



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 29 March, 2017

1. The House met at 11.12 a.m. Mr Speaker read the Prayers.
2. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Tuesday, 28 March, 2017.

The Votes and Proceedings was adopted by unanimous consent.

3. **Announcement**
Visitors in the Gallery:
Mr Speaker recognized the presence of the following visitors:
 - (i) Staff and Students of *Destiny Kiddies International Academy*, Dakwa, Niger State; and
 - (ii) Staff and Students of *Peniel Children Academy*, Kubwa, Abuja.
4. **Matters of Urgent Public Importance (Standing Order Eight, Rule 4)**
 - (i) ***Need to Make the Terms of the Loan Package under the Government Enterprise and Empowerment Programme to be more Accessible to Indigent Nigerians:***
Hon. Abubakar Chika Adamu (*Shiroro/Rafi/Munya Federal Constituency*) introduced the matter and prayed the House to:
 - (a) consider and approve the matter as one of urgent public importance; and
 - (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Make the Terms of the Loan Package under the Government Enterprise and Empowerment Programme to be More Accessible to Indigent Nigerians:

The House:

Notes that the Government of Nigeria has come up with various programmes under the current administration in a bid to alleviate the sufferings of teeming Nigerians who are being crushed daily under the weight of recession;

Also notes that some of these poverty alleviation programmes have not been very successful due to very stringent terms to the detriment of Nigerians who are dying daily from lack of basic needs like food, water, shelter, medical care, etc.;

Aware that the Bank of Industry has come up with a soft loan package aimed at providing soft loan for indigent Nigerians to use as startup capital called the "Government Enterprise and Empowerment Programme (GEEP)";

Also aware that the loan term is for only 6 months with no interest, and administration fee of 5% one time, a grace period of two weeks before the loan starts to count and weekly repayments;

States that although the programme is a welcome development, however the 6 months period within which to repay the loan, the grace period of two weeks and weekly repayment is not sufficient considering the fact that businesses require gestation period before they pick up as well as the harsh business environment in Nigeria;

Also state that there is need for the Bank of Industry to take these factors into consideration and relax the terms a bit so that the programme will achieve its purpose of lending the much needed help to Nigerians as well as the multiplier effect which this programme will bring to the Nigerian economy in the long run since most economies of the world develop through a vibrant Small and Medium Scale Enterprises Sector;

Resolves to:

- (i) urge the Bank of Industry increase the loan term to 1 year, two months as grace period and loan repayment monthly; and
- (ii) mandate the Committee on Poverty Alleviation to investigate the matter and report back for further legislative action (*Hon. Abubakar Chika Adamu — Shiroro/Rafi/Munya Federal Constituency*).

Debate.

Amendments Proposed:

- (i) In Prayer (ii), immediately after the word "Alleviation", insert the words "and Industry" (*Hon. Karimi Sunday Steve — Yagba East/Yagba West/Mopa-Muro Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) Insert a new Prayer (iii) as follows:
"Invite the Desk Officer in charge of Government Enterprise and Empowerment Programme (GEEP) in the office of the Vice President and the Managing Director of Bank of Industry (BOI), to brief the Joint Committees on the conditionality and mechanism for implementing the programme" (*Hon. Abubakar H. Moriki — Shinkafi/Zurmi Federal Constituency*).

Question that the amendment be made — Agreed to.

- (iii) Insert a new Prayer (iv) as follows:
"Urge the National Orientation Agency to embark on aggressive sensitization of beneficiaries on the need to pay back within the period under review in order to actualize the revolving content of the loan" (*Hon. Babatunde Kele — Akoko Southwest/Akoko East Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that the Government of Nigeria has come up with various programmes under the current administration in a bid to alleviate the sufferings of teeming Nigerians who are being crushed daily under the weight of recession;

Also noted that some of these poverty alleviation programmes have not been very successful due to very stringent terms to the detriment of Nigerians who are dying daily from lack of basic needs like food, water, shelter, medical care, etc.;

Aware that the Bank of Industry has come up with a soft loan package aimed at providing soft loan for indigent Nigerians to use as startup capital called the "Government Enterprise and Empowerment Programme (GEEP)";

Also aware that the loan term is for only 6 months with no interest, and administration fee of 5% one time, a grace period of two weeks before the loan starts to count and weekly repayments;

Stated that although the programme is a welcome development, however the 6 months period within which to repay the loan, the grace period of two weeks and weekly repayment is not sufficient considering the fact that businesses require gestation period before they pick up as well as the harsh business environment in Nigeria;

Also stated that there is need for the Bank of Industry to take these factors into consideration and relax the terms a bit so that the programme will achieve its purpose of lending the much needed help to Nigerians as well as the multiplier effect which this programme will bring to the Nigerian economy in the long run since most economies of the world develop through a vibrant Small and Medium Scale Enterprises Sector;

