

A

BILL FOR A LAW TO

ESTABLISH THE AKWA IBOM STATE BUREAU FOR ICT, INNOVATION & EMERGING TECHNOLOGIES (AKBICT)

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A BILL FOR A LAW TO ESTABLISH THE AKWA IBOM STATE BUREAU FOR ICT, INNOVATION & EMERGING TECHNOLOGIES (AKBICT)

The Akwa Ibom State House of Assembly enacts as follows:

1. Interpretation

In this law, unless the context otherwise requires:

- **“Bureau”** means Akwa Ibom Ibom State Bureau for ICT, Innovation & Emerging Technologies established pursuant to Section 1 of this Law.
- **“Board”** means Governing Board of this Bureau, established pursuant to Section 2 (I) of this law
- **“Information & Communications Technology”** refers to all the technology used to handle Telecommunications, Broadcast Media, Intelligent Building & Management Systems, Audio-Visual processing & Transmission systems, Network-based control and monitoring.
- **“Computer”** means any electronic device or computational machinery using programmed instructions which has one or more of the capabilities of storage, retrieval, memory, logic, arithmetic or communication, and include all input, output, processing, storage, software or communication facilities which are connected or related to such a device in a system, or network or control function by the manipulation of signal, including electronic, magnetic or optical, and shall include any input or output, data storage, processing or communication facilities directly related to operating in conjunction with any such device or system or computer network
- **“Computer Network”** means the interconnection of one or more computers
- **“Computer System”** means a device or collection of devices including input and output support devices and excluding calculators which are not programmable and capable of being used in conjunction with external files, which contain computer programs, electronic instructions, input data and output data, that perform logic, arithmetic, data storage and retrieval, communication control and other functions.

- “Chairman” refers to the Chairman, House Committee on Science & Technology
- “Commissioner” refers to the Commissioner for Science & Technology or a member of the State Executive Council overseeing the Ministry of Science & Technology
- “Data” means a representation of information, knowledge, facts, concepts or instructions which are being prepared or have been prepared in a formalized manner, and is intended to be processed, is being processed or has been processed in a computer system or computer network, and maybe in any form (including computer printout, magnetic or optical storage media, punched cards, punched tapes), or stored internally in the memory of the computers
- “Director General” refers to the Director General of the Bureau appointed by the Governor, under this law
- “Electronic Form” means any information generated, sent, received or stored in a media, magnetic, optical, computer memory, microfilm, computer generated, microfiche or similar device
- “Electronic Record” mean s data record or data generated, image or sound, received or sent in an electronic form or micro-film or computer-generated microfiche
- “Governor” means the Governor of Akwa Ibom State
- “AKHA” means Akwa Ibom State House of Assembly
- “Information Technology” encompasses all form of technology used to create, store, exchange and use of information in its various forms (business, data, voice, conversation, still image, motion pictures, multimedia, presentation and other forms including those not yet conceived)
- “Local Government” includes the 31 Local Government Areas in Akwa Ibom State
- “Software” includes any program, procedure and associated documentation concerned with the operation of a computer system
- “State” means Akwa Ibom State of Nigeria

2. Establishment of The Akwa Ibom State Bureau For ICT, Innovation & Emerging Technologies

(1) There is established, the AKBICT (referred to in this law as Bureau)

(2) The Bureau shall:

- Be a corporate body with perpetual succession and a common seal
- Have the power to sue and be sued in its corporate name
- Be capable of acquiring, holding, managing and disposing of properties, movable or immovable, for the purpose of exercising the objectives and functions specified in this law

