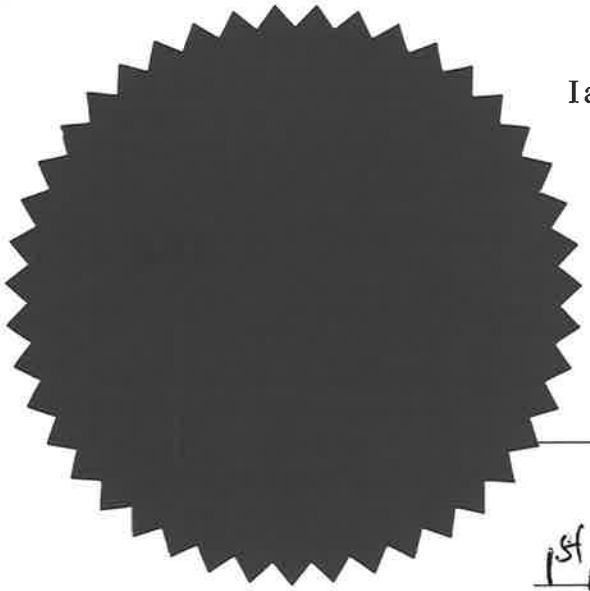
JAMAICA

No. 25 – 2021



I assent,

P. L. Allen

Governor-General.

1st day of December 2021

AN ACT to Provide for a National Identification and Registration Authority, for a National Identification System, and for connected matters.

[1st day of December 2021

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. This Act may be cited as the National Identification and Registration Act, 2021, and shall come into operation on a day to be appointed by the Minister by order published in the *Gazette*, and different days may be appointed under this section in respect of different provisions of this Act.

Interpretation.

2. In this Act—

"Appeal Tribunal" means the Appeal Tribunal established under section 26;

"authentication" means the process by which the authenticity of a National Identification Number or National Identification Card is proved;

"Authority" means the National Identification and Registration Authority established under section 5;

"Chairperson", in relation to the Authority, means the chairperson of the Authority;

"civil registration" means the inclusion of information in—

(a) a civil status register under the Registration (Births and Deaths) Act;

(b) the Adopted Children Register under the Children (Adoption of) Act; or

(c) another register required to be kept by the Registrar-General under any other law;

"Civil Registration Databases" means the databases established pursuant to section 9(1)(b);

"enrolled individual" means an individual whose identity information is stored in the National Identification Databases;

"enrolment" means the collection of identity information for storage in the National Identification Databases;

"Executive Director" means the Executive Director of the Authority, provided for in section 6;

"functions", unless the context otherwise requires, includes powers and duties;

"identity information" means the biographic, biometric or numerical information that may be collected under section 11 in respect of an individual;

"information" includes documents, or any other information in whatever form (whether electronic or otherwise);

"Inspectorate" means the National Identification and Registration Inspectorate established by section 27;

"National Databases" means the databases established under section 9(1);

"National Identification Card" or "Card" means a card issued under section 16;

"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;

"National Identification System" means—

(a) the National Identification Databases established under section 9;

(b) the National Identification Numbers;

(c) the National Identification Cards; and

(d) 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;

"personal data" has the meaning assigned to it in section 2 of the Data Protection Act;

"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 company registered under the Companies Act, being a company in which the Government or an agency of the Government is in a position to direct the policy of that company;

"Registrar-General" means the Registrar-General under the Registration (Births and Deaths) Act;

"spouse" has the meaning assigned to it in the Property (Rights of Spouses) Act;

"verification" means the process by which the Authority establishes the accuracy of identity information.

Objects.

3. The objects of this Act are to provide for—

(a) a system of national identification; and

(b) the administration of the system of civil registration,

in conformity with all laws applicable to civil registration, the protection of identity information and other personal data.

Application.

4.—(1) The following individuals are eligible for enrolment for the purposes of this Act—

(a) citizens of Jamaica; and

(b) individuals ordinarily resident in Jamaica.

(2) Eligibility under subsection (1) does not apply to any individual who is not a citizen of Jamaica and who is entitled to immunities and privileges under the Diplomatic Immunities and Privileges Act.

(3) For the avoidance of doubt, an individual referred to in subsection (2) is entitled as described in section 25(6) to receive the information referred to in that section about that individual.

(4) For the purposes of subsection (1)(b) an individual is ordinarily resident in Jamaica if the individual—

(a) has, pursuant to a grant of leave to enter and remain in Jamaica under any law concerning aliens or immigration, resided in

Jamaica for a continuous period of not less than six months immediately preceding the date of application for enrolment of the individual; or

(b) is in Jamaica pursuant to a grant of leave to enter and remain in Jamaica, under any law concerning aliens or immigration, for the purpose of study.

PART II—*The National Identification and Registration Authority*

The National Identification and Registration Authority.

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

(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 Act,

and any other law.

(3) The functions of the Authority are to—

(a) administer the National Identification System;

(b) develop policies, procedures and protocols for the creation, management and operation of the National Identification System, including policies, procedures and protocols relating to—

(i) the enrolment of eligible individuals;

(ii) the generation and assignment of a National Identification Number to each enrolled individual;

(iii) the issue of a National Identification Card to each enrolled individual;

(iv) the collation and reproduction of information obtained as required under this Act to be collated and reproduced from time to time;

(v) the safe custody and, where required, disposal of all identity information collected or obtained by the Authority or stored in the National Databases;

(vi) the promotion of the use of the National Identification Number and the National Identification Card; and

(vii) on-going research on developments and best practices in civil registration and identity information management;

(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) through the office established under subsection (2), carry out the functions of the Registrar-General as described in subsection (2);

(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;

(h) monitor its operations to ensure that they 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; and

(i) perform such other functions as it considers necessary for the efficient discharge of the Authority's functions.

(4) In addition to its functions under subsection (3), the Authority shall be responsible for developing the strategic direction of the Authority and the policies in support thereof and, without prejudice to the generality of the foregoing, shall—

(a) review and evaluate the performance of the Executive Director;

(b) review, evaluate, approve, and monitor the implementation, by the Executive Director, of the Authority's—

(i) corporate policies;

(ii) operational, strategic and other corporate plans; and

(iii) annual budget proposals and submissions;

(c) review, evaluate and approve the financial statements and major expenditure proposals of the Authority;

(d) keep the Minister and the Permanent Secretary of the Ministry having responsibility for the Authority informed of all matters relating to the administration and management of the Authority, including any need for financial, human, technological or other resources necessary for the achievement of the Authority's performance targets;

(e) give to the Executive Director directions in respect of the management of the Authority;

(f) operate in a manner that maximises the effective and efficient operation of the Authority;

(g) approve the 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;

(h) monitor the performance of the Authority in respect of its performance targets and service standards; and

(i) require the Executive Director to provide it with such periodic reports, and such special reports, as the Authority considers appropriate in respect of the management of the Authority.

(5) The Authority may delegate any of its functions under this Act, other than the power to delegate, to the Executive Director or any other member of staff of the Authority, or any member of the Authority.

(6) Every delegation under subsection (5) is revocable by the Authority, and shall not preclude the Authority from itself performing the function delegated.

(7) 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;

(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.

(8) 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.

(9) 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.

(10) 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.

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

(12) 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.

6.—(1) There shall be an Executive Director of the Authority, who shall be responsible for the day to day management of the affairs of the Authority, and in particular shall be responsible for— Executive Director.

(a) coordinating the functions of the Authority by ensuring that the Authority's operations are carried out in an efficient and effective manner;

(b) ensuring the timely implementation of the decisions and directions of the Authority;

(c) submitting quarterly reports, annual reports, and any other reports required by the Authority, in relation to the functions of the Authority, in such form and manner as may be prescribed;

(d) preparing and submitting to the Authority for approval, the annual budget of the Authority;

(e) developing and implementing such operational policies, regulations and procedures as are approved by the Authority in relation to its functions, including as concerns—

(i) human resource management, employee codes of conduct and a system of performance-based evaluation;

(ii) financial management;

(iii) employee benefits;

(iv) asset and property management; and

(v) enterprise risk management;

(f) ensuring that the Authority is kept informed of all matters material to the administration and operation of the Authority; and

(g) performing such other functions as may be assigned, or delegated, to the Executive Director by the Authority pursuant to the Authority's functions under this Act.

First Schedule.

(2) The provisions of the First Schedule shall have effect with respect to appointment to the office of Executive Director, the terms and conditions of employment of the Executive Director, and otherwise with respect thereto.

Ministerial directions.

7. The Minister may, after consultation with the Chairperson, give to the Authority such directions of a general character, as to the policy to be followed by the Authority in the performance of its functions, as appear to the Minister to be necessary in the public interest, and the Authority shall give effect to those directions.

Co-operation between the Authority and public bodies.

8.—(1) The Authority shall in the exercise of its functions and in the implementation of the provisions of this Act, co-operate with other public bodies.

(2) Each public body shall give to the Authority such assistance as may be necessary for the proper discharge of the functions of the Authority.

PART III—*The National Identification Databases and the Civil Registration Databases*

9.—(1) National Databases are hereby established, consisting of— National Databases.