Resolved to:

- (i) urge the Bank of Industry increase the loan term to 1 year, two months as grace period and loan repayment monthly; and
 - (ii) mandate the Committees on Poverty Alleviation, and Industry to investigate the matter and report back for further legislative action;
 - (iii) invite the Desk Officer in charge of Government Enterprise and Empowerment Programme (GEEP) in the office of the Vice President and the Managing Director of Bank of Industry (BOI), to brief the Joint Committees on the conditionality and mechanism for implementing the programme; and
 - (iv) also urge the National Orientation Agency to embark on aggressive sensitization of beneficiaries on the need to pay back within the period under review in order to actualize the revolving content of the loan (HR. 127/2017).
- (ii) ***Need to Investigate the Rising Incidents of Non-Qualified Personnel in Questionable Health Facilities Offering and Abusing much Needed Health Care Services to Unsuspecting Nigerians Sometimes with Disastrous Consequences:***
Hon. Patrick Asadu (Nsukka/Igboeze South Federal Constituency) introduced the matter and prayed the House to consider and approve it as one of urgent public importance.

Question that the matter be considered as one of urgent public importance — Agreed to.

Matter to stand over till next legislative day, pursuant to Order Eight, Rule 4 (3).

5. Presentation and First Reading of Bills

The following Bills were read the *First Time*:

- (1) Demutualization of the Nigerian Stock Exchange Bill, 2017 (HB. 983).
- (2) Nigerian Deposit Insurance Corporation Act (Repeal and Re-enactment) Bill, 2017 (HB. 984).
- (3) National Emergency Management Agency Act (Amendment) Bill, 2017 (HB. 985).
- (4) Births, Deaths, etc. (Compulsory Registration) Act (Amendment) Bill, 2017 (HB. 986).
- (5) Copyright Act (Amendment) Bill, 2017 (HB. 987).
- (6) Nigerian Urban and Regional Planning Act (Amendment) Bill, 2017 (HB. 988).

6. A Bill for an Act to Establish the National Council of Radiology and Radiation Medicine to Provide for the Control and Practice of the Profession of Radiology, Radiation Medicine, Nuclear Medicine, Radiotherapy, Radiography, Medical Physics and Technology and for Other Related Matters (HB. 924) — *Second Reading*

Motion made and Question proposed, "That a Bill for an Act to Establish the National Council of Radiology and Radiation Medicine to Provide for the Control and Practice of the Profession of Radiology, Radiation Medicine, Nuclear Medicine, Radiotherapy, Radiography, Medical Physics and Technology and for Other Related Matters (HB. 924) be now read a Second Time" (*Hon. Patrick Asadu — Nsukka East/Nkanu West Federal Constituency*).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Health Institutions.

7. A Bill for an Act to Establish the Nigerian Institute of Leather and Science Technology (NILEST), Zaria to Provide Full-Time and Part-Time Courses in Research in Engineering Technology, Polymer Technology, Leather Technology, Footwear Technology, Leather Goods Technology, Laboratory Technology Management and Other Fields of Study and for Other Related Matters (HB. 784) — *Second Reading*

Bill withdrawn by leave of the House.

8. Need to Investigate the Joint Venture Agreement between University of Abuja Teaching Hospital, Gwagwalada and Crystal Thorpe Nigeria Limited

Order read; deferred by leave of the House.

9. Need to Investigate the Payment of Over 2.8 Billion Naira for Clearing of Overtime Charges for the then PHCN, NIPP, Federal Ministry of Power and other Power Sector Equipment
Motion made and Question proposed;

The House:

Recalls that the Legislative Agenda of the House of Representatives expressly provides that the House will block all leakages in resource allocation by the Federal Government;

Aware that sometime between 2012/2013, the Federal Government, through the Central Bank of Nigeria (CBN) procured equipment with an understanding that the goods will be delivered;

Also aware that concessions in the form of tax exemption were granted to facilitate quick clearing and delivery of the equipment due to their urgent requirement to boost the power sector which was in a bad state;

Concerned that those equipment which were granted priority at the time of procurement and should have been evacuated within days of arrival were abandoned and have now been turned into a conduit pipe for siphoning of billions of Naira from the government in the name of overtime charges and other sundry fees;

Also concerned that those procurements were made before the unbundling of the Power Holding Company of Nigeria (PHCN), thus making them Federal Government property, however a number of them have been cleared fraudulently and illegally by some Distribution and Generating Companies (DISCOs and GENCOs);

Resolves to:

Mandate the Committee on Power to urgently investigate the entire process with a view to blocking all leakages and siphoning of resources of the nation and as well as recover the illegally collected goods and report back in three (3) weeks for further legislative action (*Hon. Gaza Jonathan Gbefwi — Karu/Keffi/Kokona Federal Constituency*).

Debate.

