



**Contribution of the Most Honourable Andrew
Holness, Prime Minister to the Debate on the:**

**“NATIONAL IDENTIFICATION and REGISTRATION
BILL, 2017”**

INTRODUCTION

Mr. Speaker, it is indeed my honour to submit for the consideration of this Honourable House today, **the National Identification and Registration Bill, 2017**, which was tabled in this Honourable House on the 6th of June 2017.

Mr Speaker, members will recall that on March 21, 2017 a similar Bill was tabled by me, however, because of deliberations that continued with valuable stakeholders, the Government listened and thought it best to withdraw the original Bill and table a new Bill taking into account the feedback received.

Mr Speaker, the Government listened to the people and responded.

The National Identification System project, spearheaded by the Office of the Prime Minister (OPM) commenced in 2011. In my 2016 Budget Presentation; I advised this Honourable House and the people of Jamaica that the implementation of the NIDS would be a priority for my administration. The NIDS project team was re-energized and as a result a White Paper was tabled in this Honourable House on November 8, 2016.

Mr. Speaker, discussions about a NIDS has been on-going for too long as the Government and people of Jamaica have been discussing the introduction of a

National Identification System for over 40 years. Mr. Speaker now is the time to cease talking and to act on this vital tool for the betterment of the people of Jamaica.

At present Mr. Speaker, Jamaica does not have a national identification database which can reliably and uniquely verify the identity of its citizens. What we have at this time Mr. Speaker is the existence of a number of specific identification systems and cards for various Ministries, Departments and Agencies For example, The Tax Administration of Jamaica issues a Taxpayer Registration Number (TRN). We also have a driver's licence regime which authorises individuals to drive on our roads and this licence is also used and accepted as an identification card. The Passport, Immigration, Citizenship Agency as well as the National Insurance Scheme, and the National Health Fund also have their own systems. We are all also aware that another form for identification in use in Jamaica is our Electoral Identification Card. It must however be noted that the purpose of the electoral card is for the individual to exercise his democratic right to vote.

The point is Mr. Speaker; all the systems referred to above and many more not mentioned are in fact sectoral and functional systems created for a specific purpose by the relevant Ministries, Departments and Agencies. I therefore repeat Mr. Speaker that Jamaica does not at this time and has never had a

secure National Identification System that can uniquely and reliably verify the identity of its citizens.

Mr. Speaker, perhaps never before has it been so important for an individual to establish his identity. We live in a technological world where 'fakes' abound. Not least of which is the ability of criminals who are 'tech savvy' to create fake identities and to use those fake identities to commit crimes and in some cases create duplications in the private and public sector.

This Bill will regulate a National Identification System (NIDS). The system will serve to create a unique identifier, a nine-digit number that will support identity authentication and verification in a consistent way across Government agencies as well as for the benefit of the private sector.

The NIDS will facilitate:

- the ease of doing business;
- fast, accurate, identity verification;
- improved delivery of services by Government agencies to the citizens of Jamaica and persons ordinarily resident as well as improved delivery of service by the private sector to its customers;
- reduced duplication of effort in establishing, verifying and managing identity;
- increased growth of e-business;

- greater social and financial inclusion;
- more success in the prevention of identity theft and fraud;
- real time capture of all vital statistics which will better inform national planning and the completeness and quality of data;
- the “Know your customer” requirements for banks and other businesses which will strengthen the banking sector’s relationship with Correspondent Banks

Mr Speaker, a NIDS will translate to improved international standings and credibility for our island nation and will be the gateway for Jamaica to become a digital economy which will impact growth positively.

Mr. Speaker, I will now share with you and this Honourable House the significant features of the NIDS system:

- the creation of a National Identification Number (NIN) for each citizen and person ordinarily resident, will serve as the primary identifier that will enable data cleaning and the verification of persons in all existing Government databases. This interconnectivity will allow for integrated client centred Government services;
- the enrolment and registration of all citizens and persons ordinarily resident in the island;

- the establishment of the National Civil and Identification Database which will house the collected data securely using established international standards;
- the establishment of a National Identification Card that will be issued to each registered individual.

The RGD which was recently placed under the auspices of the OPM, will be transformed into the National Identification and Registration Authority (NIRA), and the NIRA will have responsibility for the functions of both Civil Registration (*the functions currently performed by the RGD*) and identity management, that is, the National Identification System.