(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.

(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.

(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—

(a) 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; and

(b) where appropriate, be anonymised.

(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.

(7) Within fourteen days after receiving a request under subsection (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.

(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—

(i) a Parish Court, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment; or

(ii) a Judge of the Circuit Court sitting without a jury, to a fine, or to imprisonment for a term not exceeding twenty-five years, or to both such fine and imprisonment.

(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.

(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 to imprisonment for a term not exceeding three years, or to both such fine and imprisonment; or

(b) a Judge of the Circuit Court sitting without a jury, to a fine, or to imprisonment for a term not exceeding twenty-five years, or to both such fine and imprisonment.

(11) In this section—

"access", "data", "function" 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.

(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.

Enrolment.

10.—(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

(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, including a statement that even if the enrolment is cancelled, the identity information of the individual may be retained for the purpose of compliance with section 24, or for processing as permitted under section 24(1)(h) of the Data Protection Act;

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

(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

(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.

(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;

(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.

(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;

(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.

(5) Where an individual who is imprisoned or detained in 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 individual as may be reasonably required by the Authority for the purpose of effecting the 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;

(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;

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

(c) falsely alleges the loss or destruction of that individual's National Identification Card and applies for a new card while knowingly in possession of the National Identification Card; or

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

commits an offence and shall be liable upon conviction therefor before a Parish Court to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

(8) For the purpose of subsection (7), an individual provides false information if at the time of the provision of the information the individual knew or believed the information to be false.

Identity information.

11.—(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;

(iii) country of birth;

(iv) place of birth;

(v) names of mother and father;

(vi) whether the individual is male or female, as recorded on the individual's birth certificate;

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

(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;

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

(i) facial image;

(ii) fingerprints or, in any case where a person is physically unable to provide a fingerprint, such alternative to a fingerprint as may be prescribed; and

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

(c) the registration number assigned under Part VIB of the Revenue Administration Act and the following other reference numbers in respect of the individual, where applicable—

(i) birth entry number;

(ii) driver's licence number;

(iii) passport number;

(iv) National Insurance number;

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

(vi) elector registration number.

(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 shall determine, in accordance with subsection (3), 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.

(3) An application shall be treated as being insufficient to effect the enrolment of an individual if the following information is not provided with the application—

(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;

(iii) country of birth;

(iv) place of birth;

(v) whether the individual is male or female, as recorded on the individual's birth certificate;

(vi) principal place of residence;

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

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

(ix) marital status; and

(x) name of spouse (if applicable);

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

(i) facial image;

(ii) fingerprints or, in any case where a person is physically unable to provide a fingerprint, such alternative to a fingerprint as may be prescribed; and

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

(c) the registration number assigned under Part VIB of the Revenue Administration Act and the following other reference numbers in respect of the individual, where applicable—

(i) birth entry number;

(ii) passport number;

(iii) driver's licence number; and

(iv) elector registration number.

(4) A person commits an offence if the person knowingly obtains or possesses identity information of any other person in circumstances that give rise to a reasonable inference that the information has been, or is intended to be, used to commit an offence under this Act or any other law.

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

Verification of identity information.

12.—(1) Identity information submitted by an individual for enrolment shall be verified by the Authority in accordance with this Act.

(2) For the purpose of verifying identity information in accordance with this Act, the Authority may request that the applicant provide any one or more of the following documents in respect of the individual seeking enrolment—

(a) birth certificate or adoption certificate or, in the case of a person who does not possess a birth certificate, a certificate

of citizenship issued by the Minister with responsibility for national security;

(b) passport;

(c) driver's licence;

(d) electoral registration identification card;

(e) marriage certificate;

(f) deed poll;

(g) an identification card issued by an "educational institution" as defined in the Education Act;

(h) an identification card issued by the individual's current employer;

(i) decree absolute of dissolution or nullity of marriage;

(j) in the case of a person with a disability, a certificate of registration issued to the individual by the Jamaica Council for Persons with Disabilities;

(k) verification of the assignment of a registration number pursuant to section 17D of the Revenue Administration Act;

(l) any other document containing identity information of the individual.

Identity information of participants in Justice Protection Programme.

13. Where the Authority receives a notification under the Justice Protection Act as to any matter which may concern the identity of an enrolled individual, the Authority may act in accordance with such procedures, in respect of enrolled individuals who are participants under the "Justice Protection Programme" (within the meaning of the Justice Protection Act), as are agreed with the "Administrative Centre" (as defined in the Justice Protection Act).

Cancellation of enrolment.

14.—(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.

(2) The Authority may cancel the enrolment of an enrolled individual if the Authority is satisfied that 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—

(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,

and, in the case of cancellation under subsection (2), shall erase the inaccurate identity information from the National Identification Databases and ensure that the information is disposed of in accordance with the applicable laws relating to the protection of personal data.

(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, and in any such case the National Identification Number assigned to that individual on the subsequent enrolment shall be the same National Identification Number assigned to that individual on the previous enrolment; or

(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.

(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) shall—

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

(ii) 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.

(6) An individual who, pursuant to subsection (3) or (5) is given notice that the individual's enrolment has been cancelled—

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

(b) in the case of cancellation pursuant to subsection (3) shall surrender to the Authority, within thirty days after receiving the notification, the National Identification Card issued to that individual.

(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.

National Identification Number.

15.—(1) The Authority shall, in accordance with subsection (2), generate, or cause to be generated, and 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, and shall be identical to the registration number assigned to that individual under Part VIB of the Revenue Administration Act;

(b) shall be assigned permanently to the enrolled individual; 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.

National Identification Card.

16.—(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.

(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.

(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;

(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.

(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.

(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 three million dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

(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 three million dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

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

(13) A conviction under subsection (12) shall not form part of the criminal record of the offender.

Use of National Identification Card.

17.—(1) An enrolled individual who is issued a National Identification Card may use the Card as a means of proving that individual's identity,

and where such an individual furnishes the Card to a person who requires proof of the individual's identity—

(a) the Card shall be accepted as sufficient proof of the individual's identity; and

(b) the person shall not require the individual to produce any additional proof of identity.

(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 or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

Period of validity of National Identification Card.

18.—(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;

(b) eighteen years of age or older, shall be valid for ten years from the date of issue and shall be renewable for successive periods of ten years during the lifetime of the individual.

(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.

(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.

Content of National Identification Card.

19.—(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;

(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;

(iv) the card control number;

(v) whether the individual is male or female, as recorded on the individual's birth certificate;

(vi) the category of enrolment (that is, whether as a citizen or individual ordinarily resident in Jamaica),

and, stored within the card, a digital representation of the minutiae of the fingerprint of the individual, for the purposes of authentication.

(2) Subject to section 16(5), a National Identification Card shall 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.

(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 to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

Cancellation of National Identification Card.

20.—(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—

(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 or Aliens Act (as the case may require) has, under that Act, revoked the leave of that individual to remain in Jamaica.

(2) The Authority shall not cancel a National Identification Card under subsection (1) unless—

(a) the Authority, by notice given in the prescribed form, informs the individual—

(i) of the proposed cancellation and of the individual's right to appeal under section 26 against the proposed cancellation; and

(ii) that the Card is suspended, and that use of the Card is prohibited under subsection (3), during the period referred to in subsection (4); and

(b) either the time limited for bringing the appeal has elapsed without an appeal being brought or an appeal is brought and the Appeal Tribunal confirms the proposed cancellation.

(3) An individual who, pursuant to subsection (2), is given notice that the Authority proposes to cancel the individual's National Identification Card shall not use, or permit the use of, the Card during the suspension period referred to in subsection (4).

(4) The validity of a National Identification Card shall be suspended during the period from the date of service of the notice under subsection (2) and ending on the date on which either of the conditions referred to in subsection (5) is fulfilled.

(5) The conditions are that either—

(a) the time allowed for bringing the appeal under section 26 has elapsed without the appeal having been brought; or

(b) where the appeal is brought under section 26, a copy of the decision of the Appeal Tribunal has been served on the Authority and the appellant.

(6) Where on an appeal under section 26 the Appeal Tribunal confirms the proposed cancellation of a Card, or the time allowed for bringing the appeal under that section has elapsed without the appeal having been brought—

(a) the Authority shall cancel the National Identification Card; and

(b) the appellant shall return the Card to the Authority within thirty days after receiving notification of the decision under section 26.

(7) An individual who, without reasonable excuse, fails to surrender a National Identification Card as required under subsection (6) commits an offence.

Re-issue of cancelled National Identification Card.

21. Where a National Identification Card has been cancelled, the Authority may re-issue the 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).

22. An individual shall surrender to the Authority any National Identification Card in that individual's possession and that— Obligation to surrender National Identification Card.

(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

(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*

23. 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— Security of information.

(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;

(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;

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

(i) viruses and other malware that are intranet-based or 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;

(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.

Disclosure of identity information.

24.—(1) The Authority shall not disclose identity information stored in the National Identification Databases, about an individual, except—

(a) in accordance with the request of the individual concerned, subject to such fee as may be prescribed;

(b) in accordance with an order of a Judge, made pursuant to subsection (3); or

(c) as may otherwise be provided by this Act or any other law.