Amendment Proposed:

In the Prayer, immediately after the words "Mandate the", *leave out* the words "Committee on Power", and *insert* the words "Committees on Power, Banking and Currency, and Customs and Excise" (*Hon. Jerry Alagboso — Orlu/Orsu/Oru East Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Recalled that the Legislative Agenda of the House of Representatives expressly provides that the House will block all leakages in resource allocation by the Federal Government;

Aware that sometime between 2012/2013, the Federal Government, through the Central Bank of Nigeria (CBN) procured equipment with an understanding that the goods will be delivered;

Also aware that concessions in the form of tax exemption were granted to facilitate quick clearing and delivery of the equipment due to their urgent requirement to boost the power sector which was in a bad state;

Concerned that those equipment which were granted priority at the time of procurement and should have been evacuated within days of arrival were abandoned and have now been turned into a conduit pipe for siphoning of billions of Naira from the government in the name of overtime charges and other sundry fees;

Also concerned that those procurements were made before the unbundling of the Power Holding Company of Nigeria (PHCN), thus making them Federal Government property, however a number of them have been cleared fraudulently and illegally by some Distribution and Generating Companies (DISCOs and GENCOs);

Resolved to:

Mandate the Committees on Power, Banking and Currency, and Customs and Excise, to urgently investigate the entire process with a view to blocking all leakages and siphoning of resources of the nation and as well as recover the illegally collected goods and report back in three (3) weeks for further legislative action (HR. 128/2017).

10. **Need to Investigate the Breach of the Electoral Act, 2010 by the Independent National Electoral Commission (INEC) On Continuous Voters Registration (CVR):**
Motion made and Question proposed;

The House:

Notes that Continuous Voters Registration (CVR) is a global best practice and electoral standard which allows for regular update of the National Register of Voters with the data of persons who attain the age of 18 years;

Aware that Section 9 (1) of the Electoral Act, 2010 states inter alia that:

the Commission shall compile and update, on a continuous basis, a National Register of Voters, in this Act referred to as the ("Register of Voters") which shall include the names of all persons entitled to vote in any Federal, State or Local Government or Area Council election";

Also aware of Section 10 (1) which states that without prejudice to Section 10 (5), there shall be continuous registration of all persons qualified to be registered voters;

Cognizant of the provisions of section 10 (3) of the Electoral Act that the Commission shall, within 60 days after each year, make available to every political party, the names and addresses of each person registered during that year;

Also cognizant that the number of Nigerians who turned 18 years between 2011 and 2015 was 24,346,157, but only about 9,913,398 of them were registered and captured as eligible voters by 2015, amounting to only 40% of the total number of Nigerians that turned 18 years within the period;

Further aware that the number of registered voters increased only minimally from 58,920,078 in 2011 to 68,833,476, representing only 17% increase from 2011 to 2015 in aggregate of all states in Nigeria;

Concerned that the Independent National Electoral Commission (INEC) has, over the years, been breaching the provisions of the Electoral Act on continuous voter registration by failing to comply with the law or has deliberately been neglecting its mandate in that regard;

Also concerned that despite repeated demands and appeals by Nigerians, INEC has failed to put in place measures to guarantee continuous voters registration exercise across the country;

Convinced that the problem of breach of the Electoral Act on continuous voters registration will persist, unless INEC adopts a full implementation of the continuous voters registration as provided by the Electoral Act, 2010;

Resolves to:

- (i) condemn the breach of Sections 9 (1), 10 (1), (3) and (5) and 12 (1) of the Electoral Act, 2010 by the Independent National Electoral Commission (INEC);

- (ii) mandate the Committee on Electoral and Political Party Matters to investigate the noncompliance of INEC with the provisions of the Electoral Act on Continuous Voters Registration and report back within four (4) weeks for further legislative action (*Hon. Benjamin Ikani Okolo — Bassa/Dekina Federal Constituency*).

Debate.

Amendment Proposed:

Leave out Prayer (i) (Hon. Aishatu Jibril Dukku — Dukku/Nafada Federal Constituency).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that Continuous Voters Registration (CVR) is a global best practice and electoral standard which allows for regular update of the National Register of Voters with the data of persons who attain the age of 18 years;

Aware that Section 9 (1) of the Electoral Act, 2010 states inter alia that:

"the Commission shall compile and update, on a continuous basis, a National Register of Voters, in this Act referred to as the ("Register of Voters") which shall include the names of all persons entitled to vote in any Federal, State or Local Government or Area Council election";

Also aware of Section 10 (1) which states that without prejudice to Section 10 (5), there shall be continuous registration of all persons qualified to be registered voters;

Cognizant of the provisions of section 10 (3) of the Electoral Act that the Commission shall, within 60 days after each year, make available to every political party, the names and addresses of each person registered during that year;

