 8. person who unlawfully destroys or abort any electronic mails or
 15 processes through which money and or valuable information is being conveyed
 16 is guilty of a felony and is liable to imprisonment for seven years and upon
 17 second conviction shall be liable to fourteen years imprisonment

Intercepting
electronic
messages e-
mails,
electronic
money
transfers.

18 9. From the commencement of this Act, any person who being employed
 19 by or under Local, State or Federal Government of Nigeria with respect to
 20 working with any protected computer, electronic mails commits any act which
 21 he is not authorised to do by virtue of his contract of service or intentionally
 22 permits, tampering with such Computer, is guilty of a felony and is liable to
 23 imprisonment for three years.

Tampering
with protected
computers.

24 10. Any person who misdirect electronic messages with either the intention
 25 to fraudulently obtain financial gain as a result of such act or with the intention
 26 of obstructing the process in order to cause delay or speeding the messages with
 27 a view to cause an omission or commission that may defeat the essence of such
 28 messages is guilty of a felony and is liable to imprisonment for three years or
 29 a fine of N 1,000,000 or both.

Wilful
misdirection
of electronic
messages.

30 11. Any person or organisation who by means of false pretence induces

Obtaining
electronic

1 government of Nigeria or any person in charge of electronic devices to deliver
 2 to him any electronic messages which includes but is not limited to E-mail
 3 messages, credit and debit cards information, facsimile messages which is not
 4 specifically meant for him or his organisation (in the latter case except he is
 5 authorised to receive such messages for and on behalf of his organisation) is
 6 guilty of a misdemeanour and is liable to imprisonment for two year or a fine
 7 of no more than 1 million Naira or both.

Hiding
 electronic
 messages.

8 12. Any person who, being employed by or under the authorities of the
 9 local, state or federation of Nigeria who wilfully hides or detains any electronic
 10 mails, messages, electronic payment, credit and debit cards which is found by
 11 him or delivered to him in error and which to his knowledge ought to be delivered
 12 to another person is guilty of a misdemeanour and is liable to imprisonment
 13 for 1 year or a fine of N250,000.00 only or both..

Fraudulent
 issuance of
 electronic
 money orders
 or electronic
 payment or
 and debit
 orders .

14 13. Any person who being employed by or under any of the authorities of a
 15 local, state or federation of Nigeria and being charged by the nature of his
 16 employment with the duty in connection with the issuance of electronic payment or
 17 debit orders and or with the duty of sending electronic credit and debit messages
 IS and or charged with the duty of confirmation of such credit and or debit messages
 19 and or charged with the duty of confirmation of such credit and or debit orders
 20 unlawfully and with the intent to issue electronic and or verbal message with the
 21 intent to defraud is guilty of a felony and is liable to imprisonment for seven years.

Fraudulent
 messages in
 respect of
 electronic
 money
 Transfer
 instructions.

22 14. Any person who being employed by or under any authority of the local
 state or Federal Government of Nigeria, and being charged by nature of his
 23 duties in respect of electronic transfer of money and or messages sends to any
 24 other person with the intent to defraud any misleading electronic instructions
 25 regarding any money, and or promissory notes payable by order of any person is
 26 guilty of a felony and is liable to imprisonment for three years.
 27

Unlawful
 frankly of
 electronic
 payment or
 debit
 insmirrinc

28 15. Any person being authorised under the provisions of any law presently
 29 in force by the officer charged with the responsibility for computer operations
 30 to Frank electronic messages instructions, superscribes any electronic messages

1 (a) which does not relate to his schedule of duties as it relates to his
2 office/section; or

3 (b) to which there has been included any electronic information or other
4 related item which does not form part of the schedule of his duties with the
5 intent to avoid payment of the required tariff on such transfer and or
6 instructions is guilty of an offence and is liable to a fine of 1 Million Naira.

7 16.—(1) Any person who knowingly sends Viruses or computer worms or
8 computer program with the intention to damage or manipulate a computer record
9 or obtain other records or data belonging to the Government, Educational, research
10 or any financial institution, shall be guilty of a felony and upon conviction, shall be
11 sentenced to 7 years imprisonment or a fine of 5 million Naira only or both.

Sending
obscene things
by electronic
means such as
vide internet
.intranets and
esm handsets.