So Mr. Speaker, the civil registration and record keeping services now being provided by the RGD will continue, however we do expect that the newly created Authority will introduce changes that will serve to re-engineer processes with the aim of increasing efficiency and offering an improved service to our citizens. Mr. Speaker, I want to assure the people of Jamaica and those ordinarily resident here that the identification information they provide will be accorded the highest level of safety and security in accordance with international security standards for collecting, storing and securing mission critical information.

Appropriate technological systems and standard operating procedures will be put in place to restrict access to the information we store and only individuals

authorised under the law will be able to obtain that information. The core biometric information will be used for identity verification purposes only and will not be transferable to anyone.

Law enforcement and private sector entities requiring verification of the identity of an individual will only receive a match or mismatch on the information documented on an identification card using the card holder's National Identification Number (NIN). No information about the individual will be disclosed without an order from the Court. I wish to stress again Mr. Speaker, the system will only verify one's identity, it will not share additional information with the person making the request.

The staff of NIRA will receive specialized training to ensure that they carry out their duties in keeping with established security protocols and procedures. Mr. Speaker, we propose stiff penalties for a breach of these protocols and procedures. It should be noted Mr. Speaker that every member of the Board of NIRA and the staff shall prior to and during their appointment, be subject to periodic security clearance and background checks as prescribed in the regulations which will be developed.

The establishment of the National Identification System, Mr. Speaker, will also allow for the generation of real-time statistical information for decision making and planning. The Government must be forward thinking in caring for the people of Jamaica and planning is best when supported by current data.

CLAUSE BY CLAUSE

Mr. Speaker I will now summarize the content of the Bill clause by clause.

The provisions of the Bill are set out in twelve Parts.

PART I – Preliminary (Clauses 1-4)

PART I includes clauses 1-4 and consist of the short title of the Bill, the Interpretation of the terms used in the Bill as well as the Objects and the Application of the legislation.

CLAUSE 1: SHORT TITLE AND COMMENCEMENT

Clause 1 recites the long title which is **"The National Identification and Registration Act, 2017"** and it is to be noted that it will not come into force on enactment but will be brought into force by notice published in the Gazette.

CLAUSE 2: INTERPRETATION

Clause 2 sets out the defined terms used throughout the Bill.

CLAUSE 3: OBJECTS OF THE ACT

Clause 3 sets out the objectives of the Bill. These are to establish the National Identification and Registration Authority and to develop and establish the National Identification System.

CLAUSE 4: APPLICATION

The application of the Bill is set out in Clause 4. The Bill is to apply to Jamaican nationals and persons ordinarily resident in the island.

PART II - National Identification and Registration Authority (Clauses 5-14)

PART II of the Bill which includes clauses 5-14 sets out the governance structure of the Authority and establishes the Board as well as the office of Chief Executive Officer.

CLAUSE 5: ESTABLISHMENT OF AUTHORITY

The establishment of the National Identification and Registration Authority as a statutory body charged with responsibility for the administration of the National Identification System is set out in Clause 5.

CLAUSE 6: FUNCTIONS OF AUTHORITY

The functions of the NIRA are detailed in Clause 6. These are to administer the National Identification System; develop appropriate systems and protocols for the security, secrecy and necessary safeguards for the protection and confidentiality of information collected for and stored in the database; develop policies, procedures and public education programmes as well as to monitor and promote compliance with the legislation.

CLAUSE 7: MINISTERIAL DIRECTIONS

The Minister's power to give policy direction to the Authority is set out in Clause 7.

CLAUSE 8: COOPERATION BETWEEN AUTHORITY AND PUBLIC BODIES

Clause 8 places an obligation on both the Authority and other public entities to cooperate and lend assistance where necessary to ensure that the Authority is able to properly carry out its functions.

CLAUSE 9: ESTABLISHMENT OF BOARD

Clause 9 provides for the appointment of a Board of Management for the Authority and provision for the Board's composition. Procedural arrangements are set out in the First Schedule.

CLAUSE 10: FUNCTIONS OF BOARD

Mr. Speaker, Clause 10 sets out the functions of the Board. The Board is to be responsible for the policy, strategic direction and governance of the Authority.

CLAUSES 11 - 14: APPOINTMENT OF CHIEF EXECUTIVE OFFICER

Mr. Speaker, Clauses 11-14 make provision for the appointment and functions of the Chief Executive Officer, The Deputy Chief Executive Officers and Other officers.

Of note Mr Speaker, is Clause 14, which requires periodic security clearance and background checks for all members of the Board and every person who is employed by the Authority.