(3) The Bureau shall be supervised by the Ministry of Science & Technology

3. Objectives of the Bureau

- (1) Co-ordination, Own, Administer, Standardize, Strategic Plan, Monitor, (in their respective entireties) ALL the ICT-related assets in the best interest of Akwa Ibomites & the Akwa Ibom State Government as a whole
- (2) ICT-related assets including but are not limited to: Domain Names, All Official Websites across the Executive, Legislative, Judiciary, Boards & Commissions, Local Government Councils, Parastatals, MDAs e.t.c.
- (3) Liaise with all Agencies, Bureaus & MDAs at the Federal & International levels for AKSG-related discourses e.g. Nigerian Communications Commission, National Information Technology Development Agency, N.I.R.A., Telecommunication, Media & Technology firms
- (4) Create a framework for the planning, research, development, standardization, application, coordination, monitoring, evaluation and regulation of information technology practices, activities and systems in the State and all matters related thereto and for that purpose, and which without detracting from the generality of the foregoing shall include providing universal access for information technology and system penetration including rural, urban and under-served areas
- (5) Provide guidelines to facilitate the establishment and maintenance of appropriate information technology and system application and development in Akwa Ibom for public and private sectors urban- rural development; the economy and government in line with NITDA (National Information Technology Development Bureau) guidelines
- (6) Develop guidelines for electronic governance and monitor the use of electronic data interchange and other forms of electronic data interchange and other forms of electronic communication transactions as an alternative to paper-based methods in government, commerce, education, private & public sector, labour and other fields, where the use of electronic communication may improve the exchange of data & information
- (7) Ensure the implementation of the Akwa Ibom State Information Technology Policy in accordance with the set-up of implementation strategies and taking into consideration, the National Information Technology development plans
- (8) Promote the use of Information technology in the state
- (9) Facilitate appropriate regulatory policies to encourage private sector investment in information technology in the State
- (10) Collaborate with any entity, which in the opinion of the bureau, will facilitate the attainment of the objectives of these laws
- (11) Determine critical areas in information technology requiring research and development through effective monitoring of activities in the state information villages/ ICT Parks

- (12) Advise the government on any Information Technology related issues and render advisory services to the public and private sector on all Information Technology- related matters
- (13) Revenue Generation: Facilitate the implementation of a underground cables all over the State, creating an opportunity for Telcos & other similar firms to make subscription based payments to the AKSG
- (14) The Bureau handles installation and maintenance of Akwa Ibom State Broadband Network (AKSGNET) Base stations for internet access, maintenance of State Website (Digital Media) and Unified Communication (Official E-mail, Internet Protocol (IP) Telephony & Video Conferencing Service). Other functions of the Bureau include the following:
 - (15) Regulation of ICT hardware and software acquisition by providing government with hardware and software specifications prior to contractual obligations for system acquisitions in accordance with Decree 49 of 1995.
 - (16) Monitor all ICT projects in the State.
 - (17) Provision of Technical/Help Desk support and maintenance of Information and Communication Technology (ICT) related issues within MDAs.
 - (18) Liaising with MDAs for contents to be put into respective MDAs portal on official website
 - (19) Receive and manage enquiries from website and disseminate same to relevant Ministries, Departments and Agencies (MDAs) for response
 - (20) Maintenance of E-mail addresses for government functionaries
 - (21) Provision of Intranet and Internet System to encourage automation and reduce bureaucracy in communication within MDAs
 - (22) Taking periodic inventory of ICT equipment within MDAs
 - (23) Responsible for ICT policy preparation/reviewing for approval of The Governor and State Exco.
 - (24) Responsible for Preparation, Implementation & Approval of the ICT Policies & Strategies
 - (25) Generate & manage a comprehensive DATABANK for the State for various demographic information for use by the Executive, Legislative, Local Government e.t.c.
 - (26) Facilitate adequate ICT Training for all categories of Government functionaries & the Civil Service
 - (27) Takeover & manage ALL Government ICT facilities, equipment, installations & also manage their maintenance accordingly

4. Establishment and Composition of the AKBICT Board

- (1) This law establishes the Akwa Ibom State Bureau for ICT, Innovation & Emerging Technologies (AKBICT) Governing Board (referred to in this law, as the "Board")
- (2) The Board shall comprise of:
 - Chairman, House Committee on Science & Technology
 - Honorable Commissioner for Science & Technology
 - Director General of the Bureau
 - Representatives of the following Ministries- Finance, Education, Economic Development, Aviation & Ibom Deep Sea Port, Special Duties, Information & any other relevant subject matter experts

- A professional member of the Computer Professional Registration Council of Nigeria, Akwa Ibom Chapter (CPN)
- A representative of the Akwa Ibom State Chapter of Nigerian Computer Society (NCS)- a registered member
- Two (2) persons with cognate experience in Information Technology to represent ASUU & ASUP in the State
- One (1) person who is an expert in the area of Information Technology to represent each of the 3 Senatorial Districts in the State
- Subject Matter experts of Akwa Ibom State origin, suggested & approved by the Chairman

5. Appointment of Members of the Board

The Chairman, the DG & other members of the Board, except the Ex-Officio Members, shall be appointed by the Governor subject to the confirmation by the AKHA