Also cognizant that the number of Nigerians who turned 18 years between 2011 and 2015 was 24,346,157, but only about 9,913,398 of them were registered and captured as eligible voters by 2015, amounting to only 40% of the total number of Nigerians that turned 18 years within the period;

Further aware that the number of registered voters increased only minimally from 58,920,078 in 2011 to 68,833,476, representing only 17% increase from 2011 to 2015 in aggregate of all states in Nigeria;

Concerned that the Independent National Electoral Commission (INEC) has, over the years, been breaching the provisions of the Electoral Act on continuous voter registration by failing to comply with the law or has deliberately been neglecting its mandate in that regard;

Also concerned that despite repeated demands and appeals by Nigerians, INEC has failed to put in place measures to guarantee continuous voters registration exercise across the country;

Convinced that the problem of breach of the Electoral Act on continuous voters registration will persist, unless INEC adopts a full implementation of the continuous voters registration as provided by the Electoral Act, 2010;

Resolved to:

Mandate the Committee on Electoral and Political Party Matters to investigate the noncompliance of INEC with the provisions of the Electoral Act on Continuous Voters Registration and report back within four (4) weeks for further legislative action (**HR. 129/2017**).

11. **Need for the National Universities Commission (NUC) to Regulate Visiting Lectureship**

Motion made and Question proposed;

The House:

Aware that the National Universities Commission is charged with the responsibility for preparation of master plans for the balanced and co-coordinated development of all Universities in Nigeria, as well as initiating investigations relating to higher education as the Commission may consider necessary, in the national interest;

Notes that the Commission is additionally required to, among others, lay down minimum academic standards, ensure the quality of education and academic programmes in Nigeria, undertake periodic reviews of the terms and conditions of service of personnel engaged in the Universities and make recommendations as may be required for the attainment of the above objectives;

Also aware that the practice of engaging the services of visiting lectureship in Nigerian Universities is a common phenomenon that requires effective regulation by the Commission;

Further aware that the visiting lecturers are employed to carry out academic related activities such as teaching, research as well as mentoring students in the Universities;

Cognizant that majority of the senior lecturers in various Nigerian Universities, especially the States and private universities, are either employed on sabbatical, visiting or adjunct basis due, essentially to the difficulties in attracting qualitative staff at that level;

Concerned that the survival of many Universities, especially the States and Private Universities, are based on the retention of the services of either visiting lecturers or lecturers on sabbatical, and this reliance poses a great challenge to the quality of services rendered by the lecturers with regard to mentoring, research, publication of journals and the general academic well-being in the Universities;

Also concerned that the above challenges affect the quality of education being provided owing to the fact that those lecturers usually abandon their duties in their places of primary employment as their services are spread thinly across other commitments in other Universities, including those they visit;

Further concerned that the activities of those visiting lecturers are not regulated by any supervisory or academic body, either to ensure compliance with their terms of engagement or limit the number of commitments they engage in to ensure quality of education in Nigeria;

Resolves to:

Mandate the Committee on Tertiary Education and Services to interface with the National Universities Commission and other relevant agencies concerned with tertiary education with a view to formulating policies to aid the regulation and supervision of the practice of visiting lectureship in Nigeria and report back within eight (8) weeks for further legislative action (*Hon. Abbas Tajudeen - Zaria Federal Constituency*).

Debate.

Agreed to.

The House:

Aware that the National Universities Commission is charged with the responsibility for preparation of master plans for the balanced and co-coordinated development of all Universities in Nigeria, as well as initiating investigations relating to higher education as the Commission may consider necessary, in the national interest;

Noted that the Commission is additionally required to, among others, lay down minimum academic standards, ensure the quality of education and academic programmes in Nigeria, undertake periodic reviews of the terms and conditions of service of personnel engaged in the Universities and make recommendations as may be required for the attainment of the above objectives;

Also aware that the practice of engaging the services of visiting lectureship in Nigerian Universities is a common phenomenon that requires effective regulation by the Commission;

Further aware that the visiting lecturers are employed to carry out academic related activities such as teaching, research as well as mentoring students in the Universities;

Cognizant that majority of the senior lecturers in various Nigerian Universities, especially the States and private universities, are either employed on sabbatical, visiting or adjunct basis due, essentially to the difficulties in attracting qualitative staff at that level;

Concerned that the survival of many Universities, especially the States and Private Universities, are based on the retention of the services of either visiting lecturers or lecturers on sabbatical, and this reliance poses a great challenge to the quality of services rendered by the lecturers with regard to mentoring, research, publication of journals and the general academic well-being in the Universities;

Also concerned that the above challenges affect the quality of education being provided owing to the fact that those lecturers usually abandon their duties in their places of primary employment as their services are spread thinly across other commitments in other Universities, including those they visit;

Further concerned that the activities of those visiting lecturers are not regulated by any supervisory or academic body, either to ensure compliance with their terms of engagement or limit the number of commitments they engage in to ensure quality of education in Nigeria;

Resolved to:

Mandate the Committee on Tertiary Education and Services to interface with the National Universities Commission and other relevant agencies concerned with tertiary education with a view to formulating policies to aid the regulation and supervision of the practice of visiting lectureship in Nigeria and report back within eight (8) weeks for further legislative action (**HR. 130/2017**).