PART III - National Civil and Identification Database (Clauses 15-19)

PART III of the Bill includes clauses 15-19 and these clauses provide for the establishment and operation of the National Civil and Identification Database.

CLAUSES 15 - 19: ESTABLISHMENT OF THE NATIONAL CIVIL AND IDENTIFICATION DATABASE

Mr. Speaker, this part of the Bill clarifies most importantly, the objectives and purpose for the database created in Clause 15 to provide:

- a convenient method for individuals to prove their identity;
- a secure and reliable facility for the storage and management of the database;
- facility to generate and issue National Identification Cards;

- for the verification and authentication of identification information supplied by an individual to a third party; and
- the generation of statistical information.

PART IV - Enrolment (Clauses 20-22)

PART IV of the Bill includes Clauses 20 to 22 and they set out the process for enrolling individuals and for the collection of the information that will be stored in the database.

PART V - National Identification Number (Clauses 23-24)

CLAUSES 23 and 24: NATIONAL IDENTIFICATION NUMBER

Mr. Speaker, **Part V** of the Bill contains clauses 23-24 and they provide for the establishment of the National Identification Number, its characteristics and its assignment to individuals who have been enrolled and verified.

PART VI - National Identification Card (Clauses 25-40)

Part VI of the Bill sets out in Clauses 25-40 provisions for the establishment and issuance of the National Identification Card and the necessary safeguards for its proper use and safe custody after it has been issued.

CLAUSES 25 – 38: NATIONAL IDENTIFICATION CARD

Clauses 25 to 38 set out the provisions for the renewal, nature, validity, property, authentication and other related matters with respect to the card.

CLAUSES 39 and 40: Access To Own Information and Records of Request for Verification

Mr. Speaker, Clause 39 provides for the verification of an identity and Clause 40 provides for access to one's own information and records. Of particular note, Mr. Speaker, is Clause 40 subsection (2) that provides that every registered individual is entitled to obtain from the Authority a record of requests made to the Authority about himself.

PART VII. Facilitation of Delivery of Goods or Services (Clause 41)

CLAUSE 41: FACILITATION OF DELIVERY OF GOODS OR SERVICES

Clause 41 subsection (1) makes it mandatory for public entities to request an individual to provide a National Identification Number in order to provide goods and services to the entity. Section 41 subsection (2) provides that in the case of a private entity, it is optional.

PART VIII. Protection of Information (Clauses 42-45)

CLAUSES 42 - 45: PROTECTION OF INFORMATION

PART VIII of the Bill provides for in Clauses 42 – 45 which outlines the obligation that is placed on the Authority to secure and protect the information it collects and stores in the database. It also sets out the parameters for the sharing of information stored in the database.

Mr Speaker, Members are asked to note that Clause 43 allows for the disclosure of information in specific stated situations only, for example, to facilitate the finding or identification of a missing person.

Further, Mr. Speaker Members are asked to note that Clause 44 subsection (2) provide that core biometric information shall not be disclosed by the Authority to any third party except under a court order.

In addition Mr. Speaker, Members are asked to note that Clause 45 (1) provides that 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 information.

PART IX. Appeal (Clauses 46-47)

Clauses 46 and 47 comprise **Part IX** of the Bill and establishes an Appeals Tribunal to which members of the public will be able to appeal any decision taken by the Authority and for the Appeals Tribunal to be empowered to conclusively determine the subject-matter of the appeal.

PART X. Offences and Penalties (Clauses 48-54)

Part X of the Bill includes **Clauses 48-54** and contains the provisions for offences and penalties for breaches of the provisions of the legislation. These offences and penalties are set out in a table in the Fourth Schedule.

PART XI. General (Clauses 55-61)

The General provisions are contained in **Part XI** of the Bill in clauses 55-61:

CLAUSE 55: OBLIGATION FOR SECRECY

Mr. Speaker, Clause 55 requires that all persons having an official duty or who are employed to NIRA are required to treat matters and documentation relating to NIRA as secret and confidential.

It is to be an offence for the disclosure of confidential information except where required by law or pursuant to a court order.

CLAUSE 56: PROTECTION OF INDIVIDUALS EXERCISING FUNCTIONS UNDER THIS ACT.

Clause 56 subsection (1) provides immunity to any individual from civil or criminal action who in good faith discloses information or submits documentation to the Authority which is requested by the Authority.