6. Tenure of Office of Members of the Board

- (1) The Chairman & members of the Board, except the ex-officio members shall hold office for a term of four (4) years and may be eligible for reappointment for a further term of four (4) years, only subject to confirmation from the AKHA
- (2) The Chairman & other members of the Board except the Director General & ex-officio members shall be appointed on a part-time & pro bono basis

7. Powers of the Board of AKBICT

- (1) Set general policy guidelines for the management of the Bureau
- (2) Appoint, promote, dismiss, and discipline the staff of the Bureau
- (3) Make recommendation to the Governor on the terms and conditions of employment and remuneration of staff of the Bureau
- (4) Set the Administrative Guidelines for the conditions and welfare of Staff of the Bureau
- (5) Structure the Bureau into such number of departments as it deems fit for the effective discharge of the functions of the Bureau
- (6) Exercise such powers as are necessary or expedient for giving effect to the provision of this law
- (7) Be the first level approver(s) for ICT-related capital projects as presented by the DG to the Board.
Note that final approval lies with the Executive Governor of the State.

(8) Train staff at any level within the country or internationally upon approval of the Governor, to equip them to deliver ICT support to the State

8. Remuneration & Allowances

The members of the Boards of the Bureau shall be entitled to remuneration and allowances as maybe approved by the Governor

9. Cessation of Office of Members of the Board

- (1) The Chairman or any member of the Board shall cease to hold office if the Chairman or member
- Resigns the appointment by giving one (1) month notice in writing addressed to the Governor
 - Is unfit or unable to discharge the functions of the office either by reason of infirmity or mental incapacitation
 - Is convicted of a crime by a competent court
 - Becomes bankrupt
 - Is guilty of serious misconduct or dereliction of duties
- (2) The Chairman or any member of the board may. Be removed from office by the Governor, if the Governor is satisfied that it is not in the best interest of the Public that such a member or Chairman should continue in office.

10. Meetings of the Board

- (1) The Board shall meet at least once every two (2) months
- (2) A special meeting of the Board may be summoned at the request of the Chairman, in case of exigencies
- (3) The Chairman shall preside over board meetings, but when absent, he shall appoint a presiding officer from any member of the board to preside on his behalf, or member of the board shall elect one of the members present to preside

11. Quorum

The quorum for a meeting of the Board shall be 1/3 of the members of the Board

12. Power to appoint a Consultant

The Board may appoint a Consultant or hire a Consultancy service or outsource some functions to aid in meeting the goals of the Bureau

13. Staff and Structure of AKBICT

(1) There shall be appointed by the Governor, a Director General (DG) of the Bureau

(2) The DG shall be:

- The Chief Executive Officer of the Bureau
- The Chief Accounting Officer of the Bureau
- Be responsible to the Bureau for the day-to-day implementation of policies

14. Tenure of the Director General

The Director General of the Bureau shall hold office in the first instance for a period of four (4) years and shall be eligible for the reappointment for such further term of four (4) years and no more. The appointment shall be subject to the confirmation of the AKHA

15. Remuneration of the Director General

The Director General shall hold office on such terms as to emoluments, allowances and benefits as may be specified in the letter of appointment

16. Cessation of Office of the Director General

Notwithstanding the provision of Section (15) of this law, the DG may:

- Resign his or her office by notice in writing address to the Governor or
- Be removed by the Governor for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct or corruption

17. Staff of the AKBICT

The Bureau may employ such staff as it may deem necessary and expedient from time to time for the proper and efficient performance of the functions of the bureau on such terms and conditions as may be determined by the Board

18. Transfer

Notwithstanding the provisions of Section (19) of this law, any officer or employee maybe determined by the Bureau for employment by way of transfer or secondment from the State Civil Service

19. Pension

- (1) Service in the Bureau shall be approved service for the purpose of the pension law and accordingly, officers and other pensioners employed in the Bureau shall be entitled to pensions, gratuities and other benefits as are prescribed there under, however nothing in this law shall prevent a person in any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in aspects of the office
- (2) For the purpose of the application of the provisions of the Pension Law, any power exercisable hereunder by an appropriate authority of the State Government is hereby vested in and shall be exercisable by the Bureau and not by any other person or authority.
- (3) For proper management of pensions, staff of AKBICT will fall under the applicable Pension Laws of Akwa Ibom State and accordingly be managed by the Ministry of Finance under the Office of the Accountant General