12. Consideration of Reports

- (i) *A Bill for an Act to Repeal the National Manpower Board Act, Cap. N57, Laws of the Federation of Nigeria, 2004 and for Other Related Matters (HB. 258) (Committee of the Whole):*

Order read; deferred by leave of the House.

- (ii) *Committee on Justice:*

Motion made and Question proposed. "That the House do consider the Report of the Committee on Justice on a Bill for an Act to Provide for Personal Data Protection (to be known as the Bill for an Act to Provide for Personal Data Protection) and to regulate the Processing of Information Relating to Individuals, including Obtaining, Holding, Use or Disclosure of such Information and for Other Related Matters (HB. 2) and approve the recommendations therein" (*Hon. Razak Atunwa — Ilorin West/Asd Federal Constituency*).

Question agreed to.

Question: That the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

**A BILL FOR AN ACT TO PROVIDE FOR PERSONAL DATA PROTECTION TO
REGULATE THE PROCESSING OF INFORMATION RELATING TO INDIVIDUALS,
INCLUDING THE OBTAINING, HOLDING, USE OR DISCLOSURE OF
SUCH INFORMATION AND FOR RELATED MATTERS**

Committee Recommendation:

Clause 1: Handling of personal data.

- (1) Personal data shall be —
- (a) processed fairly and lawfully;
 - (b) obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
 - (c) adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
 - (d) accurate and, where necessary, kept up to date; and
 - (e) processed in accordance with the rights of data subjects under this Bill.
- (2) Personal data processed for any purpose or purposes shall not be kept longer than is necessary for that purpose or purposes.
- (3) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- (4) Personal data shall not be transferred to a country or territory outside Nigeria unless that country or territory ensures an adequate level of protection, not less than that provided in this Bill, for the rights and freedoms of data subjects in relation to the processing of personal data (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that Clause 1 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 2: Right of access to personal data.

- (1) Any individual who is a data subject is entitled —
- (a) to be informed by any data controller whether personal data are being processed by or on behalf of that data controller
 - (b) to be given a description by the data controller of -
 - (i) the personal data of which that individual is the data subject;

- (ii) the purposes for which they are being or are to be processed; and
 - (iii) the recipients or classes of recipients to whom they are or may be disclosed.
 - (c) to be communicated to in an intelligible form —
 - (i) the information constituting any personal data of which that individual is the data subject; and
 - (ii) any information available to the data controller as to the source of those data.
 - (d) to be informed by the data controller of the logic involved in the decision making where the processing by automatic means of personal data of which that individual is the data subject for the purpose of evaluating matters relating to him such as, for example, his performance at work, his creditworthiness, his reliability or his conduct, has constituted or is likely to constitute the sole basis for any decision significantly affecting him,
- (2) A data controller is not obliged to supply any information under subsection (1) unless he has received —
- (a) a request in writing; and
 - (b) except in prescribed cases, such fee (not exceeding the prescribed maximum) as he may require.
- (3) A data controller is not obliged to comply with a request under this section unless he is supplied with such information as he may reasonably require in order to satisfy himself as to the identity of the person making the request and to locate the information which that person seeks.
- (4) Where a data controller cannot comply with a request without disclosing information relating to another individual who can be identified from that information, he is not obliged to comply with the request unless—
- (a) the other individual has consented to the disclosure of that information to the person making the request; or
 - (b) it is reasonable in all the circumstances to comply with the request without the consent of the other individual if the request relates to prevention or detection of crimes, national security or internal security.
- (5) In subsection (4) the reference to information relating to another individual includes a reference to information identifying that individual as the source of the information sought by the request; and that subsection is not to be construed as excusing a data controller from communicating so much of the information sought by the request as can be communicated without disclosing the identity of the other individual concerned, whether by the omission of names or other identifying particulars or otherwise.

- (6) In determining for the purposes of subsection (4) (b) whether it is reasonable in all the circumstances to comply with the request without the consent of the other individual concerned, regard shall be had, in particular, to —
 - (a) any duty of confidentiality owed to the other individual;
 - (b) any steps taken by the data controller with a view to seeking the consent of the other individual;
 - (c) whether the other individual is capable of giving consent; and
 - (d) any express refusal of consent by the other individual.
- (7) An individual making a request under this section may, in such cases as may be prescribed, specify that his request is limited to personal data of any prescribed description.
- (8) Subject to subsection (4), a data controller shall comply with a request under this section promptly and in any event before the end of the prescribed period beginning with the relevant day.
- (9) If a court is satisfied on the application of any person who has made a request under the foregoing provisions of this section that the data controller in question has failed to comply with the request in contravention of those provisions, the court may order him to comply with the request (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that Clause 2 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 3: Disclosure of Personal Data to Security Agencies.

