



**Framework and Guidelines for
Public Internet Access (PIA)**

2019

Table of Contents

Forward..... 4

Part One..... 6

 1.0 Preamble 6

 1.1 Authority 6

 1.2 Purpose 6

 1.3 Definitions..... 6

 1.4 Objectives..... 7

 1.5 Scope 7

 1.6 Audience and Applicability 8

 1.7 Review and Amendment 8

Part Two..... 9

 2.0 Framework for the Provision of Public Internet Access (PIA)..... 9

 2.1 Participation/Provision 9

 2.2 Quality of Service (QoS) 9

 2.3 User Registration and Access..... 9

 2.4 User Verification and Authentication 9

 2.5 Notification..... 9

 2.6 Login Portal and Instruction..... 9

 2.7 Network Protection.....10

 2.8 Encryption Requirement.....10

 2.9 Security Software10

 2.10 Data Protection10

 2.11 Internet Speed.....10

2.12	<i>Duration and Number of Connections</i>	10
2.13	<i>Assessment/Audit</i>	11
Part Three	12
3.0	Guidelines for the Provision and Acceptable Use of Public Internet Access	12
Part Four	14
4.0	Monitoring, Compliance and Penalty	14
4.1	<i>Monitoring and Compliance</i>	14
4.2	<i>Penalty</i>	14

Forward

The internet has completely transformed the world; countries which have invested in nurturing digital and innovation-based cultures not only enjoy extraordinary wealth and job creation but have also transformed the way people live and do business. The Internet is an essential part of modern living facilitating communication without barrier and increasingly being used as a method of transacting business. The United Nations have encouraged the designation of the Internet as a human right, while World Bank published reports have established direct correlation between broadband penetration and access to GDP growth.

Over the past decades, the internet has been a major contributor to the evolution and growth in the global economy. It has the potential to assist governments in addressing critical policy concerns and facilitate. Yet, despite the clear importance of the internet as a key enabler of the Fourth Industrial Revolution, over 4 billion people remain unconnected to the web. For instance, Nigeria just recorded about 54% internet penetration in the first quarter of 2018 with much less than 30% broadband penetration target by the Federal Government for 2018.

The internet space has been characterised by high cost of access, low broadband penetration and poor internet infrastructure as well as poor enabling environment. The solutions to these challenges are beyond government's intervention. In order to bridge the existing digital divide and encourage more Nigerians to participate in the global digital economy, private organisations and international partners are encouraged to support the government in different strategic ways.

One of the models being adopted is the provision of free internet access by Public Internet Access Providers (PIAPs) in strategic locations to help more

Nigerians connect to the internet in pursuit of social and developmental objectives for a Return on Investment (ROI) through advertisement or other means. This is expected to drive some changes especially in creating jobs and will help local SMEs compete with global brands.

However, if it remains an unregulated medium, the security of the citizens and the nation maybe threatened. It is in this interest that the National Information Technology Development Agency (NITDA) as the National regulator for Information Technology is issuing these Framework and Guidelines on the provision and use of public internet access in Nigeria.

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Part One

1.0 Preamble

1.1 Authority

In exercise of the powers conferred on NITDA specifically by Section 6 (a), (I) and (m) of the National Information Technology Development Agency (NITDA) Act of 2007, NITDA hereby issues the following Framework and Guidelines on Public Internet Access (PIA).

1.2 Purpose

The purpose of this Framework and Guidelines is to ensure provision and use of public internet access is regulated in Nigeria.

1.3 Definitions

- I. **Internet:** global system of interconnected networks of computers and other communication devices that use standardised communication protocols to link devices worldwide to provide a variety of information and communication services.
- II. **Public Internet Access (PIA):** internet access using computer terminals, computers, mobile phones and/or other devices without charge to the user.
- III. **Internet Service Provider (ISP):** an organisation that provides individual, companies and/or government entities access to the internet for a cost.
- IV. **Public Internet Access Provider (PIAP):** includes any ISP and/or business entity that provide(s) internet access without a charge or offer(s) a partially subsidised internet access to the public.

- V. **User:** includes citizens, travelers, Small and Medium Enterprises (SMEs) etc. who use free or partially subsidised internet access provided by PIAP.
- VI. **Acceptable Use Policy (AUP):** a document stipulating constraints and practices that a user must agree to in order to access a free or partially subsidised internet access.
- VII. **Terms and Conditions:** rules by which user must agree to in order to use free or partially subsidised internet access.
- VIII. **Mobile Number:** a 10-digit unique number that a wireless carrier uses to identify a mobile phone, which is the last part of the International Mobile Subscriber Identity (IMSI).
- IX. **Access Code:** a password generated by the PIAP platform to access free or partially subsidized internet access.

1.4 Objectives

The objectives of PIA are:

- i) To provide framework and guidelines for the provision of public internet access in Nigeria;
- ii) To ensure safe use of public internet access by Nigerians and non-Nigerians; and
- iii) To create and promote a mutually beneficial and friendly environment for both public internet access providers and users in Nigeria.

1.5 Scope

The PIA provides the framework and guidelines for the use of public internet within Nigeria and articulates rules that affect public internet access providers and users.

1.6 Audience and Applicability

The PIA framework and guidelines applies to all Public Internet Access Providers (PIAPs) and users as defined in the definitions part of the document.