20. Regulations

- (1) Subject to the provisions of this law, the Bureau may make regulations relating to the conditions of service of its staff
- (2) Without prejudice to the generality of the foregoing, such regulations may provide for:
 - The appointment, promotion, termination, dismissal & discipline of staff or employee of the Bureau
 - Appeals by staff or employees against dismissal or other disciplinary measures

21. Establishment of AKBICT Fund

There is hereby established and established for the information bureau an Information Technology Development Fund, Technology (in this Law, referred to as "the Fund"), into which shall be paid and accredited:

- (a) Such sums, subventions, budgetary allocations and grants as may be provided by the State
- (b) Any loan granted to the Bureau by the State, Local Government, Entity, Person or Institution, with the approval of the Governor.
- (c) Such sums as may be paid by the Bureau by ways of grants-in-aid for national, bilateral and multilateral organization, agencies and international development partners.
- (d) Subsidies, donations, gifts, fees, subscriptions, rents, interest and royalties due to the Bureau
- (e) Any sums derived from the sale of property held by or on behalf of the Bureau and allocations and other internally generated revenues from the services provided by the Bureau

- (f) Any property which may be donated to the Bureau
- (g) Donations from National & International Development Partners, communities, individuals & any other lawful source(s)
- (h) A levy of 1% of any IT contract awarded by the State Government or any other arm of Government or parastatal shall be deductible into the Information Technology Development Fund Account

22. Expenditure

The Bureau may, from time to time, apply the proceeds of the fund established pursuant to Section 23 of this Law

- (a) For the payment of remuneration, allowances and other benefits of the members of the Bureau
- (b) For reimbursing members of the Bureau or of any Committee set up by the Bureau for such expenses as may be expressly authorized by the Bureau
- (c) For the payment of salaries, fees or other remunerations, allowances and other benefits including pensions payable to staff and employees of the Bureau
- (d) Cost of administration of the Bureau
- (e) For the maintenance of any property vested in the Bureau
- (f) For and in connection with all or any functions of the Bureau under this law

23. Annual Estimates

- (1) The Bureau shall operate such number of bank accounts as accounts and audit may be approved by the Bureau, and all monies of the Bureau shall be paid into any of such accounts
- (2) No charge or other instruments for withdrawal of money from any of such be made unless it is signed by the Director General & Director of Finance & Supplies

24. Bank Accounts

- (1) The Bureau shall submit to the Commissioner of Finance, through the Ministry of Science & technology, not later than July of each year, an estimate of its expenditure and income during the next succeeding year
- (2) The Bureau shall keep proper accounts in respect of each year and proper records in relation thereto and shall cause the accounts to be audited by an auditor appointed by the Auditor-General of the State

25. Annual Report

The Bureau shall prepare & submit to the Governor, through the Commissioner for Science & Technology, not later than March in each year's report, in such form as he may direct, on the activities of the Bureau

during the immediate preceding year, and shall include in such report, a copy of the audited accounts of the Bureau for that year and the Auditor General's report thereon

26. Power to Accept Gifts

- (1) The Bureau may accept any gift on such terms and conditions, if any, as may be specified by the person or organization presenting the gift
- (2) The Bureau shall not accept any gift if the condition attached by the person or organization presenting the gift is inconsistent with the functions of the Bureau

27. Power to Borrow

The Bureau may- with the approval of the Governor, borrow by way of loan or draft from any source, monies required by the Agency for meeting its obligations and discharging its functions under this Law

28. Establishment of Technology Village/ Parks

- (1) Subject to this Law, the Chairman of the Board may by order designate and facilitate the establishment of Information Technology Village & Parks in the State
- (2) Upon Application made on that behalf by the Commissioner for Science & Technology, the Governor may by order designate the parks as Free Zones and may specify in the order such incentives or tax holidays that enterprises engaged in the Parks may enjoy

29. Execution of Contractual Documents

- (1) Any contract or document which if entered into or executed by a person, not being a corporate body would not be required to be under seal, may be entered into or executed on behalf of the Bureau by the DG or any person generally or specifically authorized by the Bureau for that purpose
- (2) Any document purporting to be a document duly executed or issued under the seal of the Bureau or on behalf of the Bureau shall unless the contrary is proved to be so executed or issued, as the case may be

30. Service of Notice

Any, Notice, Summons or other documents required or authorized be served on the Bureau under the provision of this Law or any other Law may be served by delivering it to the DG or by sending it by registered post addressed to the DG at the Head Office of the Bureau

