

NEW

Laid in draft in HR on 4/6/17
81st Reading done.

**A BILL
ENTITLED**

AN ACT to Establish a body to be called the National Identification and Registration Authority for the promotion, establishment and regulation of a National Identification System for the enrolment and registration of all citizens and individuals who are ordinarily resident in Jamaica and the verification, and the authentication of their identity; to provide for the establishment, maintenance and operation of a databank to be called the National Civil and Identification Database; the assignment of a National Identification Number and the issue of a National Identification Card to such individuals; and for connected matters.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:-

PART I. Preliminary

Short title and commencement.

1. - (1) This Act may be cited as the National Identification and Registration Act, 2017, and subject to subsection (2), shall come into operation on a day or days to be appointed by the Minister by notice published in the *Gazette*.

(2) A notice under subsection (1) may appoint different days in respect of different parts or provisions of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires –

"appointed day" means the day or days appointed under section 1 for the coming into operation of this Act;

"authentication" means the process by which the identification information or demographic information of an individual is proved as to its accuracy or inaccuracy;

“Authority” means the National Identification and Registration Authority established by section 5;

“biographic information” in relation to an individual, means the name, sex, date of birth, place of birth, time of birth, parish of birth, marital status, telephone number, e-mail address, mailing address and residential address of the individual, the name of the individual’s mother, the name of the individual’s father, the name of the individual’s guardian, where appropriate, but does not include the DNA of the individual;

“biometric information”, in relation to an individual, means the photograph, signature, finger print, palm print, toe print, foot print, iris scan, retina scan, blood type, height, eye colour, or such other biological attribute of the individual as may be specified in the regulations;

“Board” means the Board of Management of the Authority established by section 9;

“Chairman” means the Chairman of the Board appointed under paragraph 6 of the First Schedule;

“Chief Executive Officer” means the person appointed as the Chief Executive Officer under section 11;

“core biometric information” means finger print, foot print, toe print, iris scan, retina scan, palm print, or such other biological attribute of an individual as may be specified in the regulations;

“Database” means the National Civil and Identification Database established under section 15;

“demographic information”, in relation to an individual, means the

race, religion, education, profession, occupation and such other attributes of the individual as may be prescribed in the regulations but shall not include political affiliation, income, medical history or sexual orientation of the individual;

“document” means, in addition to a document in writing, any thing or manner in which information of any description is recorded or stored;

“enrolled individual” means any person who is enrolled under Part IV;

“enrolment” means the process of collecting identity information and demographic information from individuals for the purpose of the Database;

“identity information” means the biographic information and biometric information of an individual;

“Minister” means the Prime Minister;

“National Identification Card” means the identification card issued under section 26;

“National Identification Number” means the identification number assigned to an individual under section 23;

“ordinarily resident in Jamaica”, in relation to an individual, means legally residing in Jamaica or authorised to legally reside in Jamaica for at least six months in a calendar year;

“photograph” means an image of an individual, generated by a process of reflecting light and capturing light through chemical or electronic process and recreating the image either electronically or physically and, for the purpose of this Act, a photograph shall capture identifiable features and physical

characters of the individual, in such manner as may be prescribed by the regulations;

"public body" means -

- (a) a Ministry, Department, Executive Agency or other agency of Government;
- (b) a Local Authority as defined in section 2 of the *Local Governance Act*;
- (c) a statutory body or authority; or
- (d) a government company, in which the Government, or an agency of the Government, is in a position to direct the policy of that company;

"public records" has the meaning assigned to it in the *Record Office Act*;

"registered individual" means a registrable individual whose identity information is included in the Database;

"registrable individual" means any citizen or person who is ordinarily resident in Jamaica;

"Registrar-General" has the meaning assigned to it by the *Registration (Births and Deaths) Act*;

"regulations" means regulations made under section 57;

"requesting entity" means a public body or private entity that, or person who submits the National Identification Number and identity information, of an individual to the Database for authentication;

"Tribunal" means the Appeal Tribunal established by section 46;

"verification" means the process by which the accuracy of information received by the Authority is established by

comparing the information received with reliable documents or other information.

- Objects of Act.** 3. The objects of this Act are to *inter alia* –
- (a) establish a body to be called the National Identification and Registration Authority for the promotion, establishment and regulation of a National Identification System that supports the enrolment and registration of all citizens and individuals who are ordinarily resident in Jamaica and the verification, and the authentication of their identity;
 - (b) establish and develop the National Identification System consisting of -
 - (i) the Database;
 - (ii) the National Identification Number and provide for its uses; and
 - (iii) the National Identification Card or such other forms of identity documents and provide for their uses and characteristics; and
 - (c) facilitate the collection and compilation of statistical information relating to the commercial, industrial, social, economic and general activities and condition of citizens and persons ordinarily resident in Jamaica.

Application of Act.

4. This Act applies to -
- (a) all citizens of Jamaica; and
 - (b) individuals who are ordinarily resident in Jamaica.

PART II. National Identification and Registration Authority

Establishment and Functions

Establishment of Authority.

5. – (1) There is established for the purposes of this Act, a body to

be called the National Identification and Registration Authority which shall be a body corporate to which section 28 of the *Interpretation Act* applies.

**Second
Schedule.**

(2) The provisions of the Second Schedule shall have effect in relation to the Authority.

**Functions of
Authority.**

6. – (1) The functions of the Authority shall be to -
- (a) administer the National Identification System as provided under this Act;
 - (b) establish and develop a national database by the collection and collation of identity information and demographic information regarding registrable individuals;
 - (c) establish and maintain an improved and modernized system of registration of registrable individuals and keep public records through appropriate means;
 - (d) develop appropriate systems and protocols for the security, secrecy and necessary safeguards for the protection and confidentiality of identity information and demographic information in the Database;
 - (e) develop policies, procedures and protocols for the collection, processing, use and sharing of information contained in the Database consistent with data protection best practices;
 - (f) provide information or advice, or make proposals, to the Minister on matters relating to the functions of the Authority;
 - (g) develop public education programmes, monitor and promote compliance with this Act and the regulations; and
 - (h) perform such other functions as may be assigned to the Authority by the Minister by or under this Act or any other

enactment.

(2) In performing the functions specified in subsection (1), the Authority may -

- (a) institute measures for the promotion of compliance with this Act;
- (b) design and develop systems and procedures which allow for ease and convenience in the enrolment of individuals;
- (c) introduce cost recovery measures for services provided by or on behalf of the Authority;
- (d) establish procedures and develop, implement and monitor plans and programmes relating to the administration of the National Identification System;
- (e) conduct seminars and provide appropriate training programmes and consulting services and gather and disseminate information relating to the National Identification System; and
- (f) do anything or enter into any arrangement which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions.

(3) The Authority shall manage its human, material and financial resources in keeping with modern standards and practices of sound financial management and good corporate governance.

(4) The Authority may contract the services of one or more providers of goods or services to establish and maintain the Database and to perform any other functions.

Ministerial directions.

7. – (1) The Minister may, after consultation with the Chairman, give to the Authority, directions of a general character as to the policy to be followed by the Authority in the exercise and performance of its

functions as appear to the Minister to be necessary in the public interest.

(2) The Authority shall give effect to the directions given by the Minister under subsection (1).

**Cooperation
between
Authority
and public
bodies.**

8. – (1) In the exercise of its functions, the Authority shall cooperate with other public bodies in the implementation of this Act.

(2) Public bodies shall accord to the Authority such assistance as may be necessary to ensure the proper discharge of the functions of the Authority.

Board of Management

**Establishment
of Board.**

9. – (1) For the purposes of this Act, there is established a Board of Management of the Authority.

First Schedule.

(2) The First Schedule shall have effect in relation to the Board.

**Functions
of Board.**

10. – (1) Subject to this Act, the Board is responsible for overseeing the general administration of the Authority.

(2) The Board shall –

(a) establish policies and procedures for -

- (i) the creation, management, maintenance and operation of the National Identification System;
- (ii) the enrolment of registrable individuals;
- (iii) the generation and assignment of a unique National Identification Number to every newborn and every individual enrolled under this Act;
- (iv) the issue of National Identification Cards to registered individuals over the age of six years;
- (v) the harmonization and incorporation into the Database of information required to be collected by the Authority under this Act from other databases

- kept by public bodies;
- (vi) the collation and reproduction of information obtained and required under this Act to be collated and reproduced as may be required, from time to time;
 - (vii) the preservation, protection and security of all information or data collected, obtained, maintained or stored in the Database;
 - (viii) the promotion of the use of the National Identification Number and the National Identification Card by registered individuals in the conduct of their activities; and
 - (ix) on-going research on developments and best practices in identity management;
- (b) ensure that the operations of the Authority are, where applicable, in conformity with -
- (i) the *Financial Administration and Audit Act* and any Financial Instructions issued by the Financial Secretary under section 51 of that Act;
 - (ii) the *Public Bodies Management and Accountability Act*; and
 - (iii) any other law relevant to the management of public bodies;
- (c) review, evaluate, approve and monitor the implementation by the Chief Executive Officer of its –
- (i) corporate policies;
 - (ii) operational, strategic and other corporate plans; and

- (iii) annual budget proposals and submissions;
- (d) review, evaluate and approve the financial statements and major expenditure proposals of the Authority; and
- (e) ensure, whether by way of meetings or otherwise, that the Minister and the Permanent Secretary are kept abreast of matters relating to the administration and management of the Authority, including any need for financial, human, technological and other resource requirements necessary for the achievement of performance targets.

(3) The Board may give directions to the Chief Executive Officer with regard to the management of the Authority.

(4) In the performance of its functions, the Board shall operate in a manner that maximizes the effective and efficient operation of the Authority.

(5) The Board –

- (a) may establish policies on -
 - (i) human resource management, including a code of conduct and a system of performance based evaluation;
 - (ii) financial management;
 - (iii) employee benefits;
 - (iv) property management; and
 - (v) enterprise risk management;
- (b) shall approve annual, quarterly and other reports of the Authority which are required by this or any other enactment to be submitted to the Minister or to Parliament;
- (c) shall monitor the performance of the Authority in respect of its performance targets and service standards; and

- (d) may request and receive from the Chief Executive Officer, periodic or special reports in written or oral form, in respect of the management of the Authority and the Chief Executive Officer shall give effect to the request.

Administration of Authority

**Appointment
of Chief
Executive
Officer.**

11. - (1) There shall be a Chief Executive Officer who shall be responsible for the day-to-day administration and management of the Authority.

(2) Subject to this Act, the Chief Executive Officer shall be appointed by the Board after consultation with the Minister, subject to section 13, at such remuneration and on such terms and conditions as recommended by the Board.

(3) The Chief Executive Officer shall be a citizen of Jamaica who the Board considers to be a fit and proper individual for appointment.

(4) In determining whether an individual is fit and proper to be appointed as the Chief Executive Officer, regard shall be had as to whether the individual -

- (a) has adequate academic qualifications and technical, managerial and leadership competencies and experience;
- (b) is of good repute, having regard to his character, honesty and integrity;
- (c) is of sound and stable financial background; and
- (d) has any business association with any person who, in the opinion of the Board, is not of good repute having regard to his character, honesty and integrity.

**Functions
of Chief**

12. The Chief Executive Officer shall be responsible for the efficient

Executive Officer.

and effective management of the Authority and shall-

- (a) plan, direct, supervise and coordinate the activities of the Authority;
- (b) manage the assets and property of the Authority;
- (c) ensure that performance targets are met;
- (d) maintain systems to promote and support compliance with this Act;
- (e) submit annual and other budgets for approval by the Board;
- (f) submit strategic, corporate and other plans for approval by the Board;
- (g) submit internal regulations and policies for approval by the Board;
- (h) submit annual, quarterly and other reports for approval by the Board;
- (i) ensure that the Board is kept abreast of matters relevant to the administration and management of the Authority;
- (j) exercise the functions conferred upon the Registrar-General under the *Registration (Births and Deaths) Act* and any other enactment; and
- (k) perform such other functions as may be assigned to him by the Board.