12 (2) Any person who knowingly sends pornographic images to another computer
13 by way of unsolicited distribution shall be guilty of a misdemeanour and upon conviction
14 shall be sentenced to 1 year imprisonment or a fine of 250,000.00 Naira or both.

15 (3) Anyone who intentionally propagate false information that could threaten
16 the security of the country or that is capable of inciting the general public against
17 the government through electronic message shall be guilty of a felony and upon
18 conviction shall be sentenced to 7 years imprisonment or 5 million Naira fine or
19 both.

20 17. Any person who being required by law or by virtue of his contract of
21 employment and schedule of duties is required to perform an act in respect of
22 acknowledgment, treatment and reply of such computer messages —

Retarding
delivery of
electronic
messages.

23 (a) neglects or refuses to do so act or

24 (b) wilfully delays or allow delay of such acknowledgment, treatment and
25 reply the appropriate authority such electronic messages is guilty of a
26 misdemeanour and is liable to a fine of Two Hundred thousand naira only.

27 *Unauthorized sending of money transfer messages.*

28 18. Any person or group of persons who with the intent to defraud and
29 without lawful authority transacts electronic business for or in the name of
30 another person or organisation whether by procuracy or otherwise any electronic
31 payment, credit or other money transfer message or knowingly alters any

Sending elec-
tronic mes-
sages for
money trans-
fer and or

1 computer money transfer message made by another person is guilty of a felony
2 and is liable to imprisonment for seven years.

3 *Purchasing Forged Electronic Means of Credit/Debit Transfer Instruments*
4 *Such as Credit Card, Debit Card, Smart Card, A TM or Other Related*
5 *Electronic Payment System Devices*

Purchase of
forged E-
cards.

6 19. Any person who without lawful authority or excuse, the proof of
7 which lies on him purchases or receives from any person or organisation or
has
8 in his possession, forged credit card, Debit card smart card, ATM card or any
9 other related electronic payment system devices whether such devices are fully
10 or partially loaded with funds or not, knowing it to be forged, is guilty of a H
felony and is liable to imprisonment for seven years.

Manipulation
of E-data.

12 *Falsification of Payment Schedule Through Computer and Other De vices*

13 20. Any person who being employed in the public and private sector
14 knowingly and with intent to defraud manipulates a computer and or other
15 electronic payment devices with the intention to short pay or overpay or actually
16 short pays or overpays any employee of the public or private sector is guilty of
17 an offence and is liable to imprisonment for seven years.

Falsification
of E-data.

18 *Falsification of Computer/Other Related Electronic Data.*

19 21. Any persons either employed in the services of a public or private
20 sector who having the actual, custody of any computer containing data which is
21 of value knowingly alters or permit alteration of the computer data which
22 alterations is to his knowledge false, is guilty of a felony and is liable to
23 imprisonment for seven years.

Electronic
signatures.

24 *Validity of Electronic Signature*

25 22.—(1) From the commencement of this Act electronic signatures in
26 respect of purchases of goods, arrangement for Hotels, Flights, car hire, shall
27 be binding.

28 (2) Whenever the genuiness or otherwise of such signatures is in question,
29 the burden of proof, that the signature does not belong to the purported originator
30 of such electronic signatures shall be on the alleged originator.

1 through electronic devices another persons signature or company mandate is
2 guilty of a felony and is liable to payment of N 1,000,000.00 (One Million
3 Naira) or imprisonment for seven years or both.

4 *Exception to the Validity of Electronic Signatures*

5 23. The following transactions are hereby excluded from the categories Exceptions.
6 of contractual transactions, declarations that are valid by virtue of electronic
7 signature:

8 (i) creation and execution of wills, codicils and or other testamentary
9 documents;

10 (ii) death certificate;

11 (iii) birth certificate;

12 (iv) matters of family law such as marriage, divorce, adoption and other
13 related issues;

14 (v) issuance of court orders, notices, official court documents such as
15 affidavit, pleadings, motions and other related judicial documents and
16 instruments;

17 (vi) any cancellation or termination of utility services;

18 (vii) any instrument required to accompany any transportation or handling
19 of dangerous materials either solid or liquid in nature;

20 (viii) any documents ordering withdrawal of drugs, chemicals and any
21 other material either on the ground that such items are fake, dangerous to
22 the people and or the environment or expired by any authority empowered to
23 issue orders for withdrawal of such items.