- (1) Subject to subsection (2) of this section, a data controller may, without the consent of the data subject, disclose personal data to the Nigeria Police or other Security Agencies described in the National Security Agencies Act for the purpose of safeguarding internal or national security.
- (2) A data controller shall comply with a disclosure request pursuant to subsection (1) of this section only where the Minister responsible for Interior or Defence has issued a certificate in relation to the personal data or data subject, stating that the disclosure is in the interest of internal or national security (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that Clause 3 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 4: Data Sharing Amongst Federal Government MDAs.

- (1) Personal data held by Federal Government Ministries, Departments or Agencies listed in Schedule A hereto may be shared amongst themselves for administrative purposes and for the prevention of fraud without the consent of the data subject.
- (2) Subject to the provisions of section 10, nothing in this section may be construed as authorising any Federal Government Ministry, Department or Agency to release or share personal data to any person not listed in Schedule A without the consent of the data subject (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Amendment Proposed:

In subclause (1), line 3, immediately after the word "prevention", *leave out* the words "of fraud" and *insert* the following words instead thereof "and detection of crime" (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 4 as amended, stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 5: Prevention of processing likely to cause damage or distress.**

- (1) Subject to subsection (2) an individual is entitled at any time by notice in writing to a data controller to require the data controller at the end of such period as is reasonable in the circumstances to cease, or not to begin, processing or processing for a specified purpose in a specified manner, any personal data in respect of which he is the data subject, on the ground that, for specified reasons —
 - (a) the processing of those data or their processing for that purpose or in that manner is causing or is likely to cause substantial damage or substantial distress to him or to another; and
 - (b) that damage or distress is or would be unwarranted.
- (2) The data controller must within twenty-one days of receiving a notice under subsection (1) ("the data subject notice") give the individual who gave it a written notice —
 - (a) stating that he has complied or intends to comply with the data subject notice; or
 - (b) stating his reasons for regarding the data subject notice as to any extent unjustified and the extent (if any) to which he has complied or intends to comply with it.
- (3) The failure by a data subject to exercise the right conferred by subsection (1) or section 4 (1) does not affect any other right conferred on him by this Part (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that Clause 5 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 6: Prevention of data processing for purposes of direct marketing.**

- (1) An individual is entitled at any time by notice in writing to a data controller to require the data controller at the end of such period as is reasonable in the circumstances to cease, or not to begin, processing for the purpose of direct marketing personal data in respect of which he is the data subject.
- (2) If the court is satisfied, on the application of any person who has given a notice under subsection (1), that the data controller has failed to comply with the notice, the court may order him to take such steps for complying with the notice as the court thinks fit.
- (3) In this section "direct marketing" means the communication (by whatever means) of any advertising or marketing material which is directed to particular individuals (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that Clause 6 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 7: Rights in relation to automated decision-making.

- (1) An individual is entitled at any time, by notice in writing to any data controller, to require the data controller to ensure that no decision taken by or on behalf of the data controller which significantly affects that individual is based solely on the processing by automatic means of personal data in respect of which that individual is the data subject for the purpose of evaluating matters relating to him such as, for example, his performance at work, his creditworthiness, his reliability or his conduct.
- (2) Where, in a case where no notice under subsection (1) has effect, a decision which significantly affects an individual is based solely on such processing as is mentioned in subsection (1) —
 - (a) the data controller must as soon as reasonably practicable notify the individual that the decision was taken on that basis; and
 - (b) the individual is entitled, within twenty-one days of receiving that notification from the data controller, by notice in writing, to require the data controller to reconsider the decision or to take a new decision otherwise than on that basis.
- (3) The data controller must, within twenty-one days of receiving a notice under subsection (2) (b) ("the data subject notice") give the individual a written notice specifying the steps that he intends to take to comply with the data subject notice.
- (4) The data controller must, within twenty-one days of receiving a notice under subsection (2) (b) ("the data subject notice") give the individual a written notice specifying the steps that he intends to take to comply with the data subject notice.
- (5) If a court is satisfied on the application of a data subject that a person taking a decision in respect of him ("the responsible person") has failed to comply with subject (1) or (2) (b), the court may order the responsible person to reconsider the decision, or to take a new decision which is not based solely on such processing as is mentioned in subsection (1) (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that Clause 7 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 8: Compensation for failure to comply with certain requirements.