Appointment and employment of Deputy Chief Executive Officers, officers and other employees.

13. – (1) For the proper carrying out of this Act, the Board, on the advice of the Chief Executive Officer, and subject to subsection (3), may appoint and employ Deputy Chief Executive Officers, at such remuneration and on such terms and conditions as the Board considers necessary.

(2) Subject to subsection (3) and the approval of the Board, the

Chief Executive Officer may appoint and employ to any office in the Authority, such other officers and employees, at such remuneration and on such terms and conditions as may be approved by the Board.

(3) Except with the prior approval of the Minister responsible for finance –

- (a) no salary in excess of the prescribed rate shall be assigned to any officer; and
- (b) no appointment shall be made to any office to which a salary in excess of the prescribed rate is assigned.

(4) For the purposes of subsection (3), the prescribed rate shall be such rate as the Minister responsible for the Public Service may prescribe, by order subject to affirmative resolution.

(5) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any public officer in the service of the Government to any office within the Authority; and any officer so appointed shall while so employed, in relation to any pension, gratuity or other allowance and in relation to other rights as a public officer, be treated as continuing in the service of the government.

(6) The Chief Executive Officer shall consult with the Board in establishing the qualifications for the various offices within the Authority.

Security clearance and background checks.

14. Every member of the Board and every person who is proposed to be appointed or employed to any office of the Authority shall, prior to and during their appointment or employment; be subject to such periodic security clearance and background check as may be prescribed in the regulations.

PART III. *National Civil and Identification Database*

**Establishment
of National
Civil and
Identification
Database.**

15. – (1) The Authority shall establish, maintain and operate in accordance with this Act, a consolidated national databank to be known as the National Civil and Identification Database.

**Third
Schedule.**

(2) The Authority may require that a registrable individual provides to the Authority any of the information listed in the Third Schedule as may be appropriate for entry into the Database having regard to the objectives of the Database and the nature of the particular individual; and the registrable individual shall comply with the request of the Authority.

**Objectives of
Database.**

16. The objectives of the Database are to -

- (a) provide a convenient method for individuals to prove identity information and demographic information about themselves to others who reasonably require proof of that information;
- (b) provide a secure and reliable facility for ascertaining, recording, maintaining and preserving identity information and demographic information relating to individuals as is required to be entered into it;
- (c) facilitate the generation and issuance of National Identification Cards and such other forms of identity documents, as required;
- (d) enable the processing of information from sources external to the Authority to facilitate the verification and authentication of the identity of registered individuals;
- (e) enable the generation of statistical information as may be required by the Statistical Institute of Jamaica established under the *Statistics Act* and the Planning Institute of Jamaica established under the *Planning Institute of Jamaica Act*; and
- (f) enable the reproduction of identity information and demographic

information in legible form as may be required from time to time.

Purposes for which Database may be used.

17. The Authority may use the information in the Database solely for the following purposes –
- (a) to enable the use of identity information and demographic information as unique and unambiguous features of identifying registrable individuals;
 - (b) to enable the use of the information contained in the Database to generate and issue the National Identification Card with a National Identification Number to registrable individuals;
 - (c) for compiling and reporting statistical information derived from analysing the information stored in the Database;
 - (d) to provide a medium for the verification and authentication of the identity of registered individuals; and
 - (e) to facilitate the provision of a secure and reliable method for ascertaining, obtaining, maintaining and preserving information on registered individuals.

Form of Database.

18. The Database may be kept, maintained and operated otherwise than in a legible form, subject to its being capable of being converted into a legible form and being used to make a legible copy or reproduction of any entry in the Database.

Changes to Database.

19. - (1) Where, after enrolment, any identity information or demographic information of a registered individual is found by an individual to be incomplete, incorrect, misleading or otherwise in need of updating, the individual shall apply to the Authority to correct or update the information.
- (2) On receipt of any request under subsection (1), the Authority

may, if it is satisfied as to the accuracy of the information so provided, make such alteration as may be required in the Database relating to the individual.

(3) The individual shall be advised of the action of the Authority to update the information or its refusal to update the information and the reasons for the refusal.

(4) No identity information or demographic information in the Database shall be altered except in the manner provided in this Act or the regulations.

(5) An individual to whom a National Identification Card has been issued shall notify the Authority of -

- (a) any errors in the Database of which the individual is aware and any change in the information entered in the Database as it relates to that individual; and
- (b) any substantive error in respect of the information in the Database that concerns that individual.

(6) The notification shall be given within a reasonable time -

- (a) after the change in circumstance occurs; or
- (b) after the individual becomes aware of the error.

(7) Where an individual, without reasonable cause, fails to comply with subsection (5), the Authority may revoke or cancel the National Identification Card.

PART IV. *Enrolment*

Enrolment of registrable individuals.

20. – (1) Every registrable individual shall apply to the Authority for enrolment in the Database.

(2) The Authority shall take such steps as may be necessary to enrol all registrable individuals in the Database.

(3) The Authority may collaborate with public and private sector entities as may be necessary to establish enrolment centres and to ensure ease of access by the registrable individuals to the enrolment centres.

(4) The form and manner of the application, the information to be collected and the procedures to be adopted for the conduct of enrolment shall be as specified in the regulations.

(5) The Authority shall, at the time of enrolment, inform the registrable individual of the following details in such manner as may be specified in the regulations, namely –

- (a) the reason why the information is being collected;
- (b) the purpose for which the information will be used;
- (c) the fact that, and the manner in which, the information will be authenticated;
- (d) the right of the individual to access the information in the future;
- (e) the right of the individual to request the correction of inaccurate information included in the Database;
- (f) to whom and under what circumstances information included in the Database may be disclosed; and
- (g) the right to appeal decisions taken by the Authority.

(6) The Authority shall take such steps as may be necessary to satisfy itself as to the accuracy of the identity information and demographic information provided by a registrable individual.

(7) No identity information or demographic information about a registrable individual shall be entered into the Database unless the information has been verified and authenticated by the Authority.

(8) The Authority shall provide to each individual a copy of the information that was given to the Authority by the individual at the time of enrolment, in such form and manner as the Authority considers appropriate.

Cancellation of enrolment.

21. - (1) Subject to subsection (3), the Authority may cancel the enrolment of an individual where it is shown that -

- (a) there was misrepresentation or concealment of relevant facts by the individual;
- (b) the individual was already enrolled; or
- (c) documents tendered in the verification and authentication process are proved to have been forged or otherwise fraudulent.

(2) Subject to subsection (3), where a registered individual is not eligible for enrolment, the Authority shall cancel the enrolment of the individual and any National Identification Number assigned to the individual or any National Identification Card issued to him.

(3) Where the Authority proposes to cancel the enrolment of an individual under this section, the Authority shall so inform the individual in writing of the propose cancellation, stating the reason therefor and of the right of appeal conferred upon the individual by section 47.

National Identification Number not conferral of citizenship or domicile.

22. The National Identification Number or the National Identification Card shall not confer any right of citizenship or by itself be proof of the domicile of a registered individual.

PART V. *National Identification Number*

Assignment of National Identification Number.

23. The Authority shall, after entering a person's identity information and demographic information in the Database, assign to that person a

unique national identification number to be called the National Identification Number.

Characteristics of National Identification Number.

24. - (1) A National Identification Number shall be a random number that bears no relation to the identity of the individual to whom the National Identification Number is assigned.

(2) A National Identification Number that is assigned to an individual –

- (a) shall be assigned permanently to the individual; and
- (b) shall not be assigned or re-assigned to, or re-used by, any other individual during the lifetime, or after the death, of the individual.

(3) A National Identification Number shall provide no information in respect of a person other than that an entry in the Database has been made and that the entry has been given that number.

PART VI. *National Identification Card*

Eligibility for issue of National Identification Card.

25. An individual is eligible for the issue of a National Identification Card if the Authority is satisfied that the individual has been enrolled and registered in the Database.

Issue and renewal of National Identification Card.

26. - (1) The Authority shall, subject to this Act, issue a National Identification Card to an applicant where the Authority is satisfied that -

- (a) the identity information of the individual has been verified and authenticated and entered in the Database; and
- (b) the individual is eligible for the issue or renewal of a National Identification Card

(2) No fee shall be payable by a registered individual for the first issue, or any subsequent issue, of a National Identification Card to the registered individual by the Authority.

Nature of National Identification Cards.

27. - (1) A National Identification Card shall display the identity information pertaining to the individual to whom it has been issued as specified in the regulations.

(2) A National Identification Card, in the absence of evidence to the contrary, shall be *prima facie* proof of the particulars contained in it.

(3) The Authority shall determine the size, description, content and other physical features of a National Identification Card as may be specified in the regulations.

(4) An individual to whom a National Identification Card has been issued shall ensure the safety and preservation of the card.

Uses of National Identification Card.

28. A National Identification Card may be used by a registered individual as a means of proving the registered individual's identity, as the individual may require.

Validity of National Identification Card.

29. - (1) A National Identification Card shall be valid for the period specified in subsection (2), unless it is sooner -

- (a) cancelled under section 37;
- (b) returned to the Authority under section 34

(2) The period referred to in subsection (1) is -

- (a) in relation to a registered individual who is six years of age or older but under eighteen years of age, five years commencing on the date of issuance of the National Identification Card;
- (b) in relation to a registered individual who is eighteen years of age or older but under sixty years, ten years commencing on the date of issuance of the National Identification Card; and
- (c) in relation to a registered individual who is sixty years of age or older, fifteen years commencing on the date of the issuance of the National Identification Card.

(3) A National Identification Card may be renewed for further periods as specified in subsection (2).

Card to be property of Authority.

30. A National Identification Card remains the property of the Authority.

Prohibition on issue of National Identification Card retrospectively.

31. The Authority shall not grant a National Identification Card retrospectively.

National Identification Card not transferable.

32. A National Identification Card issued under this Act shall not be transferable to another person.

Records.

33. The Authority shall keep a record of every National Identification Card issued under this Act.

Cancellation of National Identification Card.

34. – (1) The Authority may cancel a National Identification Card if it is satisfied that –

- (a) the National Identification Card was issued based on inaccurate or incomplete information;
- (b) the National Identification Card was issued in error; or
- (c) the National Identification Card needs to be re-issued due to a defect or other tangible reason.

(2) Before cancelling a National Identification Card under subsection (1), the Authority shall notify the registered individual to whom it had been issued, in writing of the proposed cancellation, stating the reasons for the proposed cancellation and of the right of appeal conferred upon the registered individual by section 47.

(3) Where an individual to whom a National Identification Card has been issued is notified of the cancellation under subsection (1), the individual shall return the National Identification Card forthwith to the Authority.

(4) An individual who is no longer ordinarily resident in Jamaica and who is not a Jamaican citizen shall return any National Identification Card that was issued to him forthwith to the Authority.

(5) A person who contravenes subsection (3) or (4) commits an offence and shall be liable on conviction to the penalty specified in relation to that offence in the Fourth Schedule.

Fourth Schedule.

**Revocation
of National
Identification
Card.**

35. – (1) The Authority may revoke a National Identification Card if it is satisfied that –

- (a) the application for the National Identification Card contained a false or misleading information in a material particular;
- (b) more than one National Identification Card has been issued to the same person;
- (c) there has been an unauthorized modification of the information in the Database in respect of the holder of the card;
- (d) the Minister charged with responsibility under the *Jamaican Nationality Act* has deprived the individual of citizenship under that Act;
- (e) the Minister charged with responsibility under the *Immigration Restriction (Commonwealth Citizens) Act* has revoked leave to remain in the Island under that Act; or
- (f) the Minister has caused a declaration of renunciation of citizenship of Jamaica under the *Jamaican Nationality Act* to be registered in relation to the individual.

(2) Before revoking a National Identification Card under subsection (1), the Authority shall notify the registered individual in writing of the proposed revocation, stating the reasons for the proposed revocation and of the right of appeal conferred upon the registered

individual under section 47.

(3) Where an individual is notified of the revocation of the National Identification Card under this section, the individual shall return the National Identification Card forthwith to the Authority.

(4) A person who fails to return to the Authority a National Identification Card that has been revoked under this section commits an offence shall be liable on conviction to the penalty specified in relation

Fourth Schedule. to that offence in the Fourth Schedule.

**Return of
National
Identification
Card.**

36. - (1) Where a person -

- (a) finds a National Identification Card that had not been issued to that person by the Authority;
- (b) comes into possession of a National Identification Card without the permission of the individual to whom it was issued or the Authority;
- (c) regains possession of the original National Identification Card after reporting the Card as being lost or stolen and being issued a replacement card by the Authority; or
- (d) comes into possession of a National Identification Card -
 - (i) that has expired;
 - (ii) that has been cancelled;
 - (iii) in contravention of the requirements of this Act or any other enactment; or
 - (iv) that is otherwise invalid,

that person shall return the card to the Authority as soon as practicable.

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to the penalty specified in

Fourth Schedule. relation to that offence in the Fourth Schedule.

Replacement of National Identification Card.

37. - (1) An individual to whom a National Identification Card is issued shall, as soon as practicable, notify the Authority in the circumstances set out in subsection (2).

(2) The circumstances are where the individual has reasonable cause to suspect that the National Identification Card -

- (a) is lost;
- (b) has been stolen;
- (c) has been damaged;
- (d) has been tampered with; or
- (e) has been destroyed.

(3) After being notified of any of the circumstances set out in subsection (2) the Authority shall cancel the National Identification Card and inform the police.

(4) The Authority shall require the holder to make a declaration under the *Voluntary Declarations Act* setting out the circumstances of the loss, theft, damage, interference or destruction of the identity card.

(5) The Authority may, upon payment of the prescribed fee, replace the National Identification Card if it considers it appropriate to do so.

(6) For the purpose of this section -

- (a) a National Identification Card is damaged where the damage affects anything in or on the card and renders it unusable or unreadable; and
- (b) a National Identification Card has been tampered with if information in or on the card has been modified, copied, deleted or extracted.

Authentication and Verification

Authentication of information by Authority.

38. - (1) The Authority may authenticate the validity of National Identification Numbers and National Identification Cards.

(2) The Authority may authenticate the identity information and demographic information of a registered individual, in order to ensure the accuracy of information in the Database about the registered individual, whether on its own initiative or at the request of a requesting private entity that is not a public body, subject to such conditions and on payment of such fees and in such manner as may be specified in the regulations.

Access to own information and records of requests for verification.

39. – (1) A requesting entity, whether a public body or private entity, may request access to the Database from the Authority for the purpose of verifying the identity of an individual or information provided by an individual to that requesting entity; and the Authority may grant the request but shall not provide access to the core biometric data of the registered individual.

(2) A requesting entity shall ensure that any identity information and demographic information of an individual that was obtained through its access to the Database is only used for the purpose permitted under subsection (1) or by any other enactment.

(3) A requesting entity shall provide the individual submitting his identity information and demographic information to that requesting entity for verification, with the following details, namely –

- (a) that the requesting entity may seek to verify the information submitted by the individual by using the verification services provided by the Authority; and
- (b) the uses to which the information received through its access to the Database may be put by the requesting entity.

**Access to
own
information
and records of
requests for
verification.**

40. - (1) The Authority shall maintain records of the access provided to a requesting entity for the purposes of verifying an individual's information in such manner and for such period as may be specified in the regulations.

(2) Every registered individual shall be entitled to obtain from the Authority a record of requests made to the Authority for that individual's information to be verified in such manner as may be specified in the regulations.

PART VII. *Facilitation of Delivery of Goods or Services*

**National
Identification
Number or
National
Identification
Card may be
required for
delivery of goods
and services.**

41. - (1) A public body shall require that a registered individual submit the National Identification Number assigned to him or the National Identification Card issued to him to facilitate the delivery to him of goods or services provided by the public body; and the registered individual shall comply with the request.

(2) A private sector entity may require that a registered individual submit the National Identification Number assigned to him or the National Identification Card issued to him to facilitate the delivery to him of goods or services provided by the private sector entity; and the registered individual may comply with the request.

PART VIII. *Protection of Information*

**Security and
confidentiality
of information.**

42. - (1) The Authority shall ensure the security and confidentiality of identity information and demographic information and authentication records of individuals.

(2) The Authority shall take all necessary measures to ensure that the information in the possession or control of the Authority, including information stored in the Database, is secured and protected against

access, use or disclosure not permitted under this Act or the regulations, and against accidental or intentional destruction, loss or damage.

- (3) Without prejudice to subsection (1), the Authority shall -
- (a) adopt and implement appropriate technological and manual security measures;
 - (b) ensure identity information of registered individuals is classified so as to provide security protocols that are, in the opinion of the Authority, appropriate to each classification;
 - (c) ensure that the agencies, consultants, advisors or other individuals appointed to, or engaged by, the Authority to perform any of its functions under this Act, implement appropriate technical and organisational security measures; and
 - (d) ensure that the agreements or arrangements entered into with such agencies, consultants, advisors or other individuals, impose obligations equivalent to those imposed on the Authority under this Act, and require such agencies, consultants, advisors and other individuals to act only on instructions from the Authority.

Disclosure of Identity Information

Disclosure of information in certain cases.

43. – (1) The Authority shall not disclose identity information stored in the Database about any individual to a third party or public entity, except where the identity information is disclosed –

- (a) pursuant to a request of the individual whose information is being disclosed;
- (b) to facilitate the identification of the bodies of unknown deceased persons;
- (c) to facilitate the finding or identification of missing persons;
- (d) subject to subsection (2), pursuant to an order of the Court; or

(e) where the Act authorizes the disclosure.

(2) The Court may, on an application by the Authority, grant an order for disclosure of the identity information of an individual on the grounds that the disclosure is necessary –

(a) for the prevention or detection of a crime;

(b) in the interest of national security;

(c) where there is a public health or a public emergency; or

(d) to facilitate an investigation under the *Proceeds of Crime Act*.

Restriction on disclosure of core bio-metric information.

44. - (1) Subject to subsection (2), the identity information, collected under this Act may be disclosed only in accordance with the provisions of this Act and in such manner as may be specified in the regulations.

(2) Core biometric information that is collected or created under this Act shall not be disclosed by the Authority to any third party, except under a court order.

Disclosure of core biometric information.

45. – (1) Subject to subsection (2), where access to core biometric information in the Database is reasonably required for the purpose of a criminal investigation or criminal proceedings, an officer not below the rank of Senior Superintendent of Police may apply to the Supreme Court for an order authorizing the Authority to disclose the core biometric information to the officer.

(2) Where the investigation or criminal proceedings involves an offence specified in the Fourth Schedule, the application shall be made *ex parte* to a Judge in Chambers.

(3) A Judge shall not make the order under this section unless he is satisfied that -

(a) it is necessary in the interests of national security or for the

investigation of a criminal offence;

(b) other investigative procedures –

(i) have not been or are unlikely to be successful in attaining the information sought to be acquired;

(ii) are too dangerous to adopt in the circumstances;

(iii) having regard to the urgency of the case, are impracticable; and

(c) it would be in the best interest in the administration of justice to make the order.

(4) An application for an order under this section shall be in writing and be accompanied by an affidavit deponing to the following matters -

(a) the name and rank of the police officer and the division to which the police officer is assigned;

(b) the facts or allegations giving rise to the application;

(c) such other information for a Judge to make the order.

(5) Biometric information acquired by means of an order under this section shall be dealt with in accordance with sections 4A and 4B of the *Finger Prints Act*.

PART IX. *Appeal*

Establishment of Appeal Tribunal.

46. – (1) There is established, for the purpose of hearing appeals from the decisions of the Authority, a tribunal to be called the Appeal Tribunal (hereinafter referred to as “the Tribunal”).

Fifth Schedule.

(2) The Fifth Schedule shall have effect in relation to the Tribunal.

**Appeals to
Tribunal.**

47. - (1) A person who is aggrieved by a decision of the Authority in respect of a matter under this Act may appeal to the Tribunal by way of a notice of appeal in the prescribed form within twenty-eight days of the date of the communication of the decision to the person concerned or within such longer period as the Tribunal may, in any special circumstance, allow.

(2) The notice of appeal shall set out clearly the grounds of the appeal and shall be accompanied by copies of any document relevant to the appeal.

(3) A copy of the notice of appeal together with copies of any document shall be served on the Authority.

(4) The Tribunal shall, within seven days of the receipt of a notice of appeal under subsection (1), request the Authority to furnish, within seven days, a statement in writing setting out the reasons for its decision.

(5) The Tribunal may order that any document relating to the appeal which is in the possession of the Authority or the appellant be produced at the hearing of the appeal.

(6) The Tribunal shall cause all parties to the appeal to be informed –

- (a) of the date of the hearing of the appeal;
- (b) that they may appear themselves or be represented by their attorney-at-law; and
- (c) that they may summon witnesses in their cause.

(7) On hearing an appeal under this section, the Tribunal may –

- (a) dismiss the appeal and confirm the decision of the Authority;
- (b) allow the appeal and set aside the decision;

- (c) vary the decision; or
- (d) allow the appeal and direct that the matter be determined afresh by the Authority.

(8) The Tribunal shall forward a copy of its decision to the Authority and a copy to the appellant, together with a written statement of the reasons for its decision.

PART X. *Offences and Penalties*

Offences relating to impersonation.

48. - (1) An individual shall not present a National Identification Card issued to another individual with the intention of being identified as that individual.

(2) An individual shall not use an identification card for impersonating or attempting to impersonate a registered individual or allow or induce another person to use an identification card to impersonate a registered individual.

(3) An individual shall not impersonate or attempt to impersonate another individual by providing false identity information or demographic information.

(4) An individual who contravenes subsection (1), (2) or (3) commits an offence and is liable to the penalty specified in relation to the offence in the Fourth Schedule.

Fourth Schedule.

Offence of unlawfully collecting identity information or demographic information.

49. - (1) A person shall not collect or attempt to collect identity information or demographic information when not authorized to do so.

(2) A person who contravenes subsection (1) commits an offence and is liable to the penalty specified in relation to the offence in the Fourth Schedule.

Offences relating to the Authority.

50. - (1) A person shall not wilfully deceive the Authority by providing false information to the Authority.

(2) A person shall not wilfully obstruct or impede the Authority in the exercise of the Authority's functions.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable to the penalty specified in relation to the offence in the Fourth Schedule.

Offence of manufacturing, etc., National Identification Card.

51. - (1) Subject to this Act, a person shall not make, produce, manufacture, print, bind, design or distribute any document, purporting that the document is a National Identification Card.

(2) Subject to this Act, a person shall not use any equipment or apparatus to produce a document purporting that document to be a National Identification Card.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable to the penalty specified in relation to the offence in the Fourth Schedule.

Fourth Schedule.

Offences relating to Database.

52. - (1) A person shall not, without lawful authority, intentionally -

- (a) access the Database;
- (b) download, copy or extract data from the Database;
- (c) introduce, or attempt to introduce, or cause to be introduced, any virus or other computer contaminant in the Database;
- (d) cause damage or attempt to cause damage to the Database;
- (e) disrupt or attempt to disrupt the proper functioning of the Database;
- (f) disclose, use or display information in the Database, or assist any person to do so; or
- (g) destroy, delete or alter, or attempt to destroy, delete, or alter any information stored in the Database.

(2) A person who contravenes subsection (1) commits an offence and is liable to the penalty specified in relation to the offence in the Fourth Schedule.

Enrolment and registration offences.

53. - (1) An individual who, for the purposes of this Act -
- (a) provides false information or makes a false statement when
 - (i) providing information for an entry;
 - (ii) making a modification to an entry;
 - (iii) making a confirmation of the content of an entry; or
 - (iv) obtaining the issue or re-issue of a National Identification Card;
 - (b) fraudulently obtains for the use of that individual, or for the use of another individual, a National Identification Card;
 - (c) forges an identity document for the purpose of enrolment and registration;
 - (d) unduly influences the decision of an officer of the Authority;
 - (e) enrolls or registers or attempts to enrol or register more than once in the Database;
 - (f) falsely alleges the loss or destruction of that individual's National Identification Card and applies for a new card while in possession of a National Identification Card;
 - (g) tampers with the Database by –
 - (i) causing an unauthorized modification of information to be made to an entry in the Database; or
 - (ii) preventing or delaying the retrieval of relevant information in a legible form from a computer used for the purposes of this Act,

commits an offence and is liable to the penalty specified in relation to

the offence in the Fourth Schedule.

Fourth Schedule.

(2) For the purpose of this section, an individual provides false information if at the time of the provision of the information the individual -

- (a) knew or believed the information to be false; or
- (b) was reckless as to the veracity of the information.

Offences relating to National Identification Card.

54. - (1) A person commits an offence if the person -

- (a) wilfully destroys or attempts to destroy a National Identification Card;
- (b) mutilates or attempts to mutilate a National Identification Card;
- (c) without authority deprives or dispossesses a holder of that holder's National Identification Card;
- (d) uses a National Identification Card other than the National Identification Card issued for that individual's use;
- (e) takes or keeps possession of -
 - (i) a National Identification Card in respect of which an alteration or erasure has been made; or
 - (ii) a National Identification Card that was improperly obtained;
- (f) is in possession of more than one National Identification Card that is intended to show the individual's identity; or
- (g) permits another person to use a National Identification Card issued to another individual.

(2) A person shall not without reasonable cause take or keep possession of a National Identification Card -

- (a) which is false or which that person knows to be false;
- (b) which that person knows has been improperly obtained, or

(c) that belongs to another person.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable to the penalty specified in relation to the offence in

Fourth Schedule. the Fourth Schedule.

(4) For the purposes of this section, a National Identification Card is improperly obtained if false information was provided in relation to -

(i) the application for its issue; or

(ii) an application for its modification to the person who issued it or effected the modification.

PART XI. *General*

Obligation for secrecy.

55. – (1) Every person having an official duty or being employed in the administration of this Act shall regard and deal with as secret and confidential, all documents relating to the functions of the Authority.

(2) Every person who had an official duty or was employed in the administration of this Act shall maintain, after such duty or employment is terminated, the secrecy and confidentiality of all documents relating to the functions of the Authority.

(3) Any person to whom information is communicated under this Act shall regard and deal with such information as secret and confidential, except to the extent otherwise provided in any other law.

(4) Every person referred to in subsection (1), (2) or (3) having possession of or control over any documents or information, who at any time communicates or attempts to communicate any such documents or information to any person, otherwise than for the purposes of this Act or to any person, other than an authorized officer of the Authority or person at the direction of the court, commits an offence.

(5) A person who commits an offence under subsection (4) is **Fourth Schedule.** liable to the penalty specified in relation to the offence in the Fourth Schedule.

(6) No obligation as to secrecy, confidentiality or other restriction upon the disclosure of information imposed by any law or otherwise shall prevent the duly authorized officers of the Authority from disclosing information to the Chief Executive Officer for the purpose of assisting the Chief Executive Officer in the performance of his duties.

Protection of individuals exercising functions under this Act.

56. – (1) No civil or criminal action, suit or other proceedings for breach of confidentiality may be brought, nor any professional sanction for such breach may be taken against any person, who in good faith (under this Act or any other enactment) provides or transmits to the Authority information requested by the Authority or submits a report to the Authority.

(2) No suit or other proceedings may be brought or instituted personally against any officer of the Authority in respect of any lawful act done, or omission made, in good faith, in the course of carrying out this Act.

Regulations.

57. – (1) The Authority may, with the approval of the Minister, make regulations for the better carrying out of the objects and purposes of this Act and, in particular, but without prejudice to the generality of the foregoing, may make regulations relating to –

- (a) the forms to be used in connection with any application, notice, certificate or other writing under this Act;
- (b) the procedures and practices to be followed by the Authority in the collection, verification and authentication of information

- required for the enrolment and registration of individuals;
- (c) the procedures and processes for the data storage, data management, security protocols and technological safeguards for information stored in the Database;
 - (d) the procedure for the generation and assignment of the National Identification Number;
 - (e) procedures and processes for the manufacture, preparation and issue, surrender, cancellation and replacement of National Identification Cards;
 - (f) procedures for the collection and registration of changes to the identity information and demographic information of a registered individual and the entry of the changed information into the Database;
 - (g) prescribe fees for doing any act or providing any service for the purposes of this Act and prescribe the circumstances and way in which fees can be paid, refunded, waived or reduced;
 - (h) the registration and approval of and process for access to the Database;
 - (i) the preservation, custody and safekeeping of documents under this Act, including the archiving of the National Identification Numbers of deceased persons and other categories of individual in separate parts of the Database;
 - (j) any other matter required to be specified.

(2) Regulations made under subsection (1) shall be subject to affirmative resolution.

(3) The Minister may amend the Schedules to this Act (other

Fourth Schedule. than the custodial sentences set out in the Fourth Schedule) by order,

subject to affirmative resolution.

Enforcement powers.

58. - (1) Where a constable has reasonable grounds for suspecting that a person is committing or has committed an offence under this Act and that evidence of the commission of the offence is to be found on any premises specified in the information, the constable may, for the purpose of carrying out an investigation in relation to the suspected offence, apply to a Justice of the Peace, for a warrant to search the premises and seize any document, cash or specified equipment found in the course of the search that, in the opinion of the constable, is likely to be of substantial value to the investigation in respect of which the application is made.

(2) A search warrant issued under subsection (1) shall state –

- (a) the purpose for which it is issued, including a reference to the offence that is being committed, has been committed, or is believed to have been committed;
- (b) whether entry is authorized to be made at any time of the day or night or during specified hours of the day or night;
- (c) a description of the kind of documents or specified equipment authorized to be seized; and
- (d) whether cash is authorized to be seized.

(3) A constable shall not seize any document which is subject to legal professional privilege.

(4) A constable may, upon request, make copies of, or take extracts from, any document at the expense of the person who is suspected of committing or having committed the offence.

(5) A person who hinders or obstructs a constable or any person acting in aid of the constable in the performance of his functions under

this section commits an offence and is liable to the penalty specified in the Fourth Schedule.

(6) Where a person is convicted of an offence under this Act in relation to which any cash or specified equipment seized under this section is used in committing the offence, the Court may, on an application by the Director of Public Prosecutions order that the cash or specified equipment be forfeited to the Crown.

(7) Where the Director of Public Prosecutions proposes to apply to the Court for an order of forfeiture under subsection (6), the Director of Public Prosecutions shall, subject to subsection (9), notify in writing the owner of and any person (if known) having an interest in the cash or specified equipment that he proposes to apply for an order of forfeiture under subsection (6).

(8) The owner or other person notified under subsection (7) may appear before the Court at the hearing of the application and show cause why the cash or specified equipment should not be forfeited.

(9) Where the Director of Public Prosecutions is unable to ascertain the owner of or any person having an interest in any cash or specified equipment to which this section applies, the Director of Public Prosecutions shall publish a notice in a daily newspaper circulated in Jamaica regarding the intention to apply to the Court for an order for forfeiture, not less than thirty days prior to the application.

(10) Notice shall not be required under subsection (7) if the seizure of the cash or specified equipment was made in the presence of the owner or person having an interest in the cash or specified equipment.

(11) If, upon the application of a person prejudiced by an order

made under this section, the Court is satisfied that it is just in the circumstances of the case to revoke the order, the Court may revoke the order upon such terms and conditions, if any, as it deems appropriate, and may require the person to pay in respect of storage, maintenance, administrative expenses, security and insurance of the specified equipment, the amount as may be charged by the person in whose custody the specified equipment was kept.

(12) An application to the Court under subsection (11) for the revocation of a forfeiture order shall be made within thirty days of the date of the making of the order or any longer period not exceeding six months, as the Court may allow.

(13) In this section, "specified equipment" means any vehicle, article, enclosure, container or other storage facility, device or apparatus.

**Review of Act by
Parliamentary
Committee.**

59. - (1) This Act shall be reviewed, from time to time, by a committee of both Houses of Parliament appointed for the purpose.

(2) The first such review shall be conducted not later than three years after the appointed day.

**Consequential
amendments to
other Acts.**

60. - (1) The Minister may, by order, with effect from any date specified in the order, not being earlier than the appointed day, amend any law if he considers the amendment to be necessary for the carrying out of the functions under this Act.

(2) An order made under subsection (1) shall be subject to affirmative resolution.

**Amendment
of enactments
and construction.**

61. - (1) The enactments specified in the first column of the Sixth Schedule are amended in the manner specified respectively in relation to them in the second column of the Sixth Schedule.

**Sixth
Schedule.**

(2) Each amendment shall be construed as one with the

enactment specified in relation to the amendment.

PART XII. *Transitional Provisions*

**Interpretation
of Part XII.**

62. In this Part, “former department” means the Registrar-General’s Department.

**Transitional
provisions,
general.**

63. - (1) With effect from the appointed day, there shall be transferred to and vested in the Authority, any assets, rights and liabilities of the former department.

(2) The Authority shall, in relation to any assets, rights and liabilities so transferred and vested, have every right, power, privilege, immunity or duty which immediately before the appointed day was capable of being enjoyed or performed by the former department.

(3) All pending legal proceedings and claims which, before the appointed day, were brought by or against the former department shall be continued or enforced by or against the Authority in the same manner as they would have been continued or enforced before the appointed day.

(4) On the appointed day, all references to the Registrar-General in any enactment shall be construed as references to the Chief Executive Officer appointed under this Act.

**Transitional
provisions
permanent
staff.**

64. - (1) Subject to the provisions of this section, on the appointed day, all individuals holding permanent appointments to offices under the former department, shall be deemed to have been transferred on secondment to the service of the Authority for a period of six months or such longer period as the Board may determine.

(2) During the period of secondment to the Authority under subsection (1), an officer shall be employed on terms and conditions not less favourable (as may be determined by the Board) being terms and

conditions that are no less favourable than those enjoyed by him in his substantive position, at the appointed day.

(3) An officer who is transferred on secondment pursuant to subsection (1) may be deployed in the public service on or before the expiration of the period referred to in subsection (1) on terms and conditions that are not less favourable than those enjoyed by the officer in his substantive position or be retired on the ground that his substantive position has been abolished by virtue of this section.

(4) An officer on secondment under subsection (1) may, during the period of secondment, by notice in writing given to the Chairman, apply for a post in the Authority.

Transitional provisions, contract officers.

65. All individuals who, at the appointed day, held offices under the former department under a contractual arrangement, shall from that day be deemed to continue to hold, under the Authority, the like or similar respective offices or employment on the same or no less favourable terms as those they held, or similar offices, under the former department.

FIRST SCHEDULE (Sections 2 and 9)

Board of the National Identification and Registration Authority

Constitution of Board.

1. – (1) The Board shall consist of ~~seventeen~~ nineteen *ex officio* and appointed members.

(2) The *ex officio* members of the Board shall be -

- (a) the Chief Executive Officer of the Passport Immigration Citizenship Agency;
- (b) the Chief Education Officer;
- (c) the Chief Medical Officer (Health);
- (d) the Director-General of the Statistical Institute of Jamaica;

- (e) the Children's Advocate; and
- (f) the Director-General of the Planning Institute of Jamaica.

(3) The Chief Executive Officer shall attend the meetings of the Board but shall not have voting rights.

(4) Subject to this Act, the appointed members of the Board shall be –

- (a) a retired Judge of the Supreme Court or an attorney-at-law of at least ten years standing;
- (b) a senior public official in the Ministry responsible for education, designated by the Permanent Secretary, being a person who appears to the Permanent Secretary to have appropriate experience and expertise;
- (c) a senior public official in the Ministry responsible for finance, designated by the Financial Secretary, being a person who appears to the Financial Secretary to have appropriate experience and expertise;
- (d) a senior public official in the Ministry responsible for national security, designated by the Permanent Secretary, being a person who appears to the Permanent Secretary to have appropriate experience and expertise;
- (e) a senior public official in the Office of the Prime Minister, designated by the Permanent Secretary, being a person who appears to the Permanent Secretary to have appropriate experience and expertise;
- (f) a senior public official in the Ministry

- responsible for justice, designated by the Permanent Secretary, being a person who appears to the Minister to have appropriate experience and expertise;
- (g) a representative of a non-governmental organization;
 - (h) an individual who has demonstrated knowledge and experience in information and communication technology and cyber-security;
 - (i) an individual who has demonstrated knowledge and experience in human resource management and public administration;
 - (j) an individual who has demonstrated knowledge and experience in financial management and accounting;
 - (k) an individual who has demonstrated knowledge and experience in matters relating to marketing and public relations; and
 - (l) a senior public official in the Ministry responsible for technology, designated by the Permanent Secretary, being a person who appears to the Permanent Secretary to have appropriate experience and expertise;
 - (m) one other person designated by the Minister.

(5) The appointed members of the Board shall be appointed by instrument in writing by the Minister.

Ineligibility for appointment.

2. - (1) The following individuals shall not be eligible to be appointed members of the Authority, that is to say a person who –

- (a) is not a citizen of Jamaica;

- (b) is under eighteen years of age;
- (c) has been convicted of a criminal offence involving dishonesty or moral turpitude;
- (d) is a present or former member of the House of Representatives or the Senate;
- (e) is a present or former member of the Council of a Municipal Corporation, City Municipality or Town Municipality;
- (f) has been diagnosed as having a mental disorder within the meaning of the *Mental Health Act*, or who becomes of unsound mind or permanently unable to perform his functions by reason of ill health;
- (g) is an individual who is not a fit and proper person having regard to the criteria specified in paragraph 3.

(2) An individual shall not be appointed as a member of the Board unless the individual has forwarded to the Minister a voluntary declaration declaring that he is not ineligible for appointment.

(3) An appointment made in contravention of this paragraph shall be void.

Meaning of fit and proper person.

3. For the purposes of paragraph 2, an individual, whether in Jamaica or elsewhere, is a fit and proper person if –

- (a) the individual -
 - (i) has not been convicted of an offence involving fraud, dishonesty or moral turpitude, or of an offence listed in the Second Schedule to the *Proceeds of Crime Act*, or an offence that is similar to any such offence in another jurisdiction; and
 - (ii) is not an undischarged bankrupt;
- (b) the individual's employment record or any other information does not give the Minister

reasonable cause to believe that the individual carried out any act involving dishonesty, or any act involving impropriety that will interfere with his ability to fulfill his functions; and

- (c) the individual is, in the opinion of the Minister -
- (i) an individual of sound probity, and is able to exercise competence, diligence and sound judgment in fulfilling his functions;
 - (ii) an individual who possesses the knowledge, skills and experience which are necessary for the intended functions to be carried out by that individual; and
 - (iii) an individual whose appointment will not raise an issue of conflict of interest or undue influence.

Tenure of office. 4. - (1) Subject to this Schedule, the appointment of every appointed member of the Board shall be evidenced by an instrument in writing.

(2) The instrument shall specify the period of office of the member, which shall not exceed three years.

(3) Every appointed member of the Board shall be eligible for re-appointment.

Temporary appointments.

5. The Minister may appoint any individual to act temporarily in the place of any appointed member of the Board, in the case of the absence or inability to act of the member, in keeping with the composition of the Board.

Chairman and Deputy Chairman.

6. - (1) The Minister shall appoint a Chairman and a Deputy Chairman from among the appointed members.

(2) Where the Chairman is unable or unavailable to act, the Deputy Chairman may, exercise the functions of the Chairman.

(3) The Chairman shall preside at all meetings of the Board and, if at any meeting of the Board the Chairman is absent or unable to act, the Deputy Chairman shall exercise the functions of the Chairman, if the Deputy Chairman is present at the meeting and is able to so act.

(4) In the case of the Chairman and the Deputy Chairman being absent from or unable to act at any meeting, members of the Board present at the meeting and constituting a quorum shall elect from among themselves a member to act as Chairman in respect of that meeting.

Members.

7. If a member of the Board is, for whatever reason, unable to perform his functions as a member of the Board for a period in excess of three months, the Minister, may appoint a person to act in the place of the member, provided that the appointment shall be made in the manner and from among the individuals as would be required in the case of the substantive appointment.

Leave of absence.

8. – (1) On the application of any member, the Chairman may grant leave of absence to the member.

(2) The Minister may direct a member to proceed on leave of absence if the member has been charged with an offence involving fraud, dishonesty or moral turpitude or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any of those offences in another jurisdiction.

Resignation.

9. - (1) The Chairman may, at any time, resign his office, as Chairman or as member of the Board,

by instrument in writing addressed to the Minister.

(2) The resignation shall take effect as from the date of receipt by the Minister of the instrument.

(3) An appointed member other than the Chairman may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman.

(4) From the date of the receipt by the Minister of the instrument, the member shall cease to be a member of the Board.

**Revocation
of appoint-
ment.**

10. The Minister may revoke the appointment of any member if the member –

- (a) is unable to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause);
- (b) is convicted and sentenced to a term of imprisonment or to death;
- (c) becomes bankrupt or compounds with, or suspends payment to, his creditors;
- (d) becomes disqualified for appointment by virtue of paragraph 2;
- (e) fails to discharge the functions of his office in a competent manner;
- (f) fails to attend three consecutive meetings of the Board, or any of its committees, without reasonable excuse or explanation;
or
- (g) engages in such activities as are reasonably considered prejudicial to the interest of the Authority.

**Filling of
vacancies.**

11. If a vacancy occurs in the membership of the Board, the vacancy shall be filled by the appointment of another member who shall, subject to this Schedule, hold office for the remainder of the period for which the previous member was

appointed.

**Publication
of membership.**

12. The names of the members of the Board as first constituted and every change in the membership of the Board shall be published in the *Gazette*.

**Procedure
and
meetings.**

13. – (1) The Board shall meet at such intervals as may be necessary or expedient for the transaction of business; and the meetings shall be held at the places and times and on the days as the Board may determine.

(2) The Chairman –

- (a) may call a special meeting of the Board at any time; and
- (b) shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to the Chairman by any three members of the Board.

(3) The quorum for meetings of the Board shall be seven.

(4) Decisions of the Board shall be by a majority of the members present and voting, however, in addition to an original vote, the Chairman, Deputy Chairman or other member presiding at a meeting shall have an original and a casting vote in any case in which the voting is equal.

(5) The minutes of each meeting of the Board shall be kept in proper form and shall be confirmed by the Board as soon as practicable at a subsequent meeting.

(6) The validity of the proceedings of the Board shall not be affected by a vacancy among the members of the Board or a defect in the appointment of a member of the Board.

(7) Subject to this Schedule, the Board may regulate its own proceedings.

Appointment of committees.

14. - (1) The Board may appoint committees for special purposes connected with the functions of the Board and which, in the opinion of the Board, would be better regulated and managed by means of committees.

(2) The number of members of a committee appointed under subparagraph (1), the terms of appointment of the members, the quorum of the committee and the areas within which the committees are to exercise authority shall be determined by the Board.

(3) Committees of the Board shall make recommendations to the full Board for its ratification and decision; and the decisions of a committee shall not be binding on Board.

(4) A committee shall have the power to make rules.

Invitees to meetings.

15. - (1) The Board may, in its discretion, invite any person to attend any meeting of the Board for the purpose of assisting the Board in respect of any matter under its consideration.

(2) A person invited under sub-paragraph (1) may take part in the deliberations of the Board on that matter, but shall not be entitled to vote at any meeting of the Board.

Disclosure of interest.

16. - (1) A member who is, in any way, directly or indirectly interested in a contract made or proposed to be made by the Board, in any other matter which falls to be considered by the Board, shall -

- (a) as soon as possible after the relevant facts have come to his knowledge, disclose or cause to be disclosed the nature of his interest at a meeting of the Board; and
- (b) not be present during the deliberation of the Board on the matter or take part in the

decision of the Board in relation to the matter under discussion.

(2) The disclosure shall be recorded in the minutes of the meeting.

(3) The member shall not –

- (a) in the case of a contract, take part in any deliberation or decision of the Board with respect to the contract; and
- (b) in the case of any other matter, take part in any deliberation or decision of the Board with respect to the matter, if the Board decides that the interest in question might affect prejudicially the member's consideration of the matter.

(4) A notice given by a member at a meeting of the Board to the effect that he is a member of a specific company, firm or other body and that he is to be regarded as interested in any contract which is to be made with the company, firm or body after the date of the notice shall, for the purposes of sub-paragraph (1), be a sufficient disclosure of his interest in relation to any contract so made.

(5) A member need not attend in person a meeting of the Board in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to ensure that the disclosure is made by notice in writing to the Board.

Liability of Board.

17. – (1) A member of the Board shall not be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

(2) Where a member of the Board is exempt from liability by reason only of this paragraph, the Board shall be liable to the extent that it would be

if the member were a servant or agent of the Board.

Remuneration.

18. There shall be paid to the Chairman, Deputy Chairman and other members of the Board such remuneration (whether by way of honorarium, salaries or fees) and such allowances, as the Minister responsible for the public service may determine.

Service of documents.

19. Any summons, notice or other document required or authorized to be served upon the Board under this Act or any other enactment may, unless there is express provision to the contrary, be served by delivering the summons, notice or other document to the Chairman or Secretary of the Board, or by sending it by registered post addressed to the secretary of the Board at the principal office of the Authority.

Office of chairman or member not a public office.

20. The office of the Chairman of the Board, a member of the Board or a member of a committee of the Board shall not be a public office for the purpose of Chapter V of the *Constitution of Jamaica*.

SECOND SCHEDULE (Section 5(2))

National Identification and Registration Authority

Financial Provisions

Funds and resources of Authority.

1. - (1) The funds and resources of the Authority shall consist of –

- (a) such sums as may, from time to time, be placed at the disposal of the Authority by Parliament; and
- (b) all other sums and other property which may, in any manner, become vested in the Authority.

(2) The expenses of the Authority, including the remuneration of officers and employees, shall be

paid out of the funds of the Authority.

Power to invest moneys, etc.

2. All moneys of the Authority not immediately required to be expended for the purpose of meeting any of the obligations or discharging any of the functions of the Authority may be invested in such securities or other investment as may be approved, either specifically or generally, by the Minister responsible for finance; and the Authority may, with the approval of the Minister, sell any or all of the securities or other investment.

Budget of Authority.

3. - (1) The Chief Executive Officer, under the direction of the Board, shall be responsible for the preparation, control and management of the capital and recurrent budgets of the Authority.

(2) The capital and recurrent budgets of the Authority shall be prepared in respect of periods of three years and funds shall be committed by the Minister for allocation to the Authority, in respect of those periods.

(3) The annual allocation of funds in respect of the capital and recurrent budgets of the Authority shall each take the form of a single sum committed for each financial year.

(4) The Chief Executive Officer, in consultation with the Deputy, Chief Executive Officers shall identify the capital and recurrent expenditure priorities of the Authority, from time to time, and allocate the available funds in accordance with the priorities.

Exemption from income tax, stamp duties, transfer tax, and customs duty.

4. - (1) The income of the Authority shall be exempt from income tax.

(2) The Authority shall be exempt from liability to stamp duty in respect of any instrument executed by it or on its behalf.

(3) The Authority shall be exempt from taxation under the *Transfer Tax Act*, on any transfer

by or to the Authority of any property belonging to it or of any right or interest created in, over or otherwise with respect to the property.

(4) No customs duty or other similar impost (other than general consumption tax) shall be payable upon any article imported into Jamaica, or taken out of bond in Jamaica, by the Authority, and shown to the satisfaction of the Commissioner of Customs to be required for the use of the Authority in the performance of its functions under this Act.

Accounts and audit.

5. - (1) The Authority shall keep proper accounts and other records in relation to its business, and shall prepare annually, statements of account in a form satisfactory to the Minister, being a form which shall conform with established accounting principles and with the requirements of any enactment governing the accounts of public bodies.

(2) Notwithstanding the requirements of the *Public Bodies Management and Accountability Act*, the external audit of the accounts of the Authority shall be conducted by the Auditor-General.

(3) The members of the Board and the officers and employees of the Authority shall -

- (a) grant to the auditor appointed under paragraph (2), access to all books or other documents, cash and securities of the Authority; and
- (b) give to the auditor, upon request, all such information as may be within their knowledge in relation to the business of the Authority.

(4) The auditor's fee and any expenses of the audit shall be paid by the Authority.

(5) The Auditor-General shall be entitled at all reasonable times to examine the accounts and

other records of the Authority in relation to the business of the Authority.

Estimates and operating plan.

6. The Authority shall, not later than the 30th day of November in each year, submit to the Minister responsible for finance and the Minister, for his approval a corporate plan, an operating plan, and estimates of revenue and expenditure, for the ensuing financial year.

Borrowing powers.

7. - (1) Subject to the provisions of subsection (2), the borrowing Authority may borrow such sums as may be required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Authority to borrow shall, as to amount, as to the source of borrowing, and as to the terms on which the borrowing may be effected, be exercisable only with the approval of the Minister responsible for finance; and any approval given in any respects for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

Recovery of debts.

8. Without prejudice to any other method of recovery, all debts due to the Authority may be recovered in the Parish Court as a civil debt, notwithstanding any limitation as to the amount recoverable under the *Judicature (Parish Court) Act*.

Returns and Reports

Returns, etc.

9. The Authority shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the Authority and afford him facilities for verifying the information in such manner and at such time as he may reasonably require.

Annual and other

10. - (1) The Authority shall prepare in the prescribed form and submit to the Minister

reports.

responsible for finance and the Minister a quarterly, half-yearly and an annual report in accordance with the *Public Bodies Management and Accountability Act*.

(2) A copy of the annual report and audited financial statements of the Authority, approved by the Board, shall be submitted, no later than four months after the end of each financial year, to the Minister, who shall cause the annual report and audited financial statements to be laid on the Table of the House of Representatives and of the Senate.

Seal and Execution of Documents

Seal and execution of documents.

11. – (1) The seal of the Authority shall be -

- (a) kept in the custody of the chairman or the secretary of the Board; and
- (b) authenticated by the signatures of the chairman or any other member of the Authority authorized to act in that behalf by the Authority, and the secretary of the Board.

(2) All documents (other than those required by law to be under seal) made by, and all decisions of, the Authority may be signified under the hand of the chairman or any member authorized to act in that behalf or the secretary of the Board.

THIRD SCHEDULE

(Section 15)

Contents of Database

The following is a list of the registrable particulars in relation to an individual that shall be included or may be included, as set out below, in the Database for the identification of individuals and the generation of statistical information:

Identity Information:

A1. The following information shall be included in the Database -

- (1) The full names (including any name by which the individual is

or has been known including where name formally changed by deed poll).

- (2) The date and time of birth of the individual.
- (3) The place (town, district and parish) of birth of the individual.
- (4) The full names of parent or parents or guardian (maiden name of mother to be included) if known (including birth parents and adoptive parents where relevant. In the case of adoptive parents, the name of the birth parent(s) is to be restricted information).
- (5) The sex of the individual.
- (6) The principal place of residence and any occasional places of residence of the individual.
- (7) The mailing address of the individual.
- (8) The occupation of the individual.
- (9) The nationality of the individual.
- (10) The period of residence in Jamaica in the case of individuals who are not citizens of Jamaica.
- (11) The marital status and full names of spouse (including common law unions) of the individual.
- (12) The date and place of marriage of the individual.
- (13) The date of grant of decree absolute of the individual.
- (14) The date of death and age of the individual at the date of death.
- (15) The place (district, parish, country) of death of the individual.
- (16) The address for receipt of electronic mail of the individual.
- (17) The facial image of the individual.
- (18) The manual signature of the individual over the age of 18 years.
- (19) The palm prints of the individual.
- (20) The toe prints of the individual.
- (21) The foot print of the individual.
- (22) The iris or retina scan of the individual.
- (23) The height of the individual.
- (24) The eye colour of the individual.
- (25) Any distinguishing physical feature of the individual.

A2. The following information may be included in the Database –

- (1) The employment status of the individual.

- (2) The race of the individual.
- (3) The religion of the individual.
- (4) The address of matrimonial home of the individual.
- (5) The telephone number at which the individual can be reached.
- (6) The blood type of the individual.

B. Reference numbers:

B1. The following information shall be included in the Database -

- (1) The Taxpayer Registration Number of the individual.
- (2) The driver's licence number of the individual.
- (3) The passport number of the individual.
- (4) The national insurance number of the individual.
- (5) The birth entry number of the individual.
- (6) The PATH registration number of the individual.
- (7) The National Identification Number of the individual.

B2. The following information may be included in the Database -

- (1) The Elector Identification Number of the individual.
- (2) Student Unique Identification Number.

C. Registrarial History:

The following information shall be included in the Database -

- (1) Particulars of each National Identification Card issued.
- (2) Particulars of each cancelled National Identification Card.
- (3) Particulars of returned National Identification Card (due to renunciation or termination of Jamaican citizenship).
- (4) Particulars of the disclosure of any identity information about a registered individual to a requesting entity and the purpose for which the information was requested.

D. Operational Information:

The following information shall be included in the Database -

Information of a technical nature necessary for the administration of the Database.

FOURTH SCHEDULE(Sections 34, 35, 36, 39,
48, 49, 50, 51, 52,
53, 54, 55 and 58)*Offences and Penalties*

Column 1	Column 2
Section	Offence
Section	Penalty (Maximum)
34(5)	Failing to return to the Authority a National Identification Card that has been cancelled.
	<ol style="list-style-type: none"> 1. On summary conviction in a Parish Court, to a fine not exceeding five hundred thousand dollars. 2. On conviction on indictment in a Circuit Court, to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year.
35(4)	Failing to return to the Authority a National Identification Card that has been revoked.
	<ol style="list-style-type: none"> 1. On summary conviction in a Parish Court, to a fine not exceeding five hundred thousand dollars. 2. On conviction on indictment in a Circuit Court, to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year.
36(2)	Failing to return the National Identification Card to the Authority as soon as practicable, where the person –
	<ol style="list-style-type: none"> (a) finds a National Identification Card that had not been issued to that person by the Authority; (b) comes into possession of a National Identification Card without the permission of the individual to whom that National Identification Card was issued or the Authority; (c) regains possession of the original National Identification Card after
	<ol style="list-style-type: none"> 1. On summary conviction in a Parish Court, to a fine not exceeding five hundred thousand dollars. 2. On conviction on indictment in a Circuit Court, to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year.

reporting the Card as being lost or stolen and being issued a replacement card by the Authority; or

(d) comes into possession of a National Identification Card -

(i) that has expired;

(ii) that has been cancelled;

(iii) in contravention of the requirements of this Act or any other enactment; or

(iv) that is otherwise invalid.

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|--------------|--|---|
| 39(4) | Failure to ensure that any identity information and demographic information of an individual that was obtained through its access to the Database is only used for the purpose permitted under subsection (1) or by any other enactment. | <ol style="list-style-type: none"> 1. On summary conviction in a Parish Court, to a fine not exceeding five hundred thousand dollars. 2. On conviction on indictment in a Circuit Court, to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year. |
| 48(4) | Presenting a National Identification Card issued to another individual with the intention of being identified as that individual. | <ol style="list-style-type: none"> 3. On summary conviction in a Parish Court, to a fine not exceeding one million dollars. 4. On conviction on indictment in a Circuit Court, to a fine not exceeding two million dollars or imprisonment for a term not exceeding one year. |
| 48(4) | Using identification card for impersonating or attempting to impersonate a registered individual or allow or induce another person to use an identification card to impersonate a registered individual. | <ol style="list-style-type: none"> 1. On summary conviction in a Parish Court, to a fine not exceeding one million dollars. 2. On conviction on indictment in a Circuit Court, to a fine not exceeding two million dollars or imprisonment for a term not exceeding one year. |
| 48(4) | Impersonating or attempting to | <ol style="list-style-type: none"> 1. On summary conviction in |

- impersonate another individual by providing false identity information or demographic information.
- 49(2)** Collecting or attempting to collect identity information or demographic information when not authorized to do so.
- 50(3)** Wilfully deceiving the Authority by providing false information to the Authority.
- 50(3)** Wilfully obstructing or impeding the Authority in the exercise of the Authority's functions.
- 51(4)** Using any equipment or apparatus to produce a document purporting that document to be a National Identification Card
- a Parish Court, to a fine not one million dollars.
2. On conviction on indictment in a Circuit Court, to a fine not exceeding two million dollars or imprisonment for a term not exceeding one year.
 1. On summary conviction in a Parish Court, to a fine not exceeding two million dollars.
 2. On conviction on indictment in a Circuit Court, to a fine not exceeding three million dollars or imprisonment for a term not exceeding three years.
 1. On summary conviction in a Parish Court, to a fine not exceeding two million dollars.
 2. On conviction on indictment in a Circuit Court, to a fine not exceeding three million dollars or imprisonment for a term not exceeding three years.
 1. On summary conviction in a Parish Court, to a fine not exceeding five hundred thousand dollars.
 2. On conviction on indictment in a Circuit Court, to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year.
 1. On summary conviction in a Parish Court, to a fine not exceeding three million dollars.
 2. On conviction on indictment in a Circuit Court, to a fine not exceeding four million dollars or imprisonment for a term not exceeding four years.

- 51(3)** Making, producing, manufacturing, printing, binding, designing, distributing any document purporting that document to be a National Identification Card.
1. On summary conviction in a Parish Court, to a fine not exceeding three million dollars.
 2. On conviction on indictment in a Circuit Court, to a fine not exceeding four million dollars or imprisonment for a term not exceeding four years.
- 52(2)** Without lawful authority, intentionally –
- (a) accessing the Database;
 - (b) downloading, copying or extracting data from the Database;
 - (c) introducing or attempting to introduce, or cause to be introduced, any virus or other computer contaminant in the Database;
 - (d) causing damage or attempting to cause damage to the Database;
 - (e) disrupting or attempting to disrupt the proper functioning of the Database;
 - (f) disclosing, using or displaying information in the Database or assist any person to do so; or
 - (g) destroying, deleting or altering, or attempting to destroy, delete or alter any information stored in the Database.
1. On summary conviction in a Parish Court, to a fine not exceeding three million dollars.
 2. On conviction on indictment in a Circuit Court, to a fine not exceeding four million dollars or imprisonment for a term not exceeding four years.
- 53(1)** Providing false information or makes a false statement when –
- (a) providing information for an entry;
 - (b) making a modification to an entry;
 - (c) making a confirmation of the content of an entry; or
 - (d) obtaining the issue or re-issue of a National
1. On summary conviction in a Parish Court, to a fine not exceeding three million dollars.
 2. On conviction on indictment in a Circuit Court, to a fine not exceeding four million dollars or imprisonment for a term not exceeding four years.

Identification Card.

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|--|---|
| 53(1) Fraudulently obtains for the use of that individual or for the use of another individual, a National Identification Card. | <ol style="list-style-type: none"> 1. On summary conviction in a Parish Court, to a fine not exceeding three million dollars. 2. On conviction on indictment in a Circuit Court, to a fine not exceeding four million dollars or imprisonment for a term not exceeding four years. |
| 53(1) Forging an identity document for the purpose of registration. | <ol style="list-style-type: none"> 1. On summary conviction in a Parish Court, to a fine not exceeding three million dollars. 2. On conviction on indictment in a Circuit Court, to a fine not exceeding four million dollars or imprisonment for a term not exceeding four years. |
| 53(1) Unduly influencing the decision of an officer of the Authority. | <ol style="list-style-type: none"> 1. On summary conviction in a Parish Court, to a fine not exceeding three million dollars. 2. On conviction on indictment in a Circuit Court, to a fine not exceeding four million dollars or imprisonment for a term not exceeding four years. |
| 53(1) Enrolling or registering or attempting to enroll or register more than once in the Database. | <ol style="list-style-type: none"> 1. On summary conviction in a Parish Court, to a fine not exceeding five hundred thousand dollars. 2. On conviction on indictment in a Circuit Court, to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year. |
| 53(1) Falsely alleges the loss or destruction of that individual's National Identification Card and applies for a new card while in possession of a National Identification Card. | <ol style="list-style-type: none"> 1. On summary conviction in a Parish Court, to a fine not exceeding three million dollars. 2. On conviction on indictment in a Circuit Court, to a fine not exceeding four million |

- dollars or imprisonment for a term not exceeding four years.
- 54(3)** Wilfully destroys or attempts to destroy a National Identification Card.
1. On summary conviction in a Parish Court, to a fine not exceeding one million dollars.
 2. On conviction on indictment in a Circuit Court, to a fine not exceeding two million dollars or imprisonment for a term not exceeding two years.
- 54(3)** Mutilating or attempting to mutilate a National Identification Card.
1. On summary conviction in a Parish Court, to a fine not exceeding five hundred thousand dollars.
 2. On conviction on indictment in a Circuit Court, to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year.
- 54(3)** Without authority depriving or dispossessing a holder of that holder's National Identification Card.
1. On summary conviction in a Parish Court, to a fine not exceeding three million thousand dollars.
 2. On conviction on indictment in a Circuit Court, to a fine not exceeding four million dollars or imprisonment for a term not exceeding four years.
- 54(3)** Using a National Identification Card other than the National Identification Card issued for that individual's use.
1. On summary conviction in a Parish Court, to a fine not exceeding five hundred thousand dollars.
 2. On conviction on indictment in a Circuit Court, to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year.
- 54(3)** Taking or keeping possession of—
- (a) a National Identification Card in respect of which an alteration or erasure has been made;
 1. On summary conviction in a Parish Court, to a fine not exceeding five hundred thousand dollars.

- (b) a National Identification Card that was improperly obtained.
2. On conviction on indictment in a Circuit Court, to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year.
- 54(3)** Being in possession of more than one National Identification Card that is intended to show the individual's identity.
1. On summary conviction in a Parish Court, to a fine not exceeding five hundred thousand dollars.
2. On conviction on indictment in a Circuit Court, to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year.
- 54(3)** Permitting another person to use a National Identification Card issued to another individual.
1. On summary conviction in a Parish Court, to a fine not exceeding five hundred thousand dollars.
2. On conviction on indictment in a Circuit Court, to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year.
- 54(3)** Without reasonable cause, taking or keeping possession of a National Identification Card –
- (a) which is false or which that person knows to be false;
- (b) which that person knows has been improperly obtained; or
- (c) that belongs to another person.
1. On summary conviction in a Parish Court, to a fine not exceeding three million dollars.
2. On conviction on indictment in a Circuit Court, to a fine not exceeding four million dollars or imprisonment for a term not exceeding four years.
- 55(5)** Having possession of, or control over, any information or document, at any time communicating or attempting to communicate the information or document to any person, otherwise than for the purposes of this Act or to any person, other than an authorized officer
1. On summary conviction in a Parish Court, to a fine not exceeding one million dollars.
2. On conviction on indictment in a Circuit Court, to a fine not exceeding two million

	of the Authority or person at the direction of the court.	dollars or imprisonment for a term not exceeding two years.
58(5)	Hindering or obstructing a constable or any person acting in aid of the constable in the performance of his functions	<ol style="list-style-type: none"> 1. On summary conviction in a Parish Court, to a fine not exceeding one million dollars. 2. On conviction on indictment in a Circuit Court, to a fine not exceeding two million dollars or imprisonment for a term not exceeding two years.

FIFTH SCHEDULE (Section 46)

The NIRA Appeal Tribunal

Constitution of Appeal Tribunal.

1. The Appeal Tribunal shall consist of two panels, each consisting -

- (a) two individuals each of whom has served as a Judge of the Court of Appeal or as a Judge of the Supreme Court, who shall be the chairman and deputy chairman of the Appeal Tribunal; and
- (b) one other attorney-at-law.

Ineligibility for appointment.

2. - (1) The following individuals shall not be eligible to be appointed members of the Appeal Tribunal, that is to say -

- (a) a member of the House of Representatives or the Senate;
- (b) a member of the Council of the Kingston and St. Andrew Corporation or any Municipal Council or any Parish Council;
- (c) an individual who is not a fit and proper person within the meaning of paragraph 3; and
- (d) an undischarged bankrupt.

(2) An individual shall not be appointed to

the Appeal Tribunal unless the individual has forwarded to the Minister a voluntary declaration declaring that he is not ineligible for appointment under paragraph 2 (1).

(3) An appointment made in contravention of this paragraph shall be void.

Meaning of fit and proper.

3. - (1) For the purposes of paragraph 2, an individual, whether in Jamaica or elsewhere, is fit and proper if –

(a) the individual -

- (i) has not been convicted of an offence involving fraud, dishonesty or moral turpitude or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction;
- (ii) is not an undischarged bankrupt; and
- (iii) is in compliance with any tax and other statutory requirements imposed on the individual;

(b) the individual's employment record or any other information does not give the Minister reasonable cause to believe that the individual carried out any act involving dishonesty or any act involving impropriety that will interfere with his ability to fulfill his functions; and

(c) the individual is, in the opinion of the Minister -

- (i) an individual of sound

probity, and is able to exercise competence, diligence and sound judgment in fulfilling his functions;

- (ii) an individual who possesses the knowledge, skills and experience which are necessary for the intended functions to be carried out by that individual; and
- (iii) an individual whose appointment will not raise an issue of conflict of interest or undue influence.

Appointment.

4. The members of the Appeal Tribunal shall be appointed by the Minister by instrument in writing.

Temporary appointments.

5. The Minister may appoint any individual to act temporarily in the place of any member of the Appeal Tribunal in the case of the absence or inability to act of such member in keeping with the composition of the Appeal Tribunal.

Leave of absence.

6. – (1) On the application of any member, the Chairman may grant leave of absence to the member.

(2) The Chairman may direct a member to proceed on leave of absence if the member has been charged of an offence involving fraud, dishonesty or moral turpitude or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction.

Tenure of office.

7. – (1) The members of the Appeal Tribunal shall hold office for a period of three years.

(2) Every member of the Appeal Tribunal shall be eligible for re-appointment.

Resignation.

8. - (1) The chairman may, at any time, resign his office by instrument in writing addressed to the Minister.

(2) The resignation shall take effect as from the date of receipt by the Minister of the instrument.

(3) A member other than the chairman may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the chairman.

(4) From the date of the receipt by the Minister of such instrument, the member shall cease to be a member of the Appeal Tribunal.

Revocation of appointment.

9. The Minister may revoke the appointment of any member if the member –

- (a) is unable to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause);
- (b) is convicted and sentenced to a term of imprisonment or to death;
- (c) becomes bankrupt or compounds with, or suspends payment to, his creditors;
- (d) becomes disqualified for appointment by virtue of paragraph 2;
- (e) fails to discharge the functions of his office in a competent manner;
- (f) engages in such activities as are reasonably considered prejudicial to the interest of the Appeal Tribunal.

Publication of membership.

10. The names of the members of the Appeal Tribunal as first constituted and every change in the membership of the Appeal Tribunal shall be published in the *Gazette*.

Remuneration.

11. There shall be paid to the chairman, deputy chairman and other members of the Appeal Tribunal such remuneration (whether by way of

honorarium, salaries or fees) and such allowances, as the Minister responsible for the public service may determine.

Filling of vacancies.

12. If any vacancy occurs in the membership of the Appeal Tribunal such vacancy shall be filled by the appointment of another member, however, the appointment shall be made in the same manner and from the same category of individuals as would be required in the case of the original appointment.

Tribunal may regulate own proceedings.

13. Subject to this Act, the Tribunal may regulate its own proceedings.

Office of chairman or member not a public office.

14. The office of chairman, deputy chairman or, member of the Appeal Tribunal shall not be a public office for the purpose of Part V of the *Constitution of Jamaica*.

SIXTH SCHEDULE (Section 62)

Amendment and Repeal of Acts

<i>Act</i>	<i>Amendment or Repeal</i>
<p>Access to Information Act</p> <p>Section 5(6)</p>	<p>1. Delete the full stop appearing at the end of paragraph (d) and substitute therefor a semicolon.</p> <p>2. Insert next after paragraph (d) the following –</p> <p style="padding-left: 40px;">“(e) documents and records pertaining to the identity information collected and maintained by the National Identification and Registration Authority established by section 5 of the <i>National Identification and Registration Act</i>.”.</p>

Aliens Act

Section 13 Insert next after subsection (2) the following as

subsection (3) –

“ (3) The Chief Immigration Officer shall furnish to the National Identification and Registration Authority established by section 5 of the *National Identification and Registration Act* for the purposes of the Database established under section 15 of that Act, at such times and in such manner as may be prescribed, copies of all entries in the register or such of them as may be prescribed.”.

Children (Adoption of) Act

Appendix to Second Schedule

Form A

1. Insert next after paragraph 1 the following as paragraph 1A –

“1A. My National Identification Number is;”.

2. In paragraph 4 insert immediately after the words “(or I am unmarried)” the following –

“(or I am married, to (*name of husband*) whose written consent to the making of the order is appended to this application).”.

Form B

Insert next after the entry “Occupation” the following –

“ National Identification Number ”.

Cybercrimes Act

Section 11(2)

1. Delete the full stop appearing at the end of paragraph (e) and substitute therefor a semicolon.

2. Insert next after paragraph (e) the following –

“ (f) the National Civil and Identification Database established under section 15 of the *National Identification and Registration Act*.”.

DNA Evidence Act

Section 11

Insert next after subsection (2) the following as subsection (3) –

“ (3) The Custodian may disclose information contained in the DNA Register to the Authority established under section 5 of the *National Identification and Registration Act* at the request of the Authority solely for the purpose of verifying the identity of an individual.”.

Forgery Act**Section 2**

Insert next after the definition of “document of title to lands” the following definition –

““National Identification Card” means the unique national identification card issued under section 26 of the *National Identification and Registration Act*;”.

Section 5

In subsection (2) –

- (a) delete the full stop appearing at the end of paragraph (c) and substitute a semicolon; and
- (b) insert next after paragraph (c) the following as paragraphs (d) and (e) –

“(d) any document contained in the Database established under section 15 of the *National Identification and Registration Act*;

(e) any National Identification Card issued under the *National Identification and Registration Act*.”.

New section 6A Insert next after section 6 the following –

“National Identification Card: forgery, untrue statement. 6A. The forgery of a National Identification Card or the making by any person of a statement which is to his knowledge untrue for the purpose of procuring a National Identification Card, whether for himself or any other person, shall be a misdemeanour and punishable with imprisonment for a term not exceeding three years.”.

Immigration Restriction

**(Commonwealth
Citizens) Act**

Schedule

**Immigration
Restriction
(Commonweal
th Citizens)
Regulations**

FORMS

FORM "E" Insert immediately before the word "holding" the following –

"National Identification Number No.
issued by the National Identification and
Registration Authority established under the
National Identification and Registration Act".

**Jamaican
Nationality Act**

**New section
12A** Insert next after section 12 the following as section
12A –

**"Duty to
furnish
information
to the
National
Identification
and
Registration
Authority.** 12A. The Minister shall cause
copies of all entries in the
register or such of them as may
be prescribed to be furnished to
the National Identification and
Registration Authority for the
purposes of the *National
Identification and Registration
Act* at such times and in such
manner as may be prescribed."

**Jamaican
Nationality
Regulations,
1962**

Part III

**Regulation
12** Insert immediately after the word "entered" the
words "; and a notice shall be sent to the National
Identification and Registration Authority
established by section 5 of the *National
Identification and Registration Act* by the Chief
Immigration Officer advising of the removal of his
name from the Database".

**Third
Schedule**

Insert next after paragraph 4 the following as paragraph 5 –

“5. My National Identification Number is

I do not have a National Identification
Number.”.

**Justice Protection
Act**

Section 13

1. Renumber the section as subsection (1) of the section.
2. In subsection (1), as renumbered, delete the words “Actions which may be taken” and substitute therefor the words “Subject to subsection (1), actions which may be taken”.
3. Insert next after subsection (1), as renumbered, the following as subsection (2) –

“ (2) Where a person has been provided with a new identity or permitted to use an assumed name under this Act, the Administrative Centre shall give notice to the National Identification and Registration Authority established under section 5 of the *National Identification and Registration Act* of that fact; and the notice shall be accorded a security classification not below “Top Secret”.

Section 17

Insert next after subsection (6) the following as subsections (7) and (8) –

“ (7) Where the Administrative Centre decides to restore the identity of a former participant, the Administrative Centre shall give notice to the National Identification and Registration Authority established by section 5 of the *National Identification and Registration Act*; and the notice shall be accorded a security classification not below “Top Secret”.

(8) Upon receipt of a notice under subsection (2), the National Identification and Registration Authority shall ensure that the assumed name is expunged from its records.”.

**Law Reform
(Fraudulent
Transactions)
(Special
Provisions) Act**

- Section 2** In the definition of “access device”, insert immediately after the words “means any”, the words “National Identification Number issued under the *National Identification and Registration Act*,”.
- Section 10(3)(b)** Insert immediately after the words “social security number,” the words “National Identification Card issued under the *National Identification and Registration Act*”.
- Marriage Act** Insert next after section 71 the following as section 71A -
- “**Regulations.** 71A. The Minister may make regulations in order to give effect to the purposes of this Act.”.
- Matrimonial Causes Act**
- Section 17** Insert next after subsection (2) the following as subsection (3) -
- “ (3) Where a decree of dissolution or nullity of marriage has been made absolute the Registrar of the Supreme Court shall transmit a copy of the decree to the Registrar-General established under the *Registration (Births and Deaths) Act*.”.
- Passport Act**
- Section 3** Insert next after subsection (3) the following as subsection (4) -
- “ (4) Every Jamaican passport shall include the National Identification Number of the holder of the passport.
- (5) In this Act, “National Identification Number” means the National Identification Number assigned under the *National Identification and Registration Act* to the holder of the passport.”.
- Passport Regulations, 1962**
- Paragraph 14** 1. In subparagraph (2), insert immediately after the word “nationality” the words “, the National Identification Number assigned under the *National Identification and Registration Act* to the holder of

the passport”.

2. In subparagraph (6)(b), insert immediately after the words “date of birth,” the words “the National Identification Number assigned under the *National Identification and Registration Act* to the holder of the passport,”.

Proceeds of Crime Act

Section 120(2)(c)

Delete paragraph (c) and substitute therefor the following –

“(c) the individual’s taxpayer registration number and the individual’s National Identification Number”.

Registration (Births and Deaths) Act

Section 2

Insert in the appropriate alphabetical sequence the following definitions –

““Database” means the National Civil and Identification Database established by section 15 of the *National Identification and Registration Act*;

“Minister” means the Prime Minister;

“National Identification Number” means an identification number assigned to an individual under section 23 of the *National Identification and Registration Act*”.

Section 4

Delete the section and substitute therefor the following –

“Appointment of Registrar-General and establishment of General Register Office. 4. The Chief Executive Officer of the National Identification and Registration Authority established by section 5 of the *National Identification and Registration Act* shall be the Registrar-General of Births and Deaths in Jamaica, and there shall be established an office in the National Identification and Registration Authority to be the General Register Office for keeping a register of all

births and deaths in Jamaica.”.

Section 9 Repeal the section.

Section 11 Insert next after subsection (2), the following as subsections (3) and (4) –

“ (3) For the purposes of this section, the Registrar-General may reject any name that is a prohibited name with the meaning of subsection (4).

(4) In this subsection (3), “prohibited name” means a name that -

(a) is obscene or offensive; or

(b) could not practicably be established by repute or usage -

(i) because it is too long; or

(ii) because it consists of, or includes, symbols without phonetic significance; or

(iii) for some other reason; or

(c) is contrary to the public interest for some other reason;”.

Section 20 Insert next after subsection (3) the following as subsection (4) –

“ (4) The Deputy Keeper of the Records appointed under the *Record Office Act* may furnish the Registrar General with a copy of every deed poll registered in the Record Office and the Registrar General shall make an appropriate entry noting the individual’s change of name in the Birth or Death Register as the case may be.”.

Section 23 1. Renumber the section as subsection (1) of the section.

2. Insert next after subsection (1), as renumbered, the following as subsection (2) –

“ (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction in the Parish Court to a fine not exceeding two hundred thousand dollars.”.

Section 24

1. Renumber the section as subsection (1) of the section.
2. Insert next after subsection (1), as renumbered, the following as subsection (2) –

“ (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction in the Parish Court to a fine not exceeding two hundred thousand dollars”.

Section 54

1. Renumber the section as subsection (1) of the section.
2. In subsection (1), as renumbered, delete the words “between the hours of half past nine in the morning and half past three in the afternoon of every day, except Sundays, Christmas Day and Good Friday, and such other days as the Registrar-General subject to the approval of the Minister may appoint” and substitute therefor the words “in such manner and at such time as the Registrar-General considers appropriate”.
3. Insert next after subsection (1) as renumbered, the following as subsection (2) -

“ (2) The Registrar-General may issue certified copies of entries and certificates in any format that the Registrar-General considers appropriate.”.

Section 55

1. In subsection (1), delete the words “all particulars which appear on the original entry and all corrections or additions made under the provisions of this Act” and substitute therefor the words “such particulars of the entry as may be determined by the Registrar –General”.
2. In subsection (2), delete the words “except the name, surname, sex and date and place of birth and such other particulars, if any, as may be prescribed, not being particularly relating to parentage” and substitute therefor the words “include such particulars as may be prescribed”.

Section 72

1. Renumber the section as subsection (1) of the section.
2. Insert next after subsection (1) as renumbered, the following as subsection (2) -

“ (2) Regulations made under subsection

(1) may provide for –

- (a) the keeping, maintenance and operation of registers and information electronically;
- (b) the sharing of information in registers; and
- (c) the creation of new registers.”.

New sections 74 and 75 Insert next after section 73 the following -

“74. The Registrar-General may permit information stored in its registers to be entered into the Database from time to time.

75. The registers under this Act may be kept, maintained and operated otherwise than in a legible form, subject to their being capable of being converted into a legible form and being used to make a legible copy or reproduction of any entry in them.”.

**Revenue
Administration
Act**

PART VIC

New section 17FB Insert next after section 17FA the following as section 17FB –

“Disclosure of information. 17FB. Notwithstanding section 17F, a Commissioner or an officer of a revenue department may disclose information or produce documents to an officer of the National Identification and Registration Authority where the information is to be used by the National and Identification and Registration Authority established by section 5 of the *National Identification and Registration Act* for the purpose of establishing or verifying the identity of a taxpayer.”.

Section 17GA 1. In subsection (1), delete the words “subsection (4)” and substitute therefor the words “subsections (4) and (4A)”.

2. Insert next after subsection (4) the following –

“ (4A) This section does not apply to the Board or the officers or employees of the National Identification and Registration Authority established by section 5 of the *National Identification and Registration Act*.”.

**Status of
Children Act**

Section 10 Insert next after subsection (4) the following –

“ (5) Where a declaration of paternity is granted, the Registrar of the Supreme Court of the Clerk of the Parish Court shall transmit a copy of the declaration of paternity to the Registrar-General and the Registrar-General shall carry out the actions directed under section 19(3) of the *Registration (Births and Deaths) Act*.”.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to facilitate the establishment of a National Identification System that supports secure and reliable verification and authentication of the identity of all citizens and persons who are ordinarily resident in Jamaica.

To achieve this objective, a National Identification System is to be established that will include -

- (a) the National Identification Number which is to be issued to each person registered in the database as well as the issue of a National Identification Card;
- (b) a National Civil and Identification Database that will contain the personal identity data for all citizens and persons ordinarily resident in Jamaica.

The National Identification Card carrying a unique number and the cardholder’s name, address and signature. Jamaican citizens and foreign nationals in prescribed categories are required to register for and obtain a

National Identification Card. National Identification Cards issued to visitors and temporary residents will differ from those issued to Jamaican citizens and will indicate whether the person is entitled to work or to access state benefits.

The Database will be built from scratch as people are issued with National Identification Card and not rely solely on other sources of data which may have historical or other errors. However, before an entry is confirmed, it will be checked against other databases such as passports, driving licences and immigration records. The Database will also link each individual's record to a biometric that is unique to that person. The Database will, therefore, be a single highly reliable record of a person's identity and will be built using best practice in countering identity fraud.

Andrew Holness
Prime Minister