24 *Financial Institutions*

25 24.—(1) From the commencement of this Act, no financial institution Posting and
26 shall give posting and authorising access to any single employee. authorized
options.

27 (2) Any person or persons authorised to give access to computer to
28 employees and gives more than one access to any person or persons is guilty of
29 a felony and is liable to payment of a fine of N1,000,000.00 (One Million Naira)
30 or 7 years imprisonment or both.

1 effective counter-fraud measures in place to safeguard their sensitive information,
 2 where a security breach occurs the proof of negligence lies on the customer to
 3 prove the financial institution in question could have done more to safe guard
 4 its information integrity.

Diversion of
 e-mail in
 financial
 instructions.

5 25.—(1) Any person who being employed by or under the authority of any
 6 Bank or other financial institutions either directly or indirectly unlawfully
 7 divert electronic mails, with the intent to commit or omit any act or order to
 8 benefit directly or indirectly is liable to imprisonment for seven years or a fine
 9 of five million naira or both.

10 (2) Any person who commits any offence under subsection (1) above which
 11 results in financial and or material loss to the financial institution and or
 12 customers shall in addition to seven years imprisonment be liable to forfeit the
 13 property interest in the stolen money or property to the Bank or the customer.

Fraudulent
 issuance of E-
 Instructions.

14 26. Any person being authorised by any financial institution and charged
 15 with the responsibility of using computer or other electronic devices for financial
 16 transactions such as posting of debit and credit, issuance of electronic instructions
 17 as they relate to sending of electronic debit and credit messages or charged
 18 with the duty of confirmation of electronic fund transfer unlawfully and with
 19 the intent to defraud issues electronic or verbal messages with the intent to
 20 defraud is guilty of a felony and is liable to imprisonment for seven years.

21 27. Where two or more persons engaged in financial institutions transactions
 22 conspire to commit any offence under this act and one or more of such persons
 23 do any act to effect the object of the conspiracy, each person engaged in such
 24 act is guilty of the offence and shall be sentenced to 7 years imprisonment each
 25 or payment of five million fine or both.

26 *Duty to Report Electronic Fraud or Attempted Fraud by Financial*
 27 *Institutions*

Conspiracy to
 commit
 offence.

28 28.—(1) All financial institutions shall render monthly returns of attempted
 29 or electronic fraud to the anti-electronic fraud unit in the office of the Inspector-
 30 General of Police. Such report shall contain names, designation, nature of
 31 fraud and other relevant information

1 (2) The principal members of any financial institutions charged with the
2 responsibility of overseeing the information technology section shall bear the
3 responsibility of rendering the reports referred to in section 29 (a).

4 (3) Any principal officer of any financial institution who fails to render the
5 required returns under section 29 (a) of this section is guilty of a felony and
6 shall be liable upon conviction to payment of N500,000.00 (five hundred Thousand
7 Naira) or three years imprisonment or both..

8 *Duties Incumbent upon Financial Institutions in Respect of their Customer*

9 29. A financial institution shall —

Obtaining
identity of
customers.

10 (a) verify the identity of its customers carrying out Electronic financial
11 transactions by requiring the customers to present documents bearing his
12 name and address and relevant information before issuance of ATM cards,
13 credit cards, Debit cards and other related electronic devices;

14 (b) apply the principle of know your customer in documentation of customers
15 preceding execution of customers electronic transfer, payment, debit and
16 issuance orders;

17 (c) any official or organisation who fails to obtain proper identity of
18 customers before executing customer electronic instructions in whatever
19 way is guilty of an offence and shall be liable upon conviction to payment of
20 a fine of N500,000.00 (five Hundred Thousand Naira) or three years
21 imprisonment or both.

22 30.—(1) Any person who is engaged in the services of any financial institution, and as a result of his special knowledge commits identity theft of its
23 institution, and as a result of his special knowledge commits identity theft of its
24 employer, staff, service providers and consultants with the intent to defraud is
25 guilty of a felony and upon conviction shall be sentenced to 7 years imprisonment
26 or 5 Million Naira fine or both.

Identity theft.

27 (2) For the purpose of section 31 (a) of this section identity theft means
28 the stealing of somebody else personal information to obtain goods and services
29 through electronic based transactions.