(2) The Commissioner of Police may, without notice, make an application to a Judge of the Supreme Court, in Chambers, for an order authorising the Authority to disclose to an individual specified in the order, being a constable not below the rank of Superintendent, identity information in any case where the disclosure is necessary—

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

(b) in the interest of national security.

(3) A Judge to whom an application is made under subsection (2) shall grant the application if satisfied that the disclosure is necessary as specified in subsection (2)(a) or (b), and that—

(a) other investigative procedures have not been, or are unlikely to be, successful in obtaining the information; and

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

(4) An application under subsection (2) shall be in writing accompanied by an affidavit deponing to—

(a) the facts or allegations giving rise to the application; and

(b) such other information as is necessary, or as may be required by the Judge, for the determination of the application.

(5) Subject to subsection (6), identity information disclosed pursuant to an order under this section shall be destroyed within three months after the date on which—

(a) the individual concerned is convicted or acquitted of an offence in respect of the matter for which the information was disclosed pursuant to the order;

(b) the date on which proceedings are discontinued, in any case where the individual concerned is charged with an offence in respect of the matter for which the information was disclosed pursuant to the order; or

(c) three years have elapsed without the individual concerned having been charged in respect of the matter for which the information was disclosed pursuant to the order,

(as the case may be) and the individual shall be given written notice, as soon as is practicable after the commencement of that three-month period, that identity information of that individual was disclosed under this section and is required to be destroyed in accordance with this section, and such a notice shall include the particulars required to be stated under subsection (7).

(6) Where any conviction, acquittal or other proceedings referred to in subsection (5) is the subject of an appeal, the identity information concerned shall not be destroyed under subsection (5) until the appeal proceedings have been concluded.

(7) Where identity information is required to be destroyed under subsection (5), the individual to whom the identity information relates shall be given prior notice stating—

(a) the date, time and location for the destruction; and

(b) that the individual and his attorney-at-law are entitled to be present to witness the destruction,

and shall be given the opportunity to witness the destruction in person, together with or represented by the individual's attorney-at-law.

(8) Upon application in writing made by the individual to whom the identity information relates, a certificate of the destruction of the identity information pursuant to this section shall be given to the individual.

(9) Where the Commissioner of Police is of the opinion that identity information of any individual referred to in subsection (5) should not be destroyed, the Commissioner shall, before the expiration of the time referred to in subsection (5), make an application to a Judge of the Supreme Court, in Chambers, for the identity information to be retained.

(10) A Judge to whom an application is made under subsection (9) may grant the application if satisfied that circumstances still exist under subsection (3) which warrant the retention of the information.

(11) Where an application is granted under subsection (10), the Judge shall, upon the application of the individual referred to in subsection (5), review the matter every three months and shall order that the identity information be destroyed in accordance with subsection (7) if satisfied that circumstances no longer exist under subsection (3) which warrant the retention of the information.

(12) Where a Judge issues an order pursuant to subsection (3), the Judge shall issue such directions as the Judge considers appropriate for the purpose of requiring the constable to whom the information is disclosed to make such arrangements as are necessary—

(a) for ensuring that—

(i) the extent to which the identity information is disclosed;

(ii) the number of persons to whom any of the identity information is disclosed;

(iii) the extent to which the identity information is copied; and

(iv) the number of copies made of the identity information,

is limited to the minimum that is necessary for the purposes of the investigation in relation to which the order is issued or any prosecution for an offence; and

(b) for ensuring that each copy made of any of the identity information is—

(i) stored in a secure manner so long as its retention is necessary for such purposes as aforesaid; and

(ii) destroyed as soon as its retention is no longer necessary for those purposes.

Requests for information or for authentication and verification services.

25.—(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.

(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.

(5) Nothing in subsections (1) to (4) authorises the disclosure of information referred to in section 11(1)(b)(ii) (fingerprint or information prescribed as alternative to a fingerprint) in respect of 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

(b) a record of all the requests under this section 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.

(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.

(8) The Authority may in such form and manner as may be prescribed provide to any statutory body or agency of Government, whose functions include the collection of statistical data or who in connection with the performance of its functions requests from the Authority any statistical data, any anonymised statistical data not including the identity information of any enrolled individual.

(9) In this Act, "accredited third party" means an entity, accredited under this section, with whom the Authority has entered into an agreement for the provision of authentication and verification services.

PART V—*Appeals and Oversight*

Appeal Tribunal.

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

(2) An 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 enrolment, National Identification Number, National Identification Card or 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.

(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).

(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

(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.

(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.

Second Schedule.

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

(8) For the purposes of this section, a proposed cancellation under section 20 shall be construed as a "decision" of the Authority.

National Identification and Registration Inspectorate.

27.—(1) There shall be a National Identification and Registration Inspectorate.

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

(a) monitor compliance with this Act and regulations made under this Act;

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

(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 and regulations made under this Act;

(d) give to the Authority such directions and advice as may be appropriate to ensure that the Authority's operations are conducted in accordance with this Act and regulations made under this Act;

(e) make such recommendations to the Authority 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 and—

(i) where the issue or complaint relates to the protection of personal data bring the issue or complaint to the attention of the Information Commissioner; and

(ii) make such recommendations and give such directions and advice to the Authority as the Inspectorate considers appropriate to resolve the issue or complaint.

(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;

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

(d) audit the operations of the Authority, and the operation of any data processor (as defined by the Data Protection Act) employed by the Authority in respect of its operations, including the processes for the collection and storage of identity information, for the purpose of determining whether the information is maintained pursuant to the provisions of this Act;

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

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

(i) the Director of Public Prosecutions;

(ii) the Integrity Commission;

(iii) the Auditor-General;

(iv) the Information Commissioner and 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,

as the Inspectorate considers appropriate.

Third Schedule.

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

(5) The provisions of subsections (6) to (11) shall apply in respect of the submission of complaints to the Inspectorate, and the investigation of any issue or complaint by the Inspectorate, and subject to those provisions the Inspectorate may make regulations with respect to its functions under subsection (2)(f).

(6) On receipt of a complaint or any other form of notification as to any issue as described in subsection (2)(f), the Inspectorate shall—

(a) cause a written record to be made of the complaint or other notification (as the case may be); and

(b) issue a copy thereof to the person who submitted the complaint or other form of notification.

(7) If the person who submitted the complaint or other form of notification so requests, the written record made under subsection (6) may be kept in a form that renders that person's identity anonymous, and that person shall, at the time of submitting the complaint or other form of notification, be advised by the Inspectorate of the entitlement to make such a request.

(8) A person shall not—

(a) disclose, or be obliged to disclose, the identity of a person who makes a complaint or submits any other form of notification to the Inspectorate for the purposes of its functions under sub-paragraph (2)(f); or

(b) take any harmful action against a person who makes a complaint or submits any other form of notification to the Inspectorate for the purposes of its functions under sub-paragraph (2)(f) (and in this sub-paragraph "harmful action" may include interfering with the lawful employment of the person making the complaint or other form of notification).

(9) A person who makes a disclosure, or takes any action, which contravenes subsection (8) commits an offence and shall be liable, on summary conviction therefor before a Parish Court, to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months.

(10) No action, suit, prosecution, or other proceeding, shall be instituted in respect of a complaint or other form of notification made to the Inspectorate in good faith under this Act.

(11) Until the tabling in either House of Parliament of a report by the Inspectorate, under a provision of this Act, in respect of any matter investigated by the Inspectorate pursuant to subsection (2)(f), all persons shall regard as confidential the fact and details of the investigation.

PART VI—*Offences and Enforcement*

Special provisions in respect of offences.

28.—(1) A person who commits an offence under this Act for which no specific penalty is provided shall be liable, on conviction therefor before a Parish Court, to a fine not exceeding five hundred thousand dollars.

(2) The Minister may by order subject to affirmative resolution amend any monetary penalty provided for in this Act.

(3) For the avoidance of doubt—

(a) in any case where the penalty for an offence triable by a Judge of a Parish Court under this Act consists only of a fine, the Court may, instead of dealing with the offender under section 195 of the Judicature (Parish Courts) Act, deal with the offender in the manner provided for by section 10 of the Criminal Justice (Reform) Act (community service order); and

(b) for the purposes of this section, the term "punishable with imprisonment" in section 10 of the Criminal Justice (Reform) Act refers to the term of imprisonment applicable under section 195 of the Judicature (Parish Courts) Act.

Powers of search and seizure.

29.—(1) A constable who 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, may apply to a Justice of the Peace for a warrant to search the premises, and any item at the premises, and seize any item at the premises which, in the opinion of the constable, is likely to be of substantial value to an investigation in respect of the offence.

(2) A warrant issued under this section shall—

(a) describe the offence that it is alleged is being committed, or has been committed;

(b) state whether entry for the purposes of the warrant is authorised to be made at any time of the day or night, or specify the hours during which such entry is to be made;

(c) include such directions as the Justice considers appropriate for handling any items subject to legal professional privilege; and

(d) describe in general terms the kinds of items authorised to be seized, and specifically state if cash is authorised to be seized.