- (1) An individual who suffers distress by reason of any contravention by a data controller of any of the requirements of this Bill is entitled to compensation from the data controller for that distress.
- (2) In proceedings brought against a person by virtue of this section, it is a defence to prove that he had taken such care as in all the circumstances was reasonably required to comply with the requirements concerned (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that Clause 8 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 9: Rectification, blocking, erasure and destruction.**

- (1) If a court is satisfied on the application of a data subject that personal data of which the applicant is the subject are inaccurate, the court may order the data controller to rectify, block, erase or destroy those data and any other personal data in respect of which he is the data controller and which contains an expression of opinion which appears to the court to be based on the inaccurate data.
- (2) Subsection (1) applies whether or not the data accurately records information received or obtained by the data controller from the data subject or a third party (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that Clause 9 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 10: Unlawful obtaining, etc. of personal data.**

- (1) A person shall not knowingly or recklessly, without the consent of the data controller —
 - (a) obtain or disclose personal data or the information contained in personal data; or
 - (b) procure the disclosure to another person of the information contained in personal data.
- (2) Subsection (1) does not apply to a person who shows —
 - (a) that the obtaining, disclosing or procuring—
 - (i) was necessary for the purpose of preventing or detecting crime;
 - (ii) was required or authorised by or under any enactment, by any rule of law or by the order of a court.
 - (b) that he acted in the reasonable belief that he had in law the right to obtain or disclose the data or information or, as the case may be, to procure the disclosure of the information to the other person;
 - (c) that he acted in the reasonable belief that he would have had the consent of the data controller if the data controller had known of the obtaining, disclosing or procuring and the circumstances of it; or
 - (d) that in the particular circumstances the obtaining, disclosing or procuring was justified as being in the public interest.
- (3) A person who contravenes subsection (1) is guilty of an offence.
- (4) A person who sells personal data commits an offence if he has obtained the data in contravention of subsection (1) and shall be liable upon conviction to a term of 2 years imprisonment or fine of ₦1,000,000.00.
- (5) A person who offers to sell personal data commits an offence if —
 - (i) he has obtained the data in contravention of subsection (1); or

- (ii) he subsequently obtains the data in contravention of that subsection and shall be liable upon conviction to a term of 1 year imprisonment or fine of ₦500,000.00.
- (6) For the purposes of subsection (5), an advertisement indicating that personal data are or may be for sale is an offer to sell the data.
- (7) Section 1(2) does not apply for the purposes of this section; and for the purposes of subsections (4) to (6), "personal data" includes information extracted from personal data (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Amendment Proposed:

Leave out all the words in subclause (7) (Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency).

Question that the amendment be made — Agreed to.

Question that Clause 10 as amended, stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 11: Prohibition of production of certain records.

- (1) A person shall not, in connection with —
 - (a) the recruitment of another person as an employee;
 - (b) the continued employment of another person; or
 - (c) any contract for the provision of services to him by another person require that other person or third party to supply him with a relevant record or to produce a relevant record to him.
- (2) A person concerned with the provision (for payment or not) of goods, facilities or services to the public or a section of the public must not, as a condition of providing or offering to provide any goods, facilities or services to another person, require that other person or a third party to supply him with a relevant record or to produce a relevant record to him.
- (3) Subsections (1) and (2) do not apply to a person who shows —
 - (a) that the imposition of the requirement was required or authorised by or under any enactment, by any rule of law or by the order of a court; or
 - (b) that in the particular circumstances the imposition of the requirement was justified as being in the public interest.
- (4) A person who contravenes subsection (1) or (2) is commits an offence and liable upon conviction to a term of 2 years imprisonment or fine of ₦1,000,000.00.
- (5) In this section "a relevant record" means any record which —
 - (a) has been or is to be obtained by a data subject from any data controller; and

- (b) contains information relating to any matter specified in relation to that data controller (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Amendment Proposed:

Leave out all the words in Clause (11) (Hon. Abubakar Chika Adamu — Shiroro/Rafi/Munya Federal Constituency).

Question that the amendment be made — Agreed to.

Committee Recommendation:

Clause 12: Interpretation.

In this Bill, unless the context otherwise requires —

"accessible data" means —

- (a) a health record as defined in this Bill;
- (b) an educational record; or
- (c) an accessible public record (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the meaning of the words "accessible data" be as defined in the interpretation to this Bill — Agreed to.

"data" means information which is —

- (a) being processed by means of equipment operating automatically in response to instructions given for that purpose;
- (b) recorded with the intention that it should be processed by means of such equipment;
- (c) recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system; or
- (d) does not fall within paragraph (a), (b) or (c) but forms part of an accessible record (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the meaning of the word "data" be as defined in the interpretation to this Bill — Agreed to.

"Data Controller" means any person, public authority, agency or anybody that alone or jointly with others determines the purposes and means of procuring of personal data (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the meaning of the words "Data Controller" be as defined in the interpretation to this Bill — Agreed to.