Financial Institutions

Definition of
Financial .
Institutions.

31. Financial institution means and includes:

(a) Central Bank of Nigeria;

(b) Commercial Bank, Merchant Bank and Universal Bank insured with
the Nigerian Deposit Insurance Co-operation;

(c) Pension Institutions;

(d) Discount Houses;

(e) Finance Houses;

(f) Mortgage Banks and institutions;

10 (g) Micro-finance Banks;

11 (h) Broker-dealer, fund manager, Nigerian Stock Exchange, Central
12 Security System of the Nigeria stock Exchange registered under Nigerian
13 security and exchange commission; and

14 (i) any other financial institution as may be licensed by the Central Bank of
15 Nigeria or any other laws for the time being in force in the federation of
16 Nigeria.

Financial
Transactions.

17 32. For the purpose of this Act, financial transaction means —

18 (a) a transaction which in any way involves movement of funds by wire or
19 other electronic means.

20 (b) involves one or more monetary instruments.

21 (c) involves the transfer of title to any real or personal property.

Juvenile
offenders.

22 33. Any person from age of 14 years but below the age of 18 years who
23 commits an offence under any of the provisions of this Act shall upon conviction
24 by a juvenile court as may be provided under any law in force in Nigeria be
25 liable to be confined to a reformatory home under the relevant ministry in the
26 state where the offence is committed or the Federal Capital Territory reformatory
27 home for a minimum of two years.

Relevant date.

28 34. For the purpose of section 33 above the date of commission of the
29 offence shall be the relevant date in determining the age of the juvenile offender
30 and not the date of conviction.

1 35. The State High Court or the Federal High Court as the case may be
2 shall issue practice directions from time to time for the Juvenile Courts in each
3 state and any appeal against the decision of the Juvenile Court shall be filed at
4 the relevant state or Federal High Court whose decision on the matter shall be
5 final.

Issuance of
practice
directions by
hi ah courts.

6 36.—(1) Any person who aides, abets, counsels, command, induces,
7 procures, instigates the commission of by a Juvenile or Adult an offence under
8 any provision of this Act shall be punishable as a principal notwithstanding that
9 he does not actively participates in the commission of the offence and shall be
10 guilty of a felony and upon conviction shall be sentenced to the same length of
11 imprisonment specified against the relevant section in case the offence was
12 committed by an adult or shall be sentenced to 7 years imprisonment if the
13 offence was committed at the principles instance by a Juvenile.

Principal
offenders
aiding and
abetting.

14 (2) Notwithstanding the provision of subsection (1) above, the burden of
15 proof that the principal actually aides, abets, counsels, command, induces,
16 procures, instigates the commission the offence as a principal shall be on the
17 prosecutor.

18 37. Any person who without lawful authority and with fraudulent intent,
19 imports, transports or installs within the Federation of Nigeria any tool,
20 implement, item used or designed to be used in making, forging altering,
21 counterfeiting any electronic device with the intent to defraud, commits an
22 offense and is guilty of a felony and therefore liable upon conviction to
23 imprisonment for 7 years or a fine of five million Naira or both.

Importation
and
fabrication of
E-Tcols.

24 38.—(1) Any person or organisation who being a computer based service
25 provider and or vendor does an act with intent to defraud and by virtue of his
26 position as a service provider, forged, illegally used security codes of the
27 consumer with the intent to gain any financial and or material advantage or
28 with intent to provide less value for money in his or its services to the consumer
29 shall if corporate organisation be guilty of a felony and is liable to a fine of five
30 million Naira and forfeiture of further equivalent of the monetary value of the

13 reach of
confidence by
service
providers.

1 (2) For the purpose of this Act, a service provider is any person or
2 organisation that professes special knowledge of computer in terms of invention,
3 sale, rendering services like repair maintenance, consultancy services and hold
4 himself out as expert in dealing in computer hardware and or software for
5 valuable consideration: Provided that in this section service provider includes
6 his agents, and assigns.

7 (3) If the offender is a natural person the person is guilty of a felony and
8 is liable to a fine of five million Naira or 7 years imprisonment or both.