Clause 56 subsection (2) provides similar protection for the staff and agents of the Authority or who in good faith made an omission or carried out an act in the execution of their duties.

CLAUSE 57: REGULATIONS

Clause 57 provides that the Authority may with the approval of the Minister make regulations that are consistent with the legislation.

Clause 57 subsection (3) provides that the Minister may amend the schedules to this legislation other than the custodial sentences.

Regulations made and Schedules amended under this section are subject to affirmative resolution.

CLAUSE 58: ENFORCEMENT POWERS

Clause 58 provides for Enforcement Powers where it is suspected that a person has committed an offence under this legislation.

CLAUSE 59: REVIEW OF ACT BY PARLIAMENTARY COMMITTEE

Mr. Speaker, Clause 59 provides for the review of this legislation by a committee of both Houses of Parliament. The first such review is to be conducted no later than three years after the appointed day.

CLAUSES 60 and 61: CONSEQUENTIAL AMENDMENTS AND AMENDMENTS OF ENACTMENTS

Clause 60 Mr. Speaker, provides that the Minister may by order, amend any law he considers to be necessary for the carrying out of the functions under this Bill, and Clause 61, Mr Speaker, sets out the amendments made to the enactments specified in the Sixth Schedule of this Bill.

PART XII. Transitional Provisions (Clause 62 - 65)

The Transitional Provisions necessary to transform the RGD to the NIRA are contained in Part XII of the Bill in Clauses 62 -65.

CLAUSE 62: INTERPRETATION OF PART XII

Mr. Speaker, CLAUSE 62: defines the meaning of "former department" within Part XII of this Bill, which means the Registrar General's Department.

It sets the transitional provisions necessary for the transformation of the RGD into the National Identification and Registration Authority.

CLAUSE 63: TRANSITIONAL PROVISIONS, GENERAL

Clause 63 makes provision for the vesting of all rights, responsibilities and privileges of the former Registrar General's Department to the Authority.

CLAUSE 64: TRANSITIONAL PROVISIONS, PERMANENT STAFF

Clause 64 provides for the transfer of persons permanently appointed to offices in the former RGD to the Authority.

CLAUSE 65: TRANSITIONAL PROVISIONS, CONTRACT OFFICERS

Clause 65 provides for the possibility of officers and employees holding fixed term contracts under the former RGD to continue to hold similar offices or employment under the current Authority under the same terms.

SCHEDULES

FIRST SCHEDULE: BOARD of the NATIONAL IDENTIFICATION and REGISTRATION AUTHORITY BOARD

Mr. Speaker, the First Schedule sets out the appointment, conditions of tenure and removal of members of the Board of the Authority.

Mr Speaker of note is section 2 (1) of the First Schedule that outlines individuals who shall not be eligible for appointment to the Board and of note is section 2 (2) that requires Board members to provide voluntary declarations declaring that they are not ineligible for appointment to the Board.

SECOND SCHEDULE: FINANCIAL PROVISIONS

Mr. Speaker, the Second Schedule sets out the funds and resources of the Authority as well as its borrowing powers.

THIRD SCHEDULE: CONTENTS OF DATABASE

Mr. Speaker, the Third Schedule lists the information that will be stored in the database about an individual. This list includes identity information as well as information for the generation of statistical information.

FOURTH SCHEDULE: OFFENCES AND PENALTIES

Mr. Speaker, the Fourth Schedule sets out the offences and penalties for breaches of the provisions of the legislation.

FIFTH SCHEDULE: THE NIRA APPEAL TRIBUNAL

Mr. Speaker the Fifth Schedule sets out the provisions for the constitution of the Appeal Tribunal as well as the appointment, tenure and removal of its members.

SIXTH SCHEDULE: AMENDMENTS AND REPEAL OF CONSEQUENTIAL LEGISLATION

Mr. Speaker, the Sixth Schedule sets out the amendments to laws that are impacted by the establishment of the National Identification System.

CLOSING

Mr. Speaker, this initiative will have a positive transformative effect on Jamaica. It will support the ease of doing business in Jamaica impacting positively on security related programmes while promoting financial and social inclusion as well as compliance with our tax laws.

Mr. Speaker a National Identification System will better the lives of the Jamaican people and it is for this reason that the administration that I have the privilege of leading has made the implementation of the NIDS a national priority.

Mr. Speaker, I ask this Honourable House to give consideration to this Bill and to promulgate the National Identification and Registration Bill, 2017 into law.