1.7 Review and Amendment

NITDA shall amend or review the framework and guidelines periodically to reflect the reality of time and trends.

Part Two

2.0 Framework for the Provision of Public Internet Access (PIA)

PIAPs are required to observe regulatory provisions as detailed below. The framework is made up of the following elements:

2.1 Participation/Provision

A PIAP shall register with and obtain approval from NITDA.

2.2 Quality of Service (QoS)

A PIAP shall ensure appropriate quality of service for users in ability to connect, downstream and upstream connectivity etc.

2.3 User Registration and Access

A PIAP shall ensure every user goes through a registration process to acquire an access code for the purpose of public internet access after verification through the user's mobile number which is the unique Login ID.

2.4 User Verification and Authentication

User authentication shall be enabled by each PIAP through a dedicated authentication mechanism.

2.5 Notification

A PIAP is required to provide notification of its public internet access through a Service Set Identifier (SSID) name that consists of the PIAP registered name.

2.6 Login Portal and Instruction

Each PIAP is required to have a login portal. At each login, a PIAP shall provide an Acceptable Use Policy (AUP), Fair Use Policy (FUP) and subject users to read the AUP, FUP and any Terms and Conditions users will be subjected to while accessing the public internet provided by the PIAP. Each

access provider is required to develop its AUP, FUP and Terms and Conditions in line with the provisions of the guidelines in this document.

2.7 Network Protection

PIAPs are required to protect their public internet access networks with latest and efficient security features and prevent intruders from unauthorised access.

2.8 Encryption Requirement

PIAPs are required to use the most recent encryption standards to protect users' data and communication on the internet.

2.9 Security Software

PIAPs are required to install security software to inhibit access to illegal and inappropriate sites.

2.10 Data Protection

PIAPs are required to observe the provisions of the Nigeria Data Protection Guidelines 2019 as regards users' personal data collection, processing and access. For specific emphasis, PIAPs are required to retain and account for users' data in their databases for minimum of three years.

2.11 Internet Speed

PIAPs are required to guarantee a minimum of 256 kbps as Committed Information Rate (CIR) in a shared connection for each connected user at a given time. Number of users at a given time can be determined by the PIAP depending on the total bandwidth size it is providing.

2.12 Duration and Number of Connections

PIAPs are required to specify number of hours a user will be connected to the internet at login and maximum connections per day per user. For partially subsidised internet access, PIAPs are required to specify amount of data a user can access for free before charges apply.

2.13 Assessment/Audit

Ongoing assessment is required as part of PIAP's measures to ensure compliance with the provision of this Framework and Guidelines. Such report shall be available online on the PIAPs portal.

Part Three

3.0 Guidelines for the Provision and Acceptable Use of Public Internet Access

3.1 A PIAP, in providing public internet access, shall adhere to all the provisions of this framework as listed above. Specifically, it shall:

- I. Register with and obtain necessary approval from NITDA;
- II. Provide means of registration to users before public internet access can be used;
- III. Verify and authenticate users through their mobile numbers (Login IDs) as provided during registration;
- IV. Make its AUP, FUP and Terms and Conditions available and conspicuous on the login portal which must be prerequisite to registration process and login;
- V. Ensure every online communication is encrypted;
- VI. Inhibit access to every illegal and inappropriate site;
- VII. Ensure data of users are protected and user privacy is adhered to in line with Data Protection Guidelines 2018;
- VIII. Guarantee a minimum of 256 kbps as CIR at each connection to the internet;
- IX. Retain and account for users' data in its database for minimum of three years;
- X. Specify duration of each connection and number of connections per day per user. For partially subsidised internet access, PIAPs shall specify amount of data a user can access for free before charges apply;
- XI. Not make purchase of goods and services prerequisite for public internet access;

- XII. Be responsible for providing identity of users who commit cybercrime;
- XIII. Conduct assessment of the internet access every six months to ensure compliance with the provision of this Framework and Guidelines; and
- XIV. Provide access to database of public internet access users on request by NITDA and/or any other government bodies.

3.2 Public internet access users shall:

- I. Keep to legal, ethical and responsible use of the public internet access provided by a PIAP;
- II. Adhere to public internet access AUP, FUP and Terms and Conditions of the PIAP; and
- III. Be responsible for the protection of their access devices and liable to any harm done to the access devices while surfing the internet.

Part Four

4.0 Monitoring, Compliance and Penalty

4.1 Monitoring and Compliance

4.1.1 NITDA shall put the following mechanisms in place to ensure adequate monitoring and compliance with the Guidelines by stakeholders:

- I. Provide a platform for registration of PIAPs;
- II. Put a framework in place to monitor compliance with the provisions of this Guidelines;
- III. Request PIAPs to put their assessment report online every six months;
- IV. Request for clarification on assessment report in case of any ambiguity; and
- V. Create awareness from time to time on the use of public internet access.

4.1.2 A PIAP shall:

- I. Report to NITDA any case of non-compliance by users to their responsibilities as stated in "Part Three" of this Guidelines; and
- II. Report to NITDA and/or security agencies or other statutory agencies on any incident of violation to the universal acceptable use of the internet.

4.2 Penalty

Any non-compliance with the provisions of this Guidelines by PIAPs shall attract penalties as may be determined by the Agency in collaboration with relevant stakeholders.

THIS INSTRUMENT WAS SIGNED THIS 25TH DAY OF JANUARY 2019

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