9 (4) For the purpose of subsection (1) of this section, "Consumer" means
10 and includes every person or organisations who enters into computer based
11 purchase, lease transfer, maintenance and consultancy service agreements with
12 a computer service provider and the customer and agent of the consumer.
13 Consumers will also include bank account holders who carry financial cards.

Credit /debit
cards fraud
and access
device.

^ 39.—(1) Any person who with intent to defraud uses any access device
j^ including credit, debit, charge, loyalty and other types of financial cards, to
16 obtain cash, credit, goods or service commits a felony and upon conviction is
17 liable to imprisonment for a period of 7 years of a fine of five million Xaira or
18 both and shall further be liable to payment in monetary terms the value of loss
19 sustained by the owner of the credit card.

20 (2) For the purpose of subsection (1) above, an access device means and
21 include: Electronic cards such as:

- 22 (a) Debit Cards;
- 23 (b) Credit Cards;
- 24 (c) Charge cards;
- 25 (d) Loyalty Cards;
- 26 (e) Magnetic Stripe based cards;
- 27 (f) Smart Chip Based cards;
- 28 (g) EMV Cards;
- 29 (h) Passwords;
- 30 (i) Personal identification number (PIN),

1 (Hi) Electronic serial number,
2 (iv) Code number,
3 (v) Mobile identification number,
4 (vi) Any account number or other telecommunications service,
5 equipment, or instrument identifier, or other means of account access
6 including telephones, PDAs, etc.,
7 (vii) Automatic Teller Machines,
8 (viii) Point of Sales Terminals,
9 (ix) Other vending machines.
10 (3) Usage of Fake access device:
11 (a) counterfeiting, usage of unauthorised access device, usage of an access
12 device issued to another person. Any person who:
13 (i) uses a counterfeit access device,
14 (ii) uses an unauthorised access device;
15 (iii) uses an access device issued to another person which in a -c above
16 results in a loss or gain is guilty of a felony and liable to a fine of five
17 Million Naira and forfeiture of the advantage or value derived from his
18 act or liable to 7 years imprisonment or all of the penalties specified
19 above.
20 (iv) For the purpose of subsection (3) (a) of this Act counterfeit access
21 device means "counterfeit, fictitious, altered, or forged, or an identifiable
22 component of an access device or a counterfeit access device.
23 (4) Unauthorized Access Device:
24 (a) for the purpose of subsection (3) (b) of this Act "an unauthorised
25 access device" such as a debit or credit card, is one that has been "lost,
26 stolen, expired, revoked concealed forged or obtained with intent to defraud"
27 40,—(1) Any person found to perpetrate a fraud using any of the devices ATM or point
28 itemized under section 39 of this Act shall be guilty of a felony and upon of sales
29 conviction sentenced to 5 years imprisonment or a fine of 5 million naira or

Manipulation of ATM/POS terminals.	1 2 3 4 5 6 7	(2) Any person who manipulates an ATM machine or Point of Sales terminals with the intention to defraud shall be guilty of a felony and upon conviction sentenced to 5 years imprisonment or 5 million Naira fine or both. (3) Any employee of a financial institution found to have connived with another person or group of persons to perpetrate fraud using an ATM of Point of sales device, shall be guilty of a felony and upon conviction sentenced to 7 years imprisonment without an option of fine.
Trafficking in computer access.	8 9 10 11 12	41. Any person or organisation who knowingly and intentionally traffics in any password or similar information through which a computer may be accessed without-lawful authority if such trafficking affects public, private and or individuals within or outside the federation of Nigeria is guilty of a felony and upon conviction shall be liable to a fine of two million Naira or imprisonment for 3 years or both .
Employees responsibility.	13 14 15 16 17 18 19 20	42. All employees in both the public and private sector must release all codes and access rights to their employers upon disengagement of their services . If such access constitutes a threat or risk to the employer. It shall be assumed that such act constitutes a risk if it can be used to hold such employer to ransom. Any employee who continues to hold to codes or access permits after disengagement shall be guilty of a felony and shall be sentenced to 2 years imprisonment or 3 million Naira fine or both. This section is without prejudice to contractual agreement wilfully signed with such employee or consultant.
Causing computer damage.	21 22 23 24 25 26 27 28	43. Whoever - (a) knowingly causes the transmission of a programme, information code or command and as result of such conduct intentionally causes damage without 24 ' authorisation to a computer. (b) intentionally accesses a computer without authorisation and as a result of such conduct, recklessly causes damage is guilty of a felony and is liable to payment of fine of live million Naira or seven years imprisonment or both in each of the cases stated in (a) and (b) above.
Phishing, spamming.	29 30 31	44.—(1) From the commencement of this bill, it shall be offence to engage in computer phishing. Anyone caught shall upon conviction serve 3 years in jail or pay a fine of 1 Million Naira or both