(3) Nothing in this section or in a warrant issued under this section shall be construed as authorising—

(a) the seizure, or taking of copies, of anything that is subject to legal professional privilege; or

(b) the seizure of anything, if such seizure may reasonably be expected to compromise or disrupt any aspect of Jamaica's information or communication technology infrastructure.

(4) A Judge of the Parish Courts may direct the release of any item seized under this section if the Judge is satisfied, on the application by the person from whom the item was seized, that the provisions of subsection (1) for the seizure of the item are no longer met in relation to the item.

(5) A constable may, with the approval of a Judge of the Parish Courts release any item seized under subsection (1), to the person from whom the item was seized or such other person as appears to be lawfully entitled to the item.

PART VII—*General*

Secrecy and confidentiality.

30.—(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.

(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) a Parish Court, to a fine not exceeding three million dollars or to imprisonment to a term not exceeding three years, or to both such fine and imprisonment; or

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

Protection from liability.

31.—(1) No—

(a) civil or criminal proceedings for breach of confidentiality may be brought; or

(b) professional sanction for breach of confidentiality may be imposed,

against any person who in good faith provides, or transmits, to the Authority any information requested by the Authority.

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

Imposition of fees.

32. Except as provided in section 10(6) or 16(6), the Authority may impose fees for services provided by the Authority, and the amount of those fees shall be prescribed.

Regulations.

33.—(1) The Authority may, with the approval of the Minister, make regulations generally for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may provide for—

(a) the forms to be used in connection with any application, notice, certificate or other document, required to be issued under this Act;

(b) the procedures and practices to be followed by the Authority in the collection and verification of information required for the enrolment of individuals and the disposal of information collected in respect of an individual whose application for enrolment is refused;

(c) the procedures and processes for the storage, management, security and confidentiality of information stored in the National Databases, including technical standards with respect thereto;

(d) the procedure for the generation and assignment of National Identification Numbers;

(e) the procedure and processes for the manufacture, preparation, issue, surrender, cancellation, renewal and replacement of National Identification Cards;

(f) the form and content of National Identification Cards;

(g) the procedure for the correction and registration of changes to the identity information of enrolled individuals;

(h) the fees that may be charged by the Authority;

(i) the procedure for verification and authentication of the identity information of enrolled individuals;

(j) the preservation, custody and safekeeping of information collected by the Authority;

(k) the procedure for archiving information in the custody of the Authority;

(l) the procedure for the accreditation of third parties who may seek the authentication or verification of identity information;

(m) the procedure for the destruction of identity information in the custody or control of the Authority, where retention of such information is no longer necessary for the purposes of this Act;

(n) the form of warrants to be issued under section 29(1), including the minimum content of any directions that may be issued under section 29(2)(c); and

(o) any other matter required to be prescribed.

(3) Regulations made under this section shall be subject to affirmative resolution.

Amendment of schedules.

34. The Minister may by order subject to affirmative resolution amend the First, Second or Third Schedule.

Review of Act.

35. This Act shall be reviewed from time to time by Parliament, and the first such review shall take place after the expiration of three years from the first date appointed under section 1.

Transitional.

36.—(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.

(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 Authority may, in special circumstances, approve.

(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 Authority, 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.

(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.

(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 office of the Registrar-General appointed under section 4 of the Registration (Births and Deaths) Act, and the Registrar-General's Department designated as an Executive Agency under section 19(1) of the Executive Agencies Act;

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

Amendments to other enactments. Fourth Schedule.

37. The enactments specified in column 1 of the Fourth Schedule are amended in the manner indicated with respect thereto in column 2 of the Fourth Schedule, and those amendments shall be read and construed as one with the relevant enactment.

Repeal.

38. The National Identification and Registration Act, 2017, is repealed.

FIRST SCHEDULE (Sections 5, 6 and 34)

The National Identification and Registration Authority

Composition of Authority.

1.—(1) The Authority shall be composed of the following members, eligible as described in sub-paragraph (2), and appointed by the Governor-General by instrument under the Broad Seal, acting on the advice of the Prime Minister given after consultation with the Leader of the Opposition—

(a) an attorney-at-law of at least fifteen years standing, being a member of the Bar of Jamaica;

(b) a representative from the Jamaica Umbrella Group of Churches, from a list of at least two nominees submitted to the Prime Minister by that group;

(c) an individual who has demonstrated knowledge, and has at least seven years of experience, in information and communication technology, and cybersecurity;

(d) an individual who has demonstrated knowledge, and has at least seven years of experience, in financial management and accounting;

(e) an individual who has demonstrated knowledge, and has at least seven years of experience, in human resource management and public administration;

(f) a senior public official, in the Ministry with responsibility for the Authority, nominated by the Permanent Secretary of that Ministry;

(g) a senior public official, in the Ministry with responsibility for national security, nominated by the Permanent Secretary of that Ministry;

(h) an individual from the Private Sector Organization of Jamaica, selected from a list of at least three nominees submitted to the Prime Minister by that organisation; and

(i) a Custos Rotulorum, nominated by the Governor-General.

(2) An individual is eligible to be appointed a member of the Authority if that individual—

(a) is a citizen of, and is resident in, Jamaica;

(b) is eighteen years of age or older;

(c) is not a member of either House of Parliament;

(d) is not a member of the Council of a Municipal Corporation, City Municipality or Town Municipality (as those terms are defined by section 2(1) of the Local Governance Act);

(e) has not at any time been diagnosed as having a "mental disorder", as defined in the Mental Health Act; and

(f) is fit and proper as described in sub-paragraph (3).

(3) An individual is fit and proper for the purposes of sub-paragraph (2)(f) if—

(a) the individual has not been convicted of an offence—

(i) involving fraud, dishonesty or moral turpitude; or

(ii) listed in the Second Schedule of the Proceeds of Crime Act, or an offence in any other jurisdiction that is similar to any such offence;

(b) the individual is not a bankrupt within the meaning of section 2 of the Insolvency Act;

(c) the individual's employment record, or any other information, does not give rise to reasonable cause for the belief that the individual engaged in any conduct, involving dishonesty or impropriety, that would interfere with the individual's ability to fulfil any function as a member of the Authority;

(d) in the opinion of the Prime Minister—

(i) the individual is of sound probity and able to exercise competence, diligence and sound judgment in fulfilling the functions of a member of the Authority;

(ii) the individual possesses the knowledge, skills and experience necessary for the functions required to be carried out by the individual as a member of the Authority; and

(iii) the appointment of the individual will not raise any issue of conflict of interest or undue influence.

(4) Subject to paragraphs 2 and 3, the members appointed pursuant to sub-paragraph (1)(b)—

(a) shall, as regards the first appointment of members of the Authority, be appointed for such period, not exceeding five years, as shall be specified in the instrument of appointment, and shall be eligible for re-appointment for one or more subsequent periods in accordance with sub-paragraph (b); and

(b) as regards any subsequent appointment of members of the Authority (whether a re-appointment of an incumbent member or an appointment to fill a vacancy in a position of such a member), shall be appointed for a period of five years.

(5) If a member of the Authority is absent or unable to act, the Governor-General acting on the advice of the Prime Minister may appoint an individual, who is duly eligible under sub-paragraph (2), to act temporarily in the place of that member.

(6) The Governor-General, acting on the advice of the Prime Minister given after consultation with the Leader of the Opposition, shall appoint a Chairperson from among the members of the Authority.

(7) The Governor-General shall cause a notification of the names of the members of the Authority and any change in the composition thereof to be published in the *Gazette*.

Resignation.

2.—(1) Any member of the Authority, other than the Chairperson, may resign membership of the Authority by notice thereof in writing addressed to the Governor-General and submitted to the Chairperson, who shall transmit the notice to the Governor-General.

(2) The Chairperson may resign membership of the Authority by notice thereof in writing submitted to the Governor-General.

(3) A resignation under this paragraph shall take effect upon receipt by the Governor-General of the notice thereof.

Revocation of appointment.

3.—(1) The Governor-General may revoke the appointment of a member of the Authority if the member—

(a) is suffering from a mental disorder as defined in the Mental Health Act, or if the member is by reason of ill-health permanently unable to discharge any function as a member;

(b) is, or becomes, ineligible to be appointed as a member; or

(c) engages in any activity that can reasonably be considered prejudicial to the interests of the Authority.

(2) The appointment of a member of the Authority may be revoked by a resolution passed by a majority of all the members of the Authority.

(3) Before taking any action under sub-paragraph (1) or (2), revoking the appointment of a member, the Governor-General or the Authority (as the case may be) shall notify the member in writing that the member is entitled to be heard on the matter of the proposed revocation, within such time as shall be specified in the notice, and shall give the member the opportunity to be heard accordingly.

Vacancy in membership.

4. A vacancy in the membership of the Authority shall be filled in the same manner, and subject to the same requirements, as apply to an original appointment of a member.

Meetings.

5.—(1) The Authority shall determine the frequency, time and place of its meetings, but shall meet as often as necessary for carrying out its functions.

(2) Subject to the provisions of this paragraph, the Authority may regulate its own proceedings.

(3) The Chairperson may call a special meeting of the Authority at any time, and shall call such a meeting within seven days after receiving a request for that purpose made by any three or more members of the Authority.

(4) The Executive Director shall attend such of the meetings of the Authority at which such attendance is required by the Authority by prior notice in writing given to the Executive Director, but the Executive Director is not entitled to vote on any decision of the Authority.

(5) The quorum of the Authority shall be five members.

(6) The decisions of the Authority shall be by a majority of its members present and voting and, in any case where the voting is equal, the individual presiding as chairperson shall have the casting vote.

(7) Minutes of each meeting of the Authority shall be kept in proper form and shall be confirmed by the Authority as soon as practicable at a subsequent meeting of the Authority.

(8) A decision or proceeding of the Authority is not invalidated by any vacancy in the membership of the Authority or any defect in the appointment of any member of the Authority.

(9) For the purpose of obtaining assistance in the deliberation of any matter before it, the Authority may invite any individual to attend any meeting of the Authority.

(10) An individual who attends a meeting of the Authority pursuant to sub-paragraph (9)—

(a) may take part in the discussions of the Authority, but shall not vote in any decision of the Authority; and

(b) shall be advised, by the person presiding as chairperson, of the individual's duty of secrecy and confidentiality under section 30.

Committees

6.—(1) The Authority—

(a) may appoint committees for any purpose connected with the functions of the Authority that, in the opinion of the Authority would be better regulated and managed by means of committees; and

(b) without prejudice to the generality of sub-paragraph (a), shall appoint the following committees of the Authority—

(i) the Human Rights and Law Committee;

(ii) the Enterprise Risk Management Committee;

(iii) the Information Systems and Cybersecurity Committee;

(iv) the Information Communication Technology Committee;

(v) the Human Resources Development Committee;

(vi) the Financial Management and Accounting Committee; and

(vii) the Audit Committee.

(2) Each committee appointed pursuant to sub-paragraph (1) shall be chaired by a member of the Authority, and the membership of a committee may consist of members of the Authority and such other individuals as the Authority considers appropriate having regard to the knowledge and expertise required in respect of the matter concerned.

(3) Subject to the provisions of this paragraph, the Authority shall determine the number of members, terms of appointment, quorum and terms of reference of a committee appointed pursuant to sub-paragraph (1), but, in any case, the committee shall meet at least once in every calendar quarter.

(4) The provisions of paragraph 1(2)(b) to (f) (eligibility), 3 (revocation of appointment), 7 (disclosure) and section 30 (secrecy and confidentiality), shall apply, with the necessary modifications, to the members of a committee appointed pursuant to this paragraph.

(5) Subject to the approval of the Authority, a committee of the Authority may do any of the following—

(a) create a sub-committee of that committee;

(b) co-opt to that committee such individuals from time to time as may be necessary to facilitate the committee in carrying out its duties, and the provisions of section 30 (secrecy and confidentiality) shall apply to such individuals.

Disclosure.

7.—(1) A member of the Authority who is directly or indirectly interested in a contract made, or proposed to be made, or in any other matter being considered, by the Authority—

(a) shall as soon as possible after that fact comes to the attention of the member, disclose, either in person or by notice in writing, at a meeting of the Authority the nature of the interest; and

(b) shall not be present during the deliberations of the Authority, nor take part in any voting of the Authority concerning any decision, in respect of the matter.

(2) The disclosure of interest by a member pursuant to this paragraph shall be recorded in the minutes of the meeting at which the disclosure is made.

Protection from liability.

8.—(1) A member of the Authority shall not be personally liable for any act or default of the Authority done, or omitted to be done, in good faith in the course of the functions of the Authority.

(2) Where a member of the Authority is exempt from liability by virtue of sub-paragraph (1), the Authority shall be liable to the extent that the Authority would be liable if the member were an employee of the Authority.

Remuneration.

9. There shall be paid to the members of the Authority such remuneration (whether by way of salary, honorarium or fees) and allowances as the Minister with responsibility for the public service may determine.

Appointment, tenure, *etc.* of Executive Director.

10.—(1) For the purposes of section 6, the Authority shall, after consultation with the Minister, appoint and employ an individual to be the Executive Director, at (subject to sub-paragraph (10)) such remuneration and on such terms and conditions as the Authority considers fit.

(2) An individual appointed as Executive Director shall hold office for a period not exceeding three years and may be re-appointed for one or more subsequent periods each not exceeding three years.

(3) An individual shall not be appointed Executive Director unless—

(a) the individual is eligible as described in sub-paragraph (4);

(b) the individual's employment record, and any other information, does not give rise to reasonable cause for the belief that the individual engaged in any conduct, involving dishonesty or impropriety, that would interfere with the individual's ability to fulfil the functions of the Executive Director;

(c) the individual possesses the knowledge, skills and experience (including academic qualifications, technical, managerial and leadership competencies) necessary for the carrying out of the functions of the Executive Director; and

(d) the appointment of the individual will not raise any issue of conflict of interest or undue influence.

(4) An individual shall not be eligible to be the Executive Director unless the individual—

(a) is a citizen of, and is resident in, Jamaica;

(b) is not a bankrupt within the meaning of the Insolvency Act; and

(c) is fit and proper as described in sub-paragraph (5),

and an individual shall not be appointed pursuant to this paragraph unless that individual submits to the Authority a voluntary declaration declaring that the individual is eligible as described in this sub-paragraph.

(5) For the purpose of sub-paragraph (4)(c), an individual is fit and proper if—

(a) the individual has not been convicted of an offence—

(i) involving fraud, dishonesty or moral turpitude;

(ii) listed in the Second Schedule of the Proceeds of Crime Act, or an offence in another jurisdiction that is similar to any such offence; or

(iii) punishable by death or imprisonment;

(b) the individual's employment record, or any other information, does not give rise to reasonable cause for the belief that the individual engaged in any conduct, involving dishonesty or impropriety, that would interfere with the individual's ability to fulfil the functions of the Executive Director;

(c) the individual possesses the knowledge, skills and experience necessary for the functions of the Executive Director; and

(d) the appointment of the individual will not raise any issue of conflict of interest or undue influence.

(6) Without prejudice to any terms or conditions of service applicable under sub-paragraph (1), the appointment of the Executive Director may be terminated by the Authority if the Authority is satisfied that the Executive Director—

(a) is suffering from a mental disorder as defined in the Mental Health Act or, by reason of ill health is permanently unable to perform the functions of Executive Director;

(b) becomes ineligible under sub-paragraph (4);

(c) is convicted of an offence punishable by imprisonment or death;

(d) fails to carry out a function of the Executive Director under this Act;

(e) fails to carry out a reasonable directive of the Authority; or

(f) fails to fulfil performance targets agreed upon, between the Authority and the Director, as the performance targets to be fulfilled by the Executive Director,

or for any other sufficient cause.

(7) Before taking any action under sub-paragraph (6) terminating the appointment of the Executive Director, the Authority shall give the Executive Director—

(a) notice in writing that the Executive Director is entitled to be heard, within such time as may be specified in the notice, on the matter of the proposed termination; and

(b) the opportunity to be heard accordingly.

(8) With the approval of the Authority, the Executive Director may in a written instrument of delegation, delegate to a member of the staff of the Authority such of the functions of the Executive Director as the Executive Director considers necessary for the proper administration of the Authority, and the instrument shall specify—

(a) the functions so delegated; and

(b) the individual to whom they are delegated.

(9) A delegation under sub-paragraph (8)—

(a) does not preclude the performance by the Executive Director of any function so delegated; and

(b) may, in writing, be revoked at any time by the Executive Director.

(10) No salary shall, without the approval of the Minister with responsibility for the public service be paid, to a person appointed as Executive Director, in excess of such rate as may be prescribed by that Minister.

Employment of staff.

11.—(1) The Authority may employ to the Authority, at such remuneration and on such terms and conditions as it considers fit, such staff as may be required for the efficient operation of the Authority.

(2) An individual shall not be eligible to be employed under this paragraph if the individual—

(a) is not resident in Jamaica;

(b) is a bankrupt within the meaning of the Insolvency Act; or

(c) is not fit and proper as described in sub-paragraph (3).

(3) For the purposes of sub-paragraph (2), an individual is fit and proper if—

(a) the individual has not been convicted of an offence—

(i) involving fraud, dishonesty or moral turpitude;

(ii) listed in the Second Schedule of the Proceeds of Crime Act, or an offence in another jurisdiction that is similar to any such offence; or

(iii) punishable by death or imprisonment;

(b) the individual's employment record, or any other information, does not give rise to reasonable cause for the belief that the individual engaged in any conduct, involving dishonesty or impropriety, that would interfere with the individual's ability to fulfil the functions as an employee of the Authority;

(c) the individual possesses the knowledge, skills and experience (including academic qualifications, technical, managerial and leadership competencies) necessary to the functions of the employment; and

(d) the employment of the individual to the relevant post of the Authority will not raise any issue of conflict of interest or undue influence.

(4) Without prejudice to the terms and conditions of service applicable under sub-paragraph (1), the employment of an individual ("the employee") to the Authority under this paragraph may be terminated by the Authority if the Authority is satisfied that the employee—

(a) is suffering from a mental disorder as defined in the Mental Health Act, or by reason of ill-health is unable to perform the functions of that employee;

(b) becomes ineligible under sub-paragraph (2);

(c) is convicted of an offence involving fraud, dishonesty or moral turpitude;

(d) fails to carry out a function of that employee imposed under this Act or under the contract of employment; or

(e) fails to fulfil performance targets agreed, between the Executive Director and the employee, as the performance targets to be fulfilled by the employee,

or for any other sufficient cause.

(5) Before taking any action under sub-paragraph (4) terminating the employment of an employee, the Authority shall give the employee—

(a) notice in writing that the employee is entitled to be heard, within such time as shall be specified in the notice, on the matter of the proposed termination; and

(b) the opportunity to be heard accordingly.

(6) No salary shall, without the prior approval of the Minister with responsibility for the public service, be paid in excess of such rate as may be prescribed by that Minister, to an individual employed under this paragraph.

(7) The Governor-General may, subject to such conditions as the Governor-General may impose, approve the employment of any officer in the service of the Government to any office of employment with the Authority and any officer so employed 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.

(8) The qualifications, terms and conditions of employment to the Authority under this paragraph shall be developed by the Executive Director and subject to the approval of the Authority.

(9) It shall be lawful for the Authority, with the approval of the Minister, to—

(a) enter into any arrangements respecting schemes, including health and pension schemes, whether by way of insurance policies or otherwise; or

(b) make regulations in respect of the schemes referred to in sub-paragraph (a),

concerning pensions, gratuities and other retiring or disability or death benefits for the members or employees (including the Executive Director) of the Authority, and which may include provisions for the grant of benefits to the dependants and legal personal representatives of those members or employees.

Finances.

12.—(1) The funds and resources of the Authority shall consist of—

(a) such fees or other charges as may be paid to it;

(b) such sums as may be provided annually by Parliament for the purposes of this Act;

(c) such sums as may be allocated from time to time to the Authority from loan funds;

(d) sums earned or arising from any property, investments, mortgages and debentures acquired by or vested in the Authority; and

(e) such other sums as may in any manner become payable to or vest in the Authority in respect of its functions.

(2) The expenses of the Authority, including the remuneration of its employees, shall be paid out of the funds of the Authority.

Investments.

13. The Authority may invest its funds as it considers fit.

Exemptions.

14. The Authority shall be exempt from liability for—

(a) income tax;

(b) stamp duty;

(c) transfer tax; and

(d) customs duties.

Accounts and audit.

15.—(1) The Authority shall keep accounts and other records in relation to its business, and shall prepare and submit its accounts in accordance with section 3 of the Public Bodies Management and Accountability Act.

(2) The accounts of the Authority shall be audited annually by auditors, being registered public accountants as defined in the Public Accountancy Act, appointed by the Authority and approved by the Minister.

(3) The Auditor-General shall be entitled at all times to examine the accounts of the Authority.

Plans and estimates.

16. By or before the 30th day of November in each year, the Authority shall submit to the Minister for approval a corporate plan, an operating plan and its estimates of revenue and expenditure for each financial year.

Borrowing.

17.—(1) Subject to the provisions of subsection (2), the Authority may borrow such sums as may be required by it for 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 with responsibility for finance, and any such approval may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) In this paragraph, "borrow" includes obtaining advances.

Execution of documents and custody of seal.

18.—(1) 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 Chairperson of the Authority, or any other member of the Authority authorised to act in that behalf.

(2) The seal of the Authority shall be kept in the custody of the Chairperson, or secretary, of the Authority, and shall be authenticated by the signatures of—

(a) the Chairperson, or any other member of the Authority authorised to act in that behalf by the Authority; and

(b) the secretary of the Authority.

SECOND SCHEDULE (Section 26(7))

Appeal Tribunal

Constitution of Appeal Tribunal

1.—(1) The Appeal Tribunal may consist of one or two panels, as the need arises, constituted as described in this paragraph.

(2) Each panel of the Appeal Tribunal shall consist of three individuals, one of whom shall be a retired Judge of the Supreme Court or Court of Appeal and who shall be the chairperson of the panel.

(3) The members of each panel shall be appointed by the Governor-General by instrument in writing, after consultation with the Prime Minister and the Leader of the Opposition.

(4) An individual shall not be eligible for appointment under sub-paragraph (3) if the individual—

(a) is a member of either of the Houses of Parliament;

(b) is a member of the Council of a Municipal Corporation, City Municipality or Town Municipality (as those terms are defined by section 2(1) of the Local Governance Act); or

(c) is not a fit and proper person as described in sub-paragraph (5).

(5) An individual is a fit and proper person for the purposes of sub-paragraph (4) if—

(a) the individual has not been convicted of an offence—

(i) involving fraud, dishonesty or moral turpitude; or

(ii) listed in the Second Schedule of the Proceeds of Crime Act or an offence, in another jurisdiction, that is similar to any such offence;

(b) the individual is not a bankrupt within the meaning of the Insolvency Act;

(c) there is nothing in the individual's record of employment, or any other information, that gives the Governor-General reasonable cause to believe that the individual carried out any act involving dishonesty, or impropriety, that will interfere with the individual's ability to fulfil the functions of a panel member; and

(d) in the opinion of the Governor-General—

(i) the individual is of sound probity and is able to exercise competence, diligence and sound judgement in fulfilling the functions of a panel member;

(ii) the individual possesses the knowledge, skills and experience which are necessary for the intended functions to be carried out by that individual; and

(iii) the appointment of the individual will not raise any issue of conflict of interest or undue influence.

(6) An individual shall not be appointed to act as a member of the panel of an Appeal Tribunal unless the individual submits to the Governor-General a voluntary declaration declaring that the individual is eligible, as described in this paragraph, for the appointment.

(7) The Governor-General may appoint an individual, who meets the requirements of this paragraph, to act temporarily in the place of a member of a panel of the Appeal Tribunal in the case of the absence or inability to act of such member.

(8) Notwithstanding sub-paragraphs (3) to (6), the Governor-General may designate an appeal tribunal, subsisting under any law, to carry out the functions of the Appeal Tribunal under this Act, provided that such tribunal is constituted as specified in sub-paragraph (2) and the members thereof meet the criteria specified in sub-paragraph (5)(d).

Leave of absence.

2.—(1) The chairperson of a panel of the Appeal Tribunal may grant to a member of the panel leave of absence from duties as panel member, on the application of that member.

(2) The chairperson of a panel of the Appeal Tribunal may direct a member of the panel to proceed on leave of absence from duties as a panel member, if the member has been charged with an offence mentioned in paragraph 1(5)(a).

(3) The Governor-General may, on the application of the chairperson of a panel of the Appeal Tribunal, grant to the chairperson leave of absence for a period not exceeding six months, and may appoint another member to act as chairperson during the period of that leave of absence.

(4) The Governor-General may direct the chairperson of a panel of the Appeal Tribunal to proceed on leave of absence from duties as chairperson and panel member, if that chairperson has been charged with an offence mentioned in paragraph 1(5)(a).

Tenure of office.

3. Subject to paragraphs 4 and 5, the members of each panel of the Appeal Tribunal shall hold office for a period of three years, and shall be eligible for re-appointment.

Resignation.

4.—(1) A member of a panel of the Appeal Tribunal, other than the chairperson, may at any time resign membership by notice in writing thereof addressed to the Governor-General and submitted to the chairperson, who shall transmit the notice to the Governor-General.

(2) The chairperson of a panel of the Appeal Tribunal may resign membership of the panel by notice in writing thereof transmitted to the Governor-General.

(3) A resignation under this paragraph shall take effect as from the date of receipt, by the Governor-General, of the notice thereof.

Revocation of appointment.

5. The Governor-General may revoke the appointment of a member of a panel of the Appeal Tribunal if the member—

(a) is suffering from a mental disorder as defined in the Mental Health Act, or is permanently unable by reason of ill-health to discharge functions as a panel member;

(b) is convicted and sentenced to a term of imprisonment or to death;

(c) compounds with or suspends payment to that member's creditors;

(d) becomes ineligible to be appointed to be a panel member;

(e) fails to discharge the functions of that panel member; or

(f) engages in any activity that may reasonably be considered prejudicial to the interests of the Appeal Tribunal.

Publication of membership.

6. The Governor-General shall cause the names of the members of the Appeal Tribunal as first constituted, and every change in the members thereof, to be published in the *Gazette*.

Remuneration.

7. There shall be paid to each member of a panel of the Appeal Tribunal such remuneration (whether by way of salaries, honorarium or fees) and such allowances as the Minister with responsibility for finance shall determine.

Vacancies in membership.

8. A vacancy in the membership of a panel of the Appeal Tribunal shall be filled in the same manner, and subject to the same requirements, as applies to an original appointment.