31. Limitation of Action against AKBICT

- (1) Subject to the provisions of this law, the provisions of the Public Officers Protection law shall apply in relation to any suit instituted against any member, officer or employee of the Bureau
- (2) No suit shall be commenced against the Chairman, Member, Officer or Employee of the Bureau for any act(s) done in pursuance or execution of this Law or any other law or enactment shall lie or be instituted in any Court of Law, unless it is commenced:
 - (a) Within 3 months after the act, neglect or default complained of
 - (b) In the case of a continuation or damage or injury, within 6 months after the season thereof
- (3) No suit shall be commenced against the Chairman, Member, Officer or Employee of the Bureau before the expiration of a period of 1 month after written notice of the intention to commence the suit shall have been served on the Bureau by the intending plaintiff or his agents
- (4) The notice referred to in Sub Section (3) shall clearly and explicitly state:
 - (a) The cause of action
 - (b) The particulars of claim
 - (c) The name & place of abode of the intending plaintiff
 - (d) The relief which he claims

32. Legal Representation

- (1) In a suit by or against the Bureau, the Bureau may be represented in court at any stage of the proceedings by a Law Officer by the Ministry of Justice or by a private legal practitioner with a written authorization of the Attorney General.
- (2) In this section, "suit" includes any action or any civil proceedings commenced by writ of summons or by such other manner as may be prescribed by rules of court, but does not include criminal proceedings

33. Restriction of execution against AKBICT

- (1) In any action or suit against the Bureau, no execution or attachment shall be carried out against the Bureau unless not less than 3 months' notice of the intention to execute or attach has been given to the Bureau
- (2) Any sum of money, which by the judgement of any court has been awarded against the Bureau shall subject to any direction given by the Courts; where no notice of appeals against the judgement has been given, be paid by the Bureau

34. Indemnity of the Officers of AKBICT

A member of the Board, a Director General or any Officer of the Bureau shall be indemnified out of the assets of the Bureau against any liabilities incurred by him in defending any proceeding whether civil or criminal, if the proceeding is brought against him in his capacity as a Member, Director General, Officer or other Employee of the Bureau to comply with the directives or cause them to be complied with.

35. Validities of Certain Acts

No act done or proceeding taken in this Law shall be questioned on the ground(s) of:

- (a) The existence of any vacancy in or any deficiency in the constitution of the Bureau or any omission
- (b) Defects, deficiency or irregularity not affecting the merits of the case

36. Immunity

No member of the Board or staff of the Bureau may be personally liable for any act of omission or commission in the discharge of his duties that was in good faith

37. Secrecy

(1) A member of the Board, or any employee shall

- (a) Not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a Member of the Board or as a Director General or Employee of the Bureau
- (b) Treat as confidential, any information, which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Law
- (c) Not disclose any information referred to under paragraph (b) of this subs section except as required by Law

(2) Any person who contravenes the provisions of subsection (1) of this section, commits an offence and shall on conviction, be liable to a fine of not less than N300,000.00 but not exceeding N1,000,000 or imprisonment for a term not less than 2 years but not exceeding 5 years or to be fined and imprisoned.

38. Directive by the Governor

The Governor may give to the Bureau such directives of general or specific nature, with respect to the performance of its functions and its procedure as the Governor may consider necessary, and shall be the duty of the Bureau to comply with such directives

39. Powers to Make Regulations

- (1) The Board may, with approval of the Governor, make regulations for carrying into effect, the provisions of this Law & the due administration of its provisions and may, in particular make regulations
 - (a) Setting standards to be complied with under this Law
 - (b) Providing methods of ensuring compliance with standard set
 - (c) Providing appropriate sanctions for non-compliance with standards set down
 - (d) Prescribing the forms for returns and other information required under this law or any other law
 - (e) Prescribing the procedure for obtaining any information required under this law, or any other law
 - (f) For other incidental matters
- (2) The Board may subject to the approval of The Governor, review, modify or amend any regulations made pursuant to the provisions of this law.
- (3) As from commencement of this law, the Board shall within the 6 months of being appointed, make regulations as provided for under subsection (1) of this section. The Bureau shall, unless the contrary is proved, be delivered to be so executed or issued, as the case may be

40. This Law may be established as Akwa Ibom State Bureau for ICT, Innovation & Emerging Technologies-2023, and shall come into force on the _____ day of _____ 20_____