"data subject" means an individual who is the subject of personal data (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the meaning of the words "data subject" be as defined in the interpretation to this Bill — Agreed to.

"health record" means any record which —

- (a) consists of information relating to the physical or mental health or condition of an individual; and
- (b) has been made by or on behalf of a health professional in connection with the care of that individual (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the meaning of the words "health record" be as defined in the interpretation to this Bill — Agreed to.

"personal data" means data which relates to a living individual who can be identified —

- (a) from those data; or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the meaning of the words "personal data" be as defined in the interpretation to this Bill — Agreed to.

"processing", in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including —

- (a) organisation, adaptation or alteration of the information or data;
- (b) retrieval, consultation or use of the information or data;
- (c) disclosure of the information or data by transmission, dissemination or otherwise making available; or
- (d) alignment, combination, blocking, erasure or destruction of the information or data (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the meaning of the word "processing" be as defined in the interpretation to this Bill — Agreed to.

"obtaining" or "recording", in relation to personal data, includes obtaining or recording the information to be contained in the data (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the meaning of the word "obtaining" or "recording" be as defined in the interpretation to this Bill — Agreed to.

"using" or "disclosing", in relation to personal data, includes using or disclosing the information contained in the data (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the meaning of the word "using" or "disclosing" be as defined in the interpretation to this Bill — Agreed to.

"sensitive personal data" means personal data consisting of information as to —

- (a) the racial or ethnic origin of the data subject;
- (b) his political opinions;
- (c) his religious beliefs or other beliefs of a similar nature;
- (d) whether he is a member of a trade union;
- (e) his physical or mental health or condition;
- (f) the commission or alleged commission by him of any offence; or
- (g) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the meaning of the words “sensitive personal data” be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 12 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 13: Citation.

This Bill may be cited as Data Protection Bill, 2017 (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that Clause 13 stand part of the Bill — Agreed to.

SCHEDULE

1. All Federal Ministries.
2. Nigeria Police Force.
3. Nigeria Immigration Service.
4. Nigeria Customs Service.
5. Nigerian Armed Forces.
6. State Security Service.
7. Defence Intelligence Agency.
8. National Intelligence Agency.
9. Economic and Financial Crimes Commission.
10. Independent Corrupt Practices and Other Related Offences Commission.
11. National Drug Law Enforcement Agency.
12. Federal Road Safety Commission.
13. Nigeria Security and Civil Defence Corp.

14. Federal Inland Revenue Service.
15. Nigeria Copyright Commission.
16. National Agency for Food and Drugs Administration and Control.
17. Standards Organisation of Nigeria.
18. National Environmental Standards and Regulations Enforcement Agency.
19. National Identity Management Commission.
20. Nigeria Deposit Insurance Corporation (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question that the provisions of the Schedule stand part of the Bill — Agreed to.

Long Title:

A Bill for an Act to Provide for Personal Data Protection to Regulate the Processing of Information Relating to Individuals, Including the Obtaining, Holding, Use or Disclosure of Such Information and for Related Matters (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Justice on a Bill for an Act to Provide for Personal Data Protection to Regulate the Processing of Information Relating to Individuals, including Obtaining, Holding, Use or Disclosure of such Information and for Other Related Matters (HB. 2) and approved Clauses 1 - 3, approved Clause 4 as amended, approved Clauses 5 - 9, approved Clause 10 as amended, rejected Clause 11, approved Clauses 12 - 13, the Schedule and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(iii) Committee on Justice:

Motion made and Question proposed, “That the House do consider the Report of the Committee on Justice on a Bill for an Act to Provide for Timely Composition of Cabinet with Attached Portfolios by the President of the Federal Republic of Nigeria and for Other Related Matters (HB. 159) and approve the recommendations therein” (*Hon. Razak Atunwa — Ilorin West/Asa Federal Constituency*).

Question agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR TIMELY COMPOSITION OF CABINET
WITH ATTACHED PORTFOLIOS BY THE PRESIDENT OF THE FEDERAL REPUBLIC
OF NIGERIA AND FOR OTHER RELATED MATTERS (HB. 159)

Consideration deferred, in view of the constitutional implications of some of the provisions of the Bill.

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole deferred consideration of the Report of the Committee on Justice on a Bill for an Act to Provide for Timely Composition of Cabinet with Attached Portfolios by the President of the Federal Republic of Nigeria and for Other Related Matters (HB. 159) in view of the constitutional implications of some of the provisions of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

Bill referred to the Special Ad-hoc Committee on Constitutional Review.

13. Adjournment

That the House do adjourn till Thursday, 30 March, 2017 at 11.00 a.m. (Hon. Jibril Umar Buba — Deputy House Leader).

The House adjourned accordingly at 2.31 p.m.

Yakubu Dogara
Speaker