Proceedings of Appeal Tribunal.

9. Each panel of the Appeal Tribunal may regulate its own proceedings.

Disclosure of interest.

10.—(1) A member of the Appeal Tribunal who has an interest, whether directly or indirectly, in any matter brought before the Appeal Tribunal—

(a) shall, by notice, disclose the nature of the interest at a sitting of the Appeal Tribunal; and

(b) shall not take part in any deliberation or decision of the Appeal Tribunal with respect to that matter.

(2) A notice given by a member at a sitting of the Appeal Tribunal to the effect that the member is interested in any appeal before the Appeal Tribunal shall, for the purposes of sub-paragraph (1), be a sufficient disclosure of that member's interest in relation to an appeal.

(3) A member need not attend in person at a sitting of the Appeal Tribunal in order to make a disclosure which that member is required to make under this paragraph if the member takes reasonable steps to ensure that the disclosure is made by notice which is taken into consideration and read at such sitting.

(4) Where the Governor-General is satisfied that a member of the Appeal Tribunal is unable to carry out that member's duties properly and effectively because of any conflict of interest or potential conflict of interest in a matter before the Appeal Tribunal, the Governor-General may replace that member or direct that member to abstain from taking part in any proceedings relating to any matter affected by the conflict of interest or potential conflict of interest.

Membership not a public office.

11. Membership on a panel of the Appeal Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

THIRD SCHEDULE (Section 27)

The National Identification and Registration Inspectorate

Electoral Commission of Jamaica to be Inspectorate.

1.—(1) The Electoral Commission of Jamaica established under the Electoral Commission (Interim) Act shall constitute, and carry out the functions of, the Inspectorate, for the purposes of this Act.

(2) For the avoidance of doubt, the responsibilities and activities of the Inspectorate carried out by the Electoral Commission of Jamaica, pursuant to sub-paragraph (1) shall be construed as responsibilities and activities of the Commission for the purposes of section 19 of the Electoral Commission (Interim) Act.

Memoranda of understanding.

2. The Inspectorate may enter into any memorandum of understanding that the Inspectorate considers appropriate to enable it to retain such services as it considers necessary to retain for the proper discharge of its functions.

Regulations.

3. The Inspectorate may make regulations to provide for any matter relating to its functions under this Act.

Seal.

4.—(1) The seal of the Inspectorate shall take such form as the Inspectorate shall determine and shall be kept in the custody of the Chairman of the Electoral Commission of Jamaica.

(2) The seal of the Inspectorate shall be affixed to the instruments of the Inspectorate, pursuant to a resolution of the Inspectorate, and shall be authenticated by the signature of the Chairman of the Electoral Commission of Jamaica and one other member of the Commission.

Establishment of committees.

5.—(1) The Inspectorate may establish committees of the Inspectorate, for the purpose of facilitating the Inspectorate in effectively and efficiently performing its functions.

(2) The Inspectorate shall decide the terms of reference of each committee established under sub-paragraph (1).

Delegation.

6.—(1) The Inspectorate may delegate to any of its committees, or to the Electoral Commission of Jamaica or any employee of the Electoral Commission of Jamaica, any of its functions under this Act, other than the power to delegate.

(2) Every delegation made under sub-paragraph (1) is revocable by the Inspectorate, and shall not preclude the performance by the Inspectorate of any function it has delegated.

Proceedings.

7.—(1) Subject to the provisions of this paragraph, the Inspectorate shall regulate its own proceedings.

(2) The Inspectorate shall determine the frequency, time and place of its meetings, but shall meet as often as necessary to carry out is functions.

(3) The Chairman of the Electoral Commission of Jamaica may call a special meeting of the Inspectorate at any time, and shall call such a meeting within seven days after receiving a request for that purpose made by any two or more members of the Inspectorate.

(4) The quorum for meetings of the Inspectorate shall be two members.

(5) The decisions of the Inspectorate shall be by a majority of its members present and voting, and in any case where the voting is equal the person presiding as chairperson shall have the casting vote.

(6) Minutes of each meeting of the Inspectorate shall be kept in proper form and shall be confirmed by the inspectorate as soon as is practicable at a subsequent meeting of the Inspectorate.

(7) The validity of a decision or proceeding of the inspectorate is not invalidated by any vacancy in the membership of the Inspectorate or any defect in the appointment of any member of the Inspectorate.

(8) For the purpose of obtaining assistance in its deliberations on any matter before it, the Inspectorate may invite the attendance of any individual at any meeting of the Inspectorate.

(9) An individual who attends a meeting of the Inspectorate pursuant to sub-paragraph (8)—

(a) may take part in the discussions of the Inspectorate but shall not vote in any decision of the Inspectorate; and

(b) shall be advised by the presiding chairperson of the individual's duty of secrecy and confidentiality under section 30.

(10) Nothing in this paragraph precludes the Inspectorate from conducting any of its meetings solely or partially by electronic means, and "presence" in relation to the participation of a member includes participation by electronic means in accordance with arrangements made by the inspectorate for the regulation of its own proceedings, pursuant to sub-paragraph (1).

FOURTH SCHEDULE (Section 37)

Amendments to Other Enactments

Provision	Amendment
Access to Information Act	In section 5(6), delete the full stop at the end of paragraph (d), substitute therefor a semi-colon, and insert the following as paragraph (e)— "(e) any identity information in the custody or control of the National Identification and Registration Authority pursuant to the National Identification and Registration Act.".
The Aliens Act	In section 13, insert next after subsection (2) the following subsection— " (3) The Chief Immigration Officer shall furnish to the National Identification and Registration Authority such information about the immigration status of any alien resident in Jamaica as the National Identification and Registration Authority may require for the purpose of the National Databases kept under the National Identification and Registration Act.".
The Children (Adoption of) Act	1. In Form A of the Appendix to the Second Schedule— (a) insert immediately below the line in which the words "resident at" appear, and immediately above the words "herebystate:", the words "and having the National Identification Number(s): .....; (state, if available)"; (b) in item 4, insert immediately below the line in which the words "consent to the making of the order is appended hereto)." appear, the words "(In the case of a female spouse) My maiden name is: ". 2. In Form B of the Appendix to the Second Schedule, insert immediately below the line in

Provision	Amendment
	which the word "Occupation" appears and immediately above the line in which the words "Date of Birth" appear, the words "National Identification Number (if any)".
The Cybercrimes Act	In section 11(2)— (a) delete the word "or" at the end of paragraph (d); (b) delete the full stop at the end of paragraph (e) and substitute therefor the word "; or"; and (c) insert the following as paragraph (f)— "(f) the National Civil and Identification Databases kept under the National Identification and Registration Act.".
The Data Protection Act	In section 76, insert the following as subsection (4)— " (4) Subsection (2) shall not apply to the National Identification and Registration Authority established under the National Identification and Registration Act.".
The Education Regulations, 1980	In regulation 26— (a) in paragraph (1), delete the full stop at the end of sub- paragraph (f), substitute therefor the word "; and", and insert the following as sub-paragraph (g)— "(g) the National Identification Number of the student (if any)."; (b) insert next after paragraph (3) the following paragraph— " (4) The National Identification Card may be presented to verify the date of birth of a student.".

Provision	Amendment
The Electoral Commission (Interim) Act	1. In section 5, insert next after the words "govern Jamaica" the words "and to give oversight to the entity responsible for national identification". 2. In section 6, insert next after subsection (1) the following subsection— " (1A) The members of the Commission shall carry out such other functions as may be assigned to them under the National Identification and Registration Act.".
The Executive Agencies Act	In section 19(1), delete paragraph (g).
The Forgery Act	In section 5(2), delete the full stop at the end of paragraph (c) and substitute therefor a semi-colon, and insert the following as paragraphs (d) and (e)— "(d) any document contained in the National Databases established under the National Registration and Identification Act; (e) any National Identification Card issued under the National Identification and Registration Act.".
The Immigration Restriction (Commonwealth Citizens) Act	1. In section 15, insert next after subsection (2) the following subsection— " (3) The Chief Immigration Officer shall furnish to the National Identification and Registration Authority such information about the immigration status of any Commonwealth citizen resident in Jamaica as the National Identification and Registration Authority may require for the purpose of the National Databases kept under the National Identification and Registration Act.". 2. In Form "E" of the Schedule, insert immediately before the words "having appeared before" the words "and the National Identification Number.....issued by the National (state, if available) Identification and Registration Authority under the National Identification and Registration Act,".

Provision	Amendment
The Jamaican Nationality Act	Insert next after section 12 the following section—
"Information to be furnished to the National Identification and Registration Authority.	12A.—(1) The Minister shall cause to be furnished to the National Identification and Registration Authority, in accordance with such form and procedures as shall be prescribed under the National Identification and Registration Act, a notice— (a) of all enrolled individuals who are registered under this Act; (b) in each case where an enrolled individual is deprived of citizenship under this Act; and (c) in each case where the citizenship of an enrolled individual is restored under this Act. (2) In this section "enrolled individual" has the meaning assigned to it by the National Identification and Registration Act.".
The Jamaican Nationality Regulations, 1962	1. In regulation 10(2), insert next after the word "Minister" the words ", and the Minister shall notify the National Identification and Registration Authority of the registration". 2. In regulation 12, insert next after the words "it is entered" the words ", and the Chief Immigration Officer shall send to the National Identification and Registration Authority a notice of the removal". 3. Renumber regulation 13 as regulation 13(1) and insert the following as paragraph (2) of the regulation— " (2) Where a certificate is cancelled or amended under paragraph (1), the Chief

Immigration Officer shall send to the National Identification and Registration Authority a notice of the cancellation or amendment (as the case may be).".

4. In the Third Schedule, insert next after item 4 the following item—

"5. □ My National Identification Number is_____

□ I do not have a National Identification Number.".

The Justice Protection Act

1. In section 13(b), insert immediately before the words "permitting a participant" the words "subject to subsection (2),".

2. Renumber section 13 as section 13(1) and insert the following as section 13(2) and (3)—

" (2) Where permission is given under section 13(1)(b) in respect of a participant who is an enrolled individual, the Centre shall give notice thereof to the National Identification and Registration Authority.

(3) In this section and section 17, "enrolled individual" has the meaning assigned to it by the National Identification and Registration Act.".

3. In section 17(1), insert next after the words "former identity" the words ", and where the participant is an enrolled individual shall notify the National Identification and Registration Authority of the restoration of the participant's former identity".

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

1. In section 2, in the definition of "access device", insert next after the words "personal identification number" the words ", National Identification Number assigned under the National Identification and Registration Act".

2. In section 10(3)(b), insert next after the words "social security number," the words "National Identification Number assigned under the National Identification and Registration Act,".

Provision	Amendment
The Marriage Act	1. Insert next after section 35 the following section—
	"Register of Decrees Absolute. 35A. Immediately upon the receipt of a copy of a decree absolute of dissolution or nullity of a marriage, transmitted by the Registrar of the Supreme Court pursuant to section 17 of the Matrimonial Causes Act, the Registrar-General shall register it in a Register of Decrees Absolute kept by the Registrar-General for the purpose, in such form as may be prescribed.".
	2. In section 45, insert next after the words "filed in the office" the words "and an Index of the Decrees Absolute registered in the office".
	3. In section 46, insert next after the words "Index of Marriage Registers" the words "and the Index of Decrees Absolute".
	4. Insert next after section 71 the following section—
	"Regulations. 71A. The Minister may make regulations prescribing any matter required to be prescribed under this Act.".
	5. In Schedules L and M, in each case insert, to the right of the column headed "Father's Name and Surname", a new column headed "National Identification Number (if any)".
The Matrimonial Causes Act	In section 17, insert next after subsection (2) the following subsection—
	" (3) Where the Court makes absolute a decree of dissolution or nullity of marriage, the Registrar of the Court shall transmit to the Registrar-General of Marriages under the Marriage Act a copy of the decree.".

Provision	Amendment
The Passport Regulations, 1962	1. In paragraph 14(2), insert next after the word "nationality," the words "National Identification Number assigned under the National Identification and Registration Act (if any),". 2. In paragraph 14(6)(b), insert next after the words "date of birth," the words "National Identification Number assigned under the National Identification and Registration Act (if any),".
The Proceeds of Crime Act	1. In section 120(2)(c), insert next after the word "number" the words ", or the individual's National Identification Number assigned under the National Identification and Registration Act". 2. In the Second Schedule, renumber paragraph 18 as paragraph 19, and insert the following as paragraph 18— " 18. An offence under any of the following provisions of the National Identification and Registration Act— (a) section 10(7) (providing false information, fraudulently obtaining National Identification Card, *etc.*); (b) section 11(3) (collecting identity information without lawful authorisation); (c) section 17(2) (using, or permitting or inducing the use, of a National Identification Card to impersonate an enrolled individual); (d) section 19(3) (without lawful authority, making, producing, manufacturing, printing, binding, designing or distributing, any document purporting to be a National Identification Card).".

Provision	Amendment
The Registration (Births and Deaths) Act	1. Insert the following definitions in the appropriate alphabetical sequence— " "Civil Registration Databases" means the Civil Registration Databases established under the National Identification and Registration Act; "National Identification Number" means a National Identification Number assigned under the National Identification and Registration Act;". 2. Delete sections 4, 5, 6, 7, 8 and 9. 3. In section 11, insert next after subsection (2) the following subsections— " (3) Where information given to the Registrar pursuant to subsection (1), of the particulars in relation to a child, includes a prohibited name, the Registrar may, by notice in writing to the person who gave the information, reject the registration of the name and require the person to give to the Registrar within a time specified in the notice (which time shall not fall earlier than the expiration of the period of forty-two days specified in subsection (1)) a different name for registration in respect of the child. (4) In subsection (3), "prohibited name" means a name that, in the opinion of the Registrar— (a) is obscene or offensive; (b) could not practicably be established by repute or usage, because— (i) it is too long; or (ii) it consists of, or includes,

Provision	Amendment
	symbols without phonetic significance; or
	(c) is contrary to public interest.".
	4. Renumber section 23 as section 23(1) and insert the following as section 23(2)—
	" (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on summary conviction therefor before a Parish Court to a fine not exceeding one hundred thousand dollars.".
	5. In section 54, 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".
	6. In section 55(1), delete the words "all particulars which appear on the original entry and all corrections or additions thereto 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".
	7. In section 55(2), delete the words "any particulars except the name, surname, sex and date and place of birth and such other particulars, if any" and substitute therefor the words "such particulars".
	8. Insert the following as section 55(3)—
	" (3) The Registrar may issue certified copies of—
	(a) any entry in the register, and all civil status registers kept by the Registrar; or

Provision	Amendment
	(b) any certificates issued by the Registrar, in any format that the Registrar-General considers appropriate.".
	9. Renumber section 61 as section 61(1) and insert the following as section 61(2) and (3) " (2) Any register kept pursuant to subsection (1) may be kept in electronic form and that form may include the encryption of the information in the register such that the information can be converted into legible form for the purpose of producing a legible copy of any entry therein. (3) The Registrar-General may permit information stored in the civil status registers to be entered into the Civil Registration Databases.".
The Record Office Act	Renumber section 27 as section 27(1) and insert the following as section 27(2)— " (2) Upon registering a deed poll effecting a change of name of an individual, the Deputy Keeper of the Records shall transmit a copy of the deed poll to the Registrar-General of Births and Deaths.".
The Revenue Administration Act	1. In section 17D, insert next after subsection (8) the following subsections— " (9) An individual who wishes to enrol under the National Identification and Registration Act is entitled to apply, pursuant to subsection (2), to the Registration Authority for the assignment of a registration number. (10) The matters prescribed under subsection (2) shall include provisions that enable applications made for the assignment

Provision	Amendment
	of a registration number solely for the purposes of enrolment under the National Identification and Registration Act to be differentiated from applications made for the purposes of transactions with a revenue department.
	(11) Where an application is made pursuant to subsection (2) for the assignment of a registration number solely for the purposes of enrolment under the National Identification and Registration Act and the applicant is not an individual in respect of whom registration under subsection (2) would otherwise be required, the Registration Authority shall assign the registration number but, notwithstanding the other provisions of this section, shall not treat the applicant, to whom a registration number is assigned pursuant to that application, as a taxpayer registered under this Part.
	(12) Nothing in subsection (11) precludes the Registration Authority from treating an individual as a registered taxpayer under this Part if, subsequent to the application for the assignment of a registration number, the individual becomes an individual in respect of whom registration under subsection (2) is required.
	(13) A registration number assigned to an individual under this Part shall be—
	(a) a randomly selected number that does not contain any digits that

Provision	Amendment
	relate to an attribute of the individual: (b) assigned permanently to that individual, and 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; and (c) identical to the National Identification Number (if any) assigned to that individual under the National Identification and Registration Act.".
	2. Insert next after section 17FA the following section—
" Disclosure of information to National Identification and Registration Authority.	17FB (1). No obligation as to secrecy or other restriction upon the disclosure of information, imposed by any law or otherwise, shall prevent— (a) the Commissioner; or (b) an officer of a revenue department who has, in any particular case, been authorised by the Commissioner of that department,

Provision	Amendment
	from disclosing information or producing documents to the National Identification and Registration Authority upon request by the Authority for the purpose of determining, or verifying, the identity of a taxpayer, if the Commissioner considers the disclosure to be appropriate.".
	(2) Nothing in this Act or the National Identification and Registration Act shall prevent the National Identification and Registration Authority from sharing with each other such information as is necessary—
	(a) to facilitate the enrolment of individuals under the National Identification and Registration Act;
	(b) to ensure that the registration number assigned to an individual under Part VIB is identical to the National Identification

Provision	Amendment
	Number assigned to that individual under the National Identification and Registration Act; and
	(c) to ensure that a registration number assigned to an individual under Part VIB is not re-assigned to another individual.".
The Tax Administration Jamaica Act	1. In section 5(1), renumber paragraphs (h