1 (2) Anyone found to engage in spamming with the intent to disrupt the
2 operations of a computer be it Government or financial institution shall be
3 guilty of a crime and upon conviction sentenced to 3 years imprisonment or 1
4 million Nair fine or both.

5 (3) Anyone found to engage in the malicious spread of viruses thereby
6 causing damage to critical information computers such as Government and
7 financial institution computers shall be guilty of a felony and upon conviction
8 sentenced to 3 years imprisonment or 1 million Naira fine or both.

9 (4) For the purpose of this Act, phishing means, the criminal and fraudulent
10 process of attempting to acquire sensitive information such as usernames,
11 passwords and credit card details, by masquerading as a trustworthy entity in
12 an electronic communication through e-mails or instant messaging either in
13 form of an email from what appears from your bank asking a user to change his
14 or her password or reveal his or her identity so that such information can later
15 be used to defraud the user.

16 (5) For the purpose of this Act, spamming is an abuse of electronic messaging
17 systems to indiscriminately send unsolicited bulk messages to individuals and
18 corporate organisations.

19 45.—(1) From the commencement of this bill, it shall be an offence to steal Financial Institutions or public infrastructure terminal. Such terminals shall include GSM Phones that can be used to access bank or any other sensitive information, Point of sales terminals (POS) and all other Card Acceptor Devices that are in use now or may be introduced in the future. Anyone that contravenes this section shall be guilty of a felony and upon conviction sentenced to 3 years imprisonment or 1 million Naira fine or both.

Stealing of terminal equipments, laptops or desktop

26 (2) Anyone caught stealing an Automatic teller machines (ATM) shall be
27 guilty of a felony and upon conviction sentenced to 7 years imprisonment or a
28 10 million Naira fine or both. All proceeds of such theft shall be forfeited to the
29 lawful owners of the ATM.

30 (3) Any attempted theft of an ATM which shall be proven through camera

1 guilty of an offence and upon conviction sentenced to 1 year imprisonment or a
2 fine of 1 million Naira or both.

3 (4) From the enactment of this law, photographs taken by ATM machines
4 of criminals shall be sufficient evidence for prosecution and conviction.

5 (5) From the enactment of this law, anyone caught stealing a desktop
6 computer or a laptop shall be guilty of an offence and upon conviction sentenced
7 to 2 years imprisonment or a fine of 500,000 Naira or both.

8 (6) From the commencement of this Act any person who steals a GSM
9 phone commits an offence and upon conviction shall be sentenced to an
10 imprisonment for six months or 100,000 Naira fine or both.

11 (7) When a stolen GSM phone is used to perpetrate online fraud, the
12 offender shall be guilty of a felony and upon conviction sentenced to 5 years
13 imprisonment or a fine of 5 million Naira or both.

Regulations.

14 46. The Minister may make regulations as may be necessary or expedient
15 for giving effects to the provisions of this Act.

Citation.

16 47. This Act may be cited as the Electronic Fraud Prohibition Bill, 2008.

EXPLANATORY MEMORANDUM

This Bill seeks to prohibit all Electronic Fraud in the Federal Republic of Nigeria on unauthorized Access to computer be it public or private, registration of Cybercafe to ensure monitoring of such cybercafés, interception of electronic messages, wilful misdirection of E-messages for fraudulent purposes, fraudulent issuance of E-money orders, sending obscene messages, manipulation of computer data, purchase of forged E-cards, falsification of E-data, validity of electronic signatures and its exceptions, diversion of E-mail for personal gains in financial institutions, E-identity theft, E-card fraud, usage of fake E-access devices, manipulation of ATM/POS terminals, computer damage and for other related matters.

Commencement.

Establishment of the Nigerian Citizens in Diaspora Commission.

Establishment
of the Xiger-
ian Citizens in
Diaspora
Commission
Governing
Board.

Membership
of the Bo2rd.