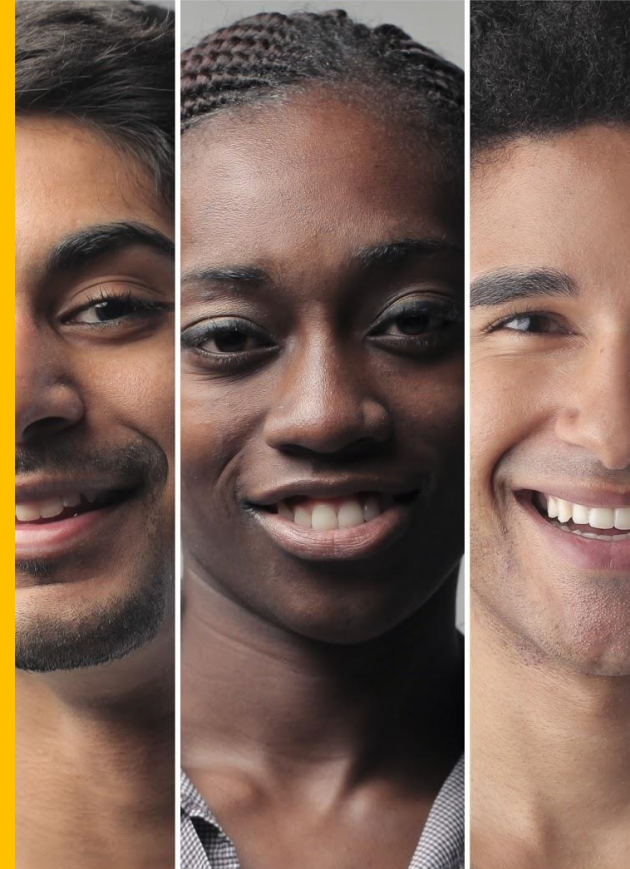




**JUSTICES OF THE PEACE
SENSITISATION SESSION
ON THE
NATIONAL IDENTIFICATION
AND REGISTRATION BILL, 2020**



PART I
PRELIMINARY



PART I-PRELIMINARY

CLAUSE 2 – INTERPRETATION

Clause 2 defines key words contained within the National Identification and Registration Act (hereinafter referred to as ‘the Act’) to give them meaning beyond the ordinary definition of said words

In this Act –

“Authority” means the National Identification and Registration Authority established under Section 5 (which also outlines the functions of the Authority)

PART I-PRELIMINARY

“Civil Registration” means the inclusion of information in – a civil status register under the Registration (Births and Deaths) Act the Adopted Children Register under the Children (Adoption of) Act; or another register required to be kept by the Registrar-General under any other law

“Civil Registration Databases” means the databases pursuant to Section 9 (1)(b) (which are those where all the information for the purposes of civil registration are kept)

“Enrolled Individual” means an individual whose identity information is stored in the National Identification Databases

PART I-PRELIMINARY

“Enrolment” means the collection of identity information for storage in the National Identification Databases

“Identity Information” means the biographic, biometric or numerical information that may be collected under Section 11 (which details the information which may be collected) in respect of an individual

“Inspectorate” means the National Databases Inspectorate established by Section 27 (which details the regime of the Inspectorate)

“National Databases” means the databases established under Section 9 (1) (which are those where the identity information are stored)

PART I-PRELIMINARY

“National Identification Card” or “Card” means a card issued under Section 16 (which provides further details on the Card)

“National Identification Databases” means the databases in which all the identity information collected under this Act by the Authority is stored

“National Identification Number” means a National Identification Number assigned under Section 15 (which provides further details on the National Identification Number)

PART I-PRELIMINARY

“National Identification System” means –

- the National Identification Databases established under Section 9
- the National Identification Numbers;
- the National Identification Cards; and
- the processes, automated retrieval and storage, procedures, plans, networks, services, measures and interconnected and other associated elements for the enrolment of individuals, the verification of their identity and the authentication of National Identification Numbers and National Identification Cards

PART I-PRELIMINARY

CLAUSE 3 – OBJECTS

Clause 3 sets out the objects of the Act which outlines the underlying purposes of the legislation. It sets out several functions that should reasonably guide the interpretation of the provisions contained within the statute.

The objects of this Act are to –

- (a) establish a National Identification and Registration Authority having responsibility for civil registration and the National Identification System;
- (b) provide for the enrolment of citizens of, and individuals who are ordinarily resident in, Jamaica, in the National Identification Databases;
- (c) establish databases, to be known as the National Identification Databases, consisting of all identity information collected by the National Identification and Registration Authority in respect of enrolled individuals;

PART I-PRELIMINARY

The objects of this Act are to –

- (d) establish databases, to be known as the Civil Registration Databases, consisting of all information collected for civil registration by the Registrar-General;
- (e) provide for the characteristics, assignment and use of a unique National Identification Number to be assigned to each enrolled individual;
- (f) provide for the issue of a National Identification Card to each enrolled individual;
- (g) prevent identity theft and other instances of fraud with respect to identity information; and
- (h) provide for the discharge of the statutory functions of the Registrar-General by an office established within the Authority, under the management and control of the Authority.



PART II

THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

CLAUSE 5 – THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

- 1) There is hereby established a National Identification and Registration Authority, which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

- 2) There is hereby established within the Authority an office to be known as the Office of the Registrar-General which, under the management and control of the Authority, shall be responsible for carrying out the functions of the Registrar-General under –
 - a) the Registration (Births and Deaths) Act;
 - b) the Children (Adoption of) Act;
 - c) the Marriage Act;
 - d) the Muslim Marriage Act;
 - e) the Hindu Marriage and any other law.

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

- 3) The functions of the Authority are to –
 - a) administer the National Identification System;
 - b) through the office established under subsection (2), carry out the functions of the Registrar-General as described in subsection (2);
 - c) develop appropriate systems and protocols for the security, secrecy, and necessary safeguards for the protection and confidentiality, of the information stored in the National Databases;
 - d) develop policies, procedures and protocols for the collection, processing, storage, authentication and verification of information in the National Databases, consistent with data protection best practices and in conformity with the Data Protection Act;

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

- 3) The functions of the Authority are to –
 - e) provide information and advice, and make proposals, to the Minister, on matters relating to the Authority;
 - f) monitor and promote compliance with this Act and regulations made under this Act and to develop public education programmes with a view to promoting such compliance;
 - g) develop policies and protocols for the prevention of identity theft and other instances of fraud with respect to identity information, and co-operate with other “anti-fraud organisations” (as defined by section 24(2) of the Data Protection Act) with regard thereto; and
 - h) perform such other functions which, in the opinion of the Board, are necessary for the efficient discharge of the Authority’s functions.

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

- 4) In performing its functions, the Authority shall have the power to –
 - a) institute measures for the promotion of compliance with this Act;
 - b) design and develop systems and procedures which allow for the public to access its services, including the establishment of enrolment centres and such other facilities as are necessary to facilitate enrolment, and to collaborate with public bodies and private sector entities for that purpose;
 - c) introduce cost recovery measures for services provided;
 - d) establish procedures and develop, implement and monitor plans and programmes, relating to the administration of the National Identification System;

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

- 4) In performing its functions, the Authority shall have the power to –
 - 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.

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

- 5) The Authority shall comply with directions issued to it by the Inspectorate in respect of any matter regarding the Authority's operations, or regarding compliance with this Act or with any other law concerning the protection or confidentiality of identity information.
- 6) 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.

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

(7) In the performance of its functions, the Authority shall have regard to the needs of “persons with disabilities” within the meaning of section 2 of the Disabilities Act.

(8) The provisions of the First Schedule shall have effect with respect to the constitution of the Authority and otherwise with respect thereto.

(9) A person commits an offence if the person wilfully obstructs the Authority in the performance of its functions and shall be liable on conviction therefor before a Parish Court, to a fine not exceeding three million dollars.

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

CLAUSE 6 – BOARD OF MANAGEMENT

For the purposes of this Act, there shall be a Board of Management which shall be responsible for overseeing the general administration of the Authority and, in particular, shall –

- a) develop policies and procedures for –
 - I. the creation, management, maintenance and operation of the National Identification System;
 - II. the enrolment of eligible individuals;
 - III. the generation and assignment of a National Identification Number to each enrolled individual;

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

CLAUSE 6 – BOARD OF MANAGEMENT

- IV. the issue of a National Identification Card to each enrolled individual;
- V. the collation and reproduction of information obtained as required under this Act to be collated and reproduced from time to time;
- VI. the safe custody and, where required, disposal of all identity information collected or obtained by the Authority or stored in the Databases;

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

CLAUSE 6 – BOARD OF MANAGEMENT

- b) ensure that the operations of the Authority are in conformity with –
 - I. the Data Protection Act;
 - II. the Financial Administration and Audit Act and all applicable financial instructions issued by the Financial Secretary under that Act;
 - III. the Public Bodies Management and Accountability Act; and
 - IV. any other law relevant to the management of public bodies or the protection of identity information;

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

CLAUSE 6 – BOARD OF MANAGEMENT

(c) review, evaluate, approve and monitor the implementation, by the Chief Executive Officer, of the Authority's –

- i. corporate policies;
- ii. operational, strategic and other corporate plans; and
- iii. annual budget proposals and submissions;

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

CLAUSE 6 – BOARD OF MANAGEMENT

- (d) review, evaluate and approve the financial statements and major expenditure proposals of the Authority;
- (e) keep the Minister and Permanent Secretary abreast of matters relating to the administration and management of the Authority, including any need for financial, human, technological and other resources necessary for the achievement of performance targets;

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

CLAUSE 6 – BOARD OF MANAGEMENT

- f) give directions to the Chief Executive Officer, in respect of the management of the Authority;
- g) give directions to the Chief Executive Officer, in respect of the management of the Authority;

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

CLAUSE 6 – BOARD OF MANAGEMENT

- h) in relation to the operations of the Authority, establish policies on –
 - I. 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;

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

CLAUSE 6 – BOARD OF MANAGEMENT

- i) approve annual, quarterly and other reports of the Authority, which are required by this Act or any other enactment to be submitted to the Minister or to Parliament;
- j) monitor the performance of the Authority in respect of its performance targets and service standards;
- k) require the Chief Executive Officer to provide it with such periodic reports, and such special reports, as the Board considers appropriate in respect of the management of the Authority.

PART II—THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

CLAUSE 6 – BOARD OF MANAGEMENT

- 2) The provisions of Part II of the First Schedule shall have effect with respect to the constitution of the Board and otherwise with respect thereto.

PART III
THE NATIONAL
IDENTIFICATION DATABASES
AND THE CIVIL REGISTRATION
DATABASES



PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 9 – NATIONAL DATABASES

(1) National databases are hereby established, consisting of –

(a) the National Identification Databases, in which all the identity information collected by the Authority under this Act in respect of enrolment is stored; and

(b) the Civil Registration Databases, in which all the information kept by the Registrar-General for the purposes of civil registration is stored.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 9 – NATIONAL DATABASES

(2) Subject to the provisions of this section, the National Identification Databases shall be used only for any one or more of the following purposes

- (a) the enrolment of individuals;
- (b) the storage of the identity information of enrolled individuals;
- (c) the generation and issue of a National Identification Number and a National Identification Card to each enrolled individual;
- (d) the verification of the identity information of enrolled individuals and the authentication of National Identification Numbers and National Identification Cards

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 9 – NATIONAL DATABASES

(3) Subject to the provisions of this section, the Civil Registration Databases shall be used only for the generation and issue of such certificates, and other forms of evidence, of civil registration as the Registrar-General may require for the purposes of the functions specified in section 5(2).

(4) The identity information stored in the National Identification Databases shall be in encrypted form, that is not legible without decryption, and that is capable of being converted into legible form when required for the purposes of this Act.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 9 – NATIONAL DATABASES

(5) Information stored in the National Databases shall not be altered except in the manner provided by this Act, or regulations made under this Act.

(6) At any time after an individual is enrolled, that individual may request, in writing to the Authority, the alteration of any identity information with respect to that individual that the individual claims to be incomplete, incorrect, misleading or otherwise in need of alteration

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 9 – NATIONAL DATABASES

(7) Within fourteen days after receiving a request under sub-section (6), the Authority shall in writing notify the individual –

(a) of the action taken by the Authority in respect of the request;

(b) in the case of a refusal of the request, of the reasons for the refusal; and

(c) that the individual may appeal to the Appeal Tribunal in accordance with this Act.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 9 – NATIONAL DATABASES

(8) A person commits an offence if the person, without lawful authority, wilfully –

- (a) accesses the National Databases;
- (b) modifies the contents of the National Databases (whether or not the modification is intended to be temporary or permanent); or
- (c) intercepts, or causes to be intercepted, any function of the National Databases, and shall be liable on conviction therefor before a Circuit Court, to a fine, or imprisonment for a term not exceeding twenty-five years, or both such fine and imprisonment.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 9 – NATIONAL DATABASES

((9) A person commits an offence if the person, without lawful authority, wilfully –

(a) degrades, or causes the failure of, the National Databases, or interrupts or obstructs the operation of any program or data in the National Databases; or

(b) causes denial of access to, or impairment of, the function of any program or data in the National Databases.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 9 – NATIONAL DATABASES

(10) A person who commits an offence under subsection (9) shall be liable on conviction therefor before –

(a) a Parish Court, to a fine not exceeding three million dollars; or

(b) a Circuit Court, to a fine, or imprisonment for a term not exceeding twenty-five years, or both such fine and imprisonment.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 9 – NATIONAL DATABASES

(11) In this section –

“access, “data”, and “program” shall be construed in accordance with the Cybercrimes Act;

“intercepting” includes –

(a) listening to or viewing, by use of technical means; or

(b) recording a function of any program or data comprised in the National Databases, or acquiring the substance, meaning or purport of any such function.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 9 – NATIONAL DATABASES

(12) In relation to an offence specified in subsection (9), the acts alleged to constitute the offence need not be directed at –

(a) any specifically identifiable program or data, or type of program or data;
or

(b) any program or data held in a specifically identifiable computer

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

(1) An application may be made to the Authority, in such form and manner as may be prescribed, and subject to the provisions of this section, for enrolment of any individual who is eligible as described in section 4.

(2) At the time of an individual's enrolment, the Authority shall, in such form and manner as may be prescribed, inform that individual –

(a) that enrolment is voluntary and that the individual may cancel the enrolment, in accordance with section 14(1)(b); and

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

(b) in respect of the information collected from that individual for the enrolment –

(i) of the reason for the collection of the information and the purpose for which the information will be used;

(ii) of the fact that steps will be taken to verify the information, and what those steps are;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

(iii) that the individual is entitled to access the information, and of the steps required for such access;

(iv) that the individual is entitled to request the alteration of incomplete, incorrect or misleading identity information stored in the National Identification Databases and pertaining to that individual, and of the steps required to make such a request; and

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

(v) that the individual is entitled to appeal under this Act against any decision, action or omission of the Authority, other than pursuant to an order under section 24, concerning identity information stored in the National Identification Databases and pertaining to that individual, and of the steps required to make such an appeal.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

(3) Where an individual has, in accordance with section 11, submitted identity information to the Authority for the purposes of enrolment, the Authority –

(a) shall take all reasonable steps to verify that identity information;

(b) shall not enter in the National Identification Databases any identity information that has not been verified by the Authority in so far as it is reasonably possible for that identity information to be verified;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

(c) upon verifying that identity information as required by this subsection, shall enter that identity information in the National Identification Databases; and

(d) upon completion of the enrolment, shall in such form and manner as may be prescribed supply the individual with a copy of the identity information, pertaining to that individual, that has been entered in the National Identification Databases.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

(4) An application for the enrolment of an individual who is referred to in subsection (1) may be made on behalf of that individual by –

(a) if the individual is under the age of eighteen years –

(i) the individual’s parent or guardian; or

(ii) where the individual is in the custody of a facility for the care of children, the officer in charge of the facility;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

(b) in the case of an individual with a “mental disorder” as defined in the Mental Health Act, the nearest relative of the person, determined in accordance with section 3 of the Mental Health Act,

and the information required to be provided under subsection (2) shall be treated as having been provided to the individual if it is provided to that applicant.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

(5) Where an individual who is an inmate of a “correctional institution” (as defined in the Corrections Act) wishes to apply for enrolment, the officer in charge of the institution shall facilitate –

(a) the making of the application; and

(b) such access to the inmate as may be reasonably required by the Authority for the purpose of effecting the enrolment.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

(6) No fee shall be payable in respect of enrolment, or an application for enrolment.

(7) An individual who –

(a) provides false information or makes a false statement of a material nature with the intention of obstructing or misleading the Authority when –

(i) providing information for an entry to the National Identification Databases;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

- (ii) making a modification to an entry to the National Identification Databases;
- (iii) making a confirmation of the content of an entry to the National Identification Databases; or
- (iv) obtaining the issue or re-issue of a National Identification Card;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

(b) fraudulently obtains for the use of that individual, or for the use of another individual, a National Identification Card;

(c) knowingly enrolls or attempts to enrol more than once in the National Identification Databases;

(d) 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; or

(e) provides false information in order to impersonate an enrolled individual,

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 10 – ENROLMENT

commits an offence and shall be liable upon conviction therefor before a Parish Court to a fine not exceeding three million dollars.

(8) For the purpose of subsection (7), an individual provides false information if at the time of the provision of the information the individual –

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 11 – IDENTITY INFORMATION

(1) The following identity information may be required by the Authority from an individual for the purpose of enrolling the individual –

(a) the following biographic information of the individual –

(i) full name (including any names used prior to a change of name by deed poll or marriage);

(ii) date of birth;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 11 – IDENTITY INFORMATION

(iii) country of birth;

(iv) place of birth;

(v) names of mother and father;

(vi) whether the individual is male or female;

(vii) principal place of residence and any other places of residence;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 11 – IDENTITY INFORMATION

(viii) nationality, in the case of an individual who is not a citizen of Jamaica;

(ix) period of residence in Jamaica, in the case of an individual who is not a citizen of Jamaica;

(x) marital status;

(xi) name of spouse (if applicable); and

(xii) occupation;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 11 – IDENTITY INFORMATION

(b) the following biometric information in respect of the individual –

(i) facial image;

(ii) fingerprints, as defined by the Finger Prints Act; and

(iii) manual signature, in the case of an individual who is eighteen years of age or older; and

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 11 – IDENTITY INFORMATION

c) the following reference numbers in respect of the individual, where applicable –

(i) taxpayer registration number;

(ii) driver's licence number;

(iii) passport number;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 11 – IDENTITY INFORMATION

(iv) National Insurance number;

(v) Programme of Advancement Through Health and Education (PATH) number; and

(vi) elector registration number.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 11 – IDENTITY INFORMATION

(2) In any case where an individual is unable to supply any one or more items of identity information listed in subsection (1), the Authority may determine whether the information supplied with the application for enrolment is sufficient to effect the enrolment and if the Authority determines that the information –

(a) is sufficient, shall proceed to effect the enrolment; or

(b) is insufficient, shall deny the application for enrolment and shall advise the applicant of the reason for the denial.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 11 – IDENTITY INFORMATION

(3) A person commits an offence if, without lawful authorisation, the person collects identity information from an individual.

(4) A person who commits an offence under subsection (3) shall be liable on conviction therefor before a Parish Court, to a fine not exceeding two million dollars.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 14 – CANCELLATION OF ENROLMENT

(1) The Authority shall cancel the enrolment of an enrolled individual if –

(a) the Authority becomes aware that, having regard to section 4, the individual is not eligible for enrolment for the purposes of this Act; or

(b) the individual requests in writing to the Authority, accompanied by the National Identification Card issued to that individual, that the enrolment be cancelled.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 14 – CANCELLATION OF ENROLMENT

(2) The Authority may cancel the enrolment of an enrolled individual if the identity information stored in the National Identification Databases is inaccurate.

(3) Where pursuant to subsection (1)(a) or subsection (2), the Authority cancels the enrolment of an individual, the Authority shall in writing notify the individual of the cancellation, stating the reason for the cancellation and informing the individual –

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 14 – CANCELLATION OF ENROLMENT

(a) that the individual is no longer entitled to use a National Identification Number, and that the National Identification Card issued to the individual must be surrendered in accordance with subsection (6); and

(b) of the right to appeal under section 26.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 14 – CANCELLATION OF ENROLMENT

(4) Where, pursuant to subsection (1)(b) or (2) the Authority cancels the enrolment of an individual, the Authority may subsequently enrol the individual if –

(a) in the case of cancellation pursuant to subsection (1)(b), an application is made for the subsequent enrolment of the individual; or

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 14 – CANCELLATION OF ENROLMENT

(b) in the case of cancellation pursuant to subsection (2), the Authority is satisfied as to the accuracy of the identity information of the individual provided on an application in accordance with this Act for the subsequent enrolment of the individual.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 14 – CANCELLATION OF ENROLMENT

(5) Upon the cancellation under this section of the enrolment of an individual, the Authority –

(a) shall cancel the National Identification Card issued to that individual; and

(b) in the case of cancellation –

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 14 – CANCELLATION OF ENROLMENT

(i) pursuant to subsection (1)(a) or (2), shall ensure that the identity information pertaining to the individual is purged from the National Identification Databases where —

(A) the time allowed under this Act for making an appeal against the cancellation has elapsed without an appeal being brought; or

(B) an appeal against the cancellation is brought under this Act and the appeal is unsuccessful; or

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 14 – CANCELLATION OF ENROLMENT

(ii) pursuant to subsection (1)(b), shall

(A) not begin or shall cease (as the case may require) to process the identity information provided by the individual for the purposes of enrolment; and

(B) notify the individual in writing that the enrolment has been cancelled and that the individual may at any time re-apply for enrolment in accordance with section 10.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 14 – CANCELLATION OF ENROLMENT

(6) An individual who, pursuant to subsection (3) is given notice that the individual's enrolment has been cancelled –

(a) shall no longer use a National Identification Number; and

(b) shall surrender to the Authority, within thirty days after receiving the notification, the National Identification Card issued to that individual.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 14 – CANCELLATION OF ENROLMENT

(7) An individual who, without reasonable excuse, contravenes subsection (6) commits an offence.

(8) In this section “process” –

(a) has the meaning assigned to it by section 2(1) of the Data Protection Act; and

(b) for the avoidance of doubt, does not include processing –

(i) required for compliance with section 24; or

(ii) permitted under section 24(1)(h) of the Data Protection Act.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 15 –NATIONAL IDENTIFICATION NUMBER

(1) The Authority shall, in accordance with subsection (2), assign a unique identification number, to be known as a National Identification Number, to every enrolled individual.

(2) For the purposes of subsection (1), the National Identification Number –

(a) shall be a randomly selected number that does not contain any digits that relate to an attribute of the enrolled individual;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 15 –NATIONAL IDENTIFICATION NUMBER

(b) shall be assigned permanently to the enrolled individual, unless cancelled in accordance with this Act; and

(c) shall not be assigned or re-assigned to another individual during the lifetime, or after the death, of the individual to whom it is originally assigned.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 16 –NATIONAL IDENTIFICATION CARD

(1)The Authority shall, in accordance with this section, issue an identification card, to be known as a National Identification Card, to each enrolled individual.

(2) A National Identification Card issued under this section is deemed to be a public document for the purposes of section 22 of the Evidence Act.

(3) The Authority shall keep a record of every National Identification Card issued by the Authority.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 16 –NATIONAL IDENTIFICATION CARD

(4) A National Identification Card issued to an enrolled individual shall not be transferred to another individual.

(5) The issue of a National Identification Card to an individual shall not be treated as conferring any right of citizenship on, or as proof of the domicile of, an individual.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 16 –NATIONAL IDENTIFICATION CARD

(6) Subject to subsection (8), the issue of a National Identification Card to an enrolled individual shall not be subject to the imposition of a fee payable by or on behalf of the enrolled individual.

(7) An enrolled individual to whom a National Identification Card is issued shall have a duty to –

(a) ensure the safe custody of the card;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 16 –NATIONAL IDENTIFICATION CARD

(b) as soon as reasonably practicable after becoming aware of any error in the information on the Card, notify the Authority thereof and in writing request the alteration of the information; and

(c) promptly notify the Authority, by voluntary declaration in such form and manner as may be prescribed, of any loss, theft, mutilation or destruction of, or damage to, the National Identification Card.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 16 –NATIONAL IDENTIFICATION CARD

(8) Where a National Identification Card has been lost, stolen, mutilated, destroyed or damaged, the individual to whom the card was issued may apply to the Authority in such form and manner, accompanied by such fee, as may be prescribed, for replacement of the Card.

(9) A National Identification Card issued to an individual remains the property of the Authority.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 16 –NATIONAL IDENTIFICATION CARD

(10) A person commits an offence if the person wilfully tampers with a National Identification Card and shall be liable on conviction therefor before a Parish Court, to a fine not exceeding one million dollars.

(11) A person commits an offence if the person wilfully takes possession of, or retains –

(a) a National Identification Card, knowing that the Card was improperly obtained; or

(b) a card, knowing that the card is a counterfeit National Identification Card,

and shall be liable on conviction therefor before a Parish Court, to a fine not exceeding five hundred thousand dollars

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 16 –NATIONAL IDENTIFICATION CARD

(12) A person who, without reasonable excuse, fails to notify the Authority as required under subsection (7)(c), of the loss, theft, damage, mutilation or destruction of a National Identification Card commits an offence.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 17 –USE OF NATIONAL IDENTIFICATION CARD

(1) An enrolled individual who is issued a National Identification Card may use the card for any of the following purposes –

(a) as a means of proving that individual's identity;

(b) as a means of facilitating transactions between that individual and any other party, where agreed between that individual and the other party.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 17 –USE OF NATIONAL IDENTIFICATION CARD

(2) A person commits an offence if the person –

(a) uses a National Identification Card in order to impersonate an enrolled individual; or

(b) permits or induces another person to use a National Identification Card in order to impersonate an enrolled individual,

and shall be liable on conviction therefor before a Parish Court, to a fine not exceeding three million dollars.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 18 –PERIOD OF VALIDITY OF NATIONAL IDENTIFICATION CARD

(1) A National Identification Card issued to an individual who, at the time of first issue of the National Identification Card is –

(a) younger than eighteen years of age, shall be valid for five years from the date of issue, and is renewable for successive periods of five years until the individual attains the age of eighteen years;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 18 –PERIOD OF VALIDITY OF NATIONAL IDENTIFICATION CARD

(b) eighteen years of age or older, but younger than sixty years of age, shall be valid for ten years from the date of issue and shall be renewable for successive periods of ten years until the individual attains the age of sixty years;

(c) sixty years of age or older, shall be valid for fifteen years from the date of issue, and is renewable for successive periods of fifteen years during the lifetime of the individual.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 18 –PERIOD OF VALIDITY OF NATIONAL IDENTIFICATION CARD

(2) An application for the renewal of a National Identification Card may be made within the period of six months before the date of expiration of the existing National Identification Card, or at any time after the date of expiration of the National Identification Card.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 18 –PERIOD OF VALIDITY OF NATIONAL IDENTIFICATION CARD

(3) The Authority shall renew a National Identification Card in such manner as shall be prescribed.

(4) The Authority may require an individual seeking a renewal of a National Identification Card to surrender to the Authority the existing National Identification Card (whether still current or expired) in exchange for a renewed Card.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 19—CONTENT OF VALIDITY OF NATIONAL IDENTIFICATION CARD

(1) The National Identification Card shall be issued in such form and bear such information as shall be prescribed, including –

(a) on the **front of the card**, in relation to the individual to whom it is issued

–

(i) the National Identification Number assigned to that individual;

(ii) the name of the authority that issued the card;

(iii) the name, date of birth, facial image and manual signature of the individual;

(iv) the nationality of the individual;

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 19—CONTENT OF VALIDITY OF NATIONAL IDENTIFICATION CARD

(b) on the **back of the card** –

- (i) the parish or place of enrolment of the individual;
- (ii) the date of issue of the Card;
- (iii) the date of expiry of the Card;
- (v) the card control number;
- (vi) the category of enrolment (that is, whether as a citizen or individual ordinarily resident in Jamaica).

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 19—CONTENT OF VALIDITY OF NATIONAL IDENTIFICATION CARD

(2) Subject to section 16(5), a National Identification Card shall, in the absence of evidence to the contrary, be prima facie proof of the particulars which the card bears.

(3) A person commits an offence if the person, without lawful authority, makes, produces, manufactures, prints, binds, designs, or distributes, any document purporting to be a National Identification Card.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 19—CONTENT OF VALIDITY OF NATIONAL IDENTIFICATION CARD

(4) A person who commits an offence under subsection (3) shall be liable on conviction therefor before a Parish Court, to a fine not exceeding three million dollars or imprisonment for a term not exceeding three years.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 20—CANCELLATION OF NATIONAL IDENTIFICATION CARD

(1) The Authority may cancel a National Identification Card if satisfied that –

(a) the National Identification Card was issued based on inaccurate or incomplete identity information;

(b) the Card was issued in error;

(c) there is a defect in the form of the Card; or

(d) in respect of the individual to whom the Card was issued –

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 20—CANCELLATION OF NATIONAL IDENTIFICATION CARD

- (i) the Minister with responsibility under the Jamaican Nationality Act has –
- (A) caused a declaration of renunciation of citizenship of Jamaica, made by that individual, to be registered under that Act; or
 - (B) under that Act, deprived that individual of citizenship of Jamaica; or
- (ii) the Minister with responsibility under the Immigration Restriction (Commonwealth Citizens) Act has, under that Act, revoked the leave of that individual to remain in Jamaica.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 20—CANCELLATION OF NATIONAL IDENTIFICATION CARD

(2) Where the Authority cancels a National Identification Card issued to an individual, the Authority shall, by notice given in the prescribed form, inform the individual of the cancellation and of the individual's right to appeal against the cancellation.

(3) An individual who, pursuant to subsection (2) is given notice that the individual's National Identification Card has been cancelled shall surrender the Card to the Authority within thirty days after receiving the notification.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 20—CANCELLATION OF NATIONAL IDENTIFICATION CARD

(4) An individual who, without reasonable excuse, fails to surrender a National Identification Card as required under subsection (3) commits an offence.

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 21—RE-ISSUE OF CANCELLED OF NATIONAL IDENTIFICATION CARD

The Authority may re-issue a cancelled National Identification Card in any case where the Authority is satisfied that the conditions that required the cancellation have been rectified or no longer exist (as the case requires).

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 22—OBLIGATION TO SURRENDER NATIONAL IDENTIFICATION CARD

An individual shall surrender to the Authority any National Identification Card in that individual's possession and that –

- (a) does not belong to that individual and –
 - (i) appears to have been lost by another individual;
 - (ii) has come into that individual's possession by inadvertence, and without the knowledge or permission of the individual to whom the Card was issued;
- or

PART III—THE NATIONAL IDENTIFICATION DATABASES AND THE CIVIL REGISTRATION DATABASES

CLAUSE 22—OBLIGATION TO SURRENDER NATIONAL IDENTIFICATION CARD

(iii) was issued in respect of an individual who has died and over whose affairs the first mentioned individual has charge (whether as a personal representative or otherwise);

- (b) has expired;
- (c) has been mutilated or is otherwise unusable;
- (d) belongs to that individual but had previously been reported to the Authority (by or on behalf of that individual) as having been lost or stolen; or
- (e) the individual has reasonable cause to believe has been issued in error.

PART IV

USE AND SECURITY OF INFORMATION STORED IN THE NATIONAL DATABASES



PART IV—USE AND SECURITY OF INFORMATION STORED IN THE NATIONAL DATABASES

CLAUSE 23—SECURITY OF INFORMATION

The Authority shall ensure that the information stored in the National Databases is kept in a secure manner and that the confidentiality of the information is preserved, and shall –

(a) take all necessary and appropriate measures (including technical and manual security measures) to protect the information from unauthorised access, unauthorised use, unauthorised disclosure, and any loss or distortion;

PART IV—USE AND SECURITY OF INFORMATION STORED IN THE NATIONAL DATABASES

CLAUSE 23—SECURITY OF INFORMATION

(b) ensure that its employees and agents adhere to the measures referred to in paragraph (a) at all times;

(c) ensure that the identity information of enrolled individuals is accorded the highest level of security;

PART IV—USE AND SECURITY OF INFORMATION STORED IN THE NATIONAL DATABASES

CLAUSE 23—SECURITY OF INFORMATION

(d) implement controls to detect any unauthorised access to, or use of, the information, including controls to detect and protect against –

- (i) viruses and malware that are internet-based; and
- (ii) other vulnerabilities;

(e) implement monitoring processes aimed at identifying unusual events and patterns that could negatively affect the security of the National Databases;

PART IV—USE AND SECURITY OF INFORMATION STORED IN THE NATIONAL DATABASES

CLAUSE 23—SECURITY OF INFORMATION

(f) encrypt all such information containing biometrics or other identity information, enabling decryption only in secured circumstances;

(g) restrict the categories of its staff and agents, having access to the processes, systems and networks of the National Databases; and

(h) take all necessary steps to ensure the physical security of the servers of the National Databases, and employ back-up measures that are appropriate to guard against theft, natural disasters and equipment failure.

PART IV—USE AND SECURITY OF INFORMATION STORED IN THE NATIONAL DATABASES

CLAUSE 25—REQUESTS FOR INFORMATION OR FOR AUTHENTICATION AND VERIFICATION SERVICES

- (1) The Authority may, in such form and manner as may be prescribed –
- (a) authenticate a National Identification Number assigned, or National Identification Card issued, to an individual; or
 - (b) verify the identity information of an enrolled individual, at the request of that individual or an accredited third party with the consent of that individual.

PART IV—USE AND SECURITY OF INFORMATION STORED IN THE NATIONAL DATABASES

CLAUSE 25—REQUESTS FOR INFORMATION OR FOR AUTHENTICATION AND VERIFICATION SERVICES

(2) A request under subsection (1) shall be made in such form and manner as may be prescribed, and shall be accompanied by such fee as may be prescribed.

(3) A person may apply to be an accredited third party for the purposes of this section, in such form and manner as may be prescribed.

(4) The Authority shall retain for such period as may be prescribed a record of each request for authentication or verification under this section, including a statement of the manner in which the request was determined.

PART IV—USE AND SECURITY OF INFORMATION STORED IN THE NATIONAL DATABASES

CLAUSE 25—REQUESTS FOR INFORMATION OR FOR AUTHENTICATION AND VERIFICATION SERVICES

(5) Nothing in subsections (1) to (4) authorises the disclosure of identity information about an individual.

(6) An individual is entitled to be provided by the Authority, on application made to the Authority in such form and manner as may be prescribed, with the following information –

(a) a statement of all the information, stored in the National Databases, about that individual; and

PART IV—USE AND SECURITY OF INFORMATION STORED IN THE NATIONAL DATABASES

CLAUSE 25—REQUESTS FOR INFORMATION OR FOR AUTHENTICATION AND VERIFICATION SERVICES

(b) a record of all the requests for verification of identity information of that individual received from requesting entities, including in respect of each such request –

- (i) the name of the requesting entity;
- (ii) the date of the request;
- (iii) a statement as to whether or not the request was granted; and
- (iv) if the request was granted –
 - (A) the date on which the request was granted; and
 - (B) whether or not the identity information sought to be verified was verified.

PART IV—USE AND SECURITY OF INFORMATION STORED IN THE NATIONAL DATABASES

CLAUSE 25—REQUESTS FOR INFORMATION OR FOR AUTHENTICATION AND VERIFICATION SERVICES

(7) Where an application under subsection (6) requests that the information be provided in printed rather than electronic form, the application shall be accompanied by such fee as may be prescribed therefor.

PART V
APPEALS AND OVERSIGHT



PART V—APPEALS AND OVERSIGHT

CLAUSE 26—APPEAL TRIBUNAL

(1) There is hereby established an Appeal Tribunal for the purpose of hearing appeals in accordance with this section.

(2) An enrolled individual (in this section referred to as the appellant) who is aggrieved by a decision of the Authority in respect of any matter concerning the identity information of that individual may within twenty-eight days after the communication of that decision to that individual, or such longer period as the Appeal Tribunal may allow, appeal by filing with the Appeal Tribunal a notice of appeal in such form as may be prescribed.

PART V—APPEALS AND OVERSIGHT

CLAUSE 26—APPEAL TRIBUNAL

(3) A notice of appeal for the purposes of subsection (2) shall –

(a) state clearly the grounds of the appeal;

(b) be accompanied by a copy of each supporting document relied on by the appellant; and

(c) be served on the Authority and the Inspectorate, respectively, together with a copy of the supporting documents referred to in paragraph (b).

PART V—APPEALS AND OVERSIGHT

CLAUSE 26—APPEAL TRIBUNAL

(4) The Authority shall, within seven days after receiving a notice of appeal under subsection (3), provide the Appeal Tribunal with a statement in writing setting out the reasons for the decision that is the subject of the appeal.

(5) After receiving a notice of appeal under this section, the Appeal Tribunal —

(a) may direct the Authority or appellant, as the case may require, to provide the Appeal Tribunal with such information (excluding identity information) as the Appeal Tribunal considers relevant for determining the appeal; and

PART V—APPEALS AND OVERSIGHT

CLAUSE 26—APPEAL TRIBUNAL

(b) shall in writing inform each party to the appeal –

(i) of the date for the hearing of the appeal;

(ii) that the party may appear at the hearing in person with, or by, that party's representative; and

(iii) that the party may summon such witnesses as that party considers necessary for the purpose of the hearing.

PART V—APPEALS AND OVERSIGHT

CLAUSE 26—APPEAL TRIBUNAL

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

(a) dismiss the appeal and confirm the decision of the Authority;

(b) allow the appeal and set aside the decision of the Authority;

(c) vary the decision of the Authority; or

(d) allow the appeal and direct the Authority to arrive at a fresh decision on the matter,

and shall give a written copy of its decision, including the reasons therefor, to the appellant, the Authority and the Inspectorate.

PART V—APPEALS AND OVERSIGHT

CLAUSE 26—APPEAL TRIBUNAL

(7) The provisions of the Second Schedule shall have effect with respect to the constitution of the Appeal Tribunal and otherwise with respect thereto.

PART V—APPEALS AND OVERSIGHT

CLAUSE 27—NATIONAL DATABASES INSPECTORATE

(1) There is hereby established an office to be known as the National Databases Inspectorate, which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

(2) The functions of the Inspectorate shall be to –

(a) monitor compliance with this Act, regulations made under this Act, and all laws concerning the protection or confidentiality of identity information;

(b) monitor the performance of the Authority and assess the implementation of best practices in respect of the functions of the Authority;

PART V—APPEALS AND OVERSIGHT

CLAUSE 27—NATIONAL DATABASES INSPECTORATE

(c) conduct periodic inspections of the Authority’s operations, in order to determine whether the Authority’s operations are being conducted in accordance with this Act, regulations made under this Act, and all laws concerning the protection or confidentiality of identity information;

(d) give to the Board such directions and advice as may be appropriate to ensure that identity information collected by the Authority or stored in the National Identification Databases is subject to the highest practicable levels of security and confidentiality;

PART V—APPEALS AND OVERSIGHT

CLAUSE 27—NATIONAL DATABASES INSPECTORATE

(e) make such recommendations to the Chief Executive Officer as the Inspectorate considers appropriate for the improvement of the Authority's operational standards; and

(f) investigate any issue or complaint regarding the conduct or operations of the Authority that comes to the attention of the Inspectorate.

(3) In discharging its functions, the Inspectorate shall have the power to

(a) Require the attendance before it of any officer, or agent, of the Authority, or any sub-contractor of any such agent;

(b) call for and examine any information, other than identity information, that the Inspectorate considers relevant;

PART V—APPEALS AND OVERSIGHT

CLAUSE 27—NATIONAL DATABASES INSPECTORATE

(c) consult or collaborate with any public body, as the Inspectorate considers appropriate;

(d) audit the operations of the Authority, including the processes for the collection and storage of identity information, for the purpose of determining whether the information is maintained according to data protection and information privacy principles;

(e) issue such directions to the Authority as the Inspectorate considers necessary to rectify or resolve any breach, or potential breach, of this Act, regulations made under this Act or any other law concerning the protection or confidentiality of identity information; and

PART V—APPEALS AND OVERSIGHT

CLAUSE 27—NATIONAL DATABASES INSPECTORATE

(f) refer any matter concerning any irregularity, misconduct or breach, believed to be carried out by any officer of the Authority or any officer of the Board, to –

- (i) the Director of Public Prosecutions;
- (ii) the Integrity Commission;
- (iii) the Auditor-General;
- (iv) the person in charge of any agency or department of Government charged with responsibility for the protection of identity information or for cyber security;
- (v) the Commissioner of Police; or
- (vi) the Director-General of the Major Organized Crime and Anti-Corruption Agency,

PART V—APPEALS AND OVERSIGHT

CLAUSE 27—NATIONAL DATABASES INSPECTORATE

as the Inspectorate considers appropriate

(4) The Inspectorate shall submit to the Minister within three months after the start of each financial year, a report on its functions in respect of the previous financial year, and the Minister shall cause the report to be laid on the table of each House of Parliament.

(5) Notwithstanding anything contained in the Data Protection Act, the Inspectorate shall submit to the Information Commissioner under that Act a report on its functions in respect of a calendar quarter, within one month after the end of that quarter.

PART V—APPEALS AND OVERSIGHT

CLAUSE 27—NATIONAL DATABASES INSPECTORATE

(6) The provisions of the Third Schedule shall have effect as concerns the constitution of the Inspectorate and otherwise with respect thereto.



PART VI
OFFENCES AND ENFORCEMENT

PART VII
GENERAL



PART VII—GENERAL

CLAUSE 30—SECREC Y AND CONFIDENTIALITY

(1) Every person –

- (a) who has, or who has had, an official duty under this Act; or
- (b) who is, or has been, employed in the administration of this Act; or
- (c) to whom information is communicated under this Act,

shall treat as secret and confidential all information communicated under this Act, and shall not disclose such information except as provided under this Act or as necessary for the due administration of this Act.

PART VII—GENERAL

CLAUSE 30—SECURITY AND CONFIDENTIALITY

(2) A person commits an offence if the person breaches a duty of secrecy or confidentiality imposed by this Act, and shall be liable on conviction therefor before a Parish Court, to a fine not exceeding three million dollars.

PART VII—GENERAL

CLAUSE 32—IMPOSITION OF FEES

Except as provided in section 10(6), the Authority may impose fees for services provided by the Authority, and the amount of those fees shall be prescribed.

CLAUSE 36—TRANSITIONAL

(1) The assets, rights and liabilities of the former department that were, immediately before the appointed day, vested in the former department hereby vest in the Authority.

(2) Any proceeding or remedy that immediately before the appointed day might have been brought or continued by, or available against, the former department may be brought or continued and are available, by or against the Authority.

PART VII—GENERAL

CLAUSE 36—TRANSITIONAL

(3) All records and data of the former department pass to the Authority, with effect from the appointed day.

(4) Where any reference is made to the former department in any law, agreement, instrument or other document, unless the context otherwise requires, such reference shall be read and construed, as of the appointed day, as if it were a reference to the Office.

(5) Subject to the provisions of this section, on the appointed day, all persons holding permanent appointment to offices under the former department shall be transferred on secondment to the service of the Office for a period of six months or such longer period as the Board may, in special circumstances, approve.

PART VII—GENERAL

CLAUSE 36—TRANSITIONAL

(6) During the period of a person's secondment to the Office pursuant to subsection (5), the person shall be employed on such terms and conditions as may be approved by the Board, being terms and conditions not less favourable than those enjoyed by that person in that person's office under the former department immediately before the appointed day.

(7) A person in the public service who is transferred on secondment pursuant to subsection (5) may be deployed in the public service on or before the expiration of the period referred to in subsection (5) on terms and conditions that are not less favourable than those enjoyed by that person in the person's office under the former department immediately before the appointed day.

PART VII—GENERAL

CLAUSE 36—TRANSITIONAL

(8) All persons, who immediately before the appointed day, held offices under the former department under a contractual arrangement, shall, from that date be deemed to continue to hold under the Office, the like or similar offices on the same or no less favourable terms as they held those like or similar offices under the former department.

(9) A person who has served in an office under the former department and who would have, but for this Act, been eligible to receive a pension thereunder, shall be paid a pension, where such service, together with the person's service under this Act, amount in the aggregate to not less than seven years.

PART VII—GENERAL

CLAUSE 36—TRANSITIONAL

(10) The Authority may, where it is satisfied that it is equitable to do so, make regulations to be given retrospective effect for the purpose of conferring a benefit or removing a disability attaching to any person who may have been entitled to a pension in the circumstances provided for in subsection (9).

(11) In this section –

“appointed day” means the date appointed under section 1 for the purpose of bringing this section into operation;

“the former department” means the General Register Office appointed under section 4 of the Registration (Births and Deaths) Act;

“the Office” means the Office of the Registrar-General established under section 5(2).

SCHEDULES

First Schedule - Constitution of the Authority - governance, administrative and operational matters

Second Schedule - Appeals Tribunal - Composition, operational and procedural matters

Third Schedule - National Databases Inspectorate - Composition, operational and procedural matters

Fourth Schedule - Consequential amendments to existing legislation

I Thanks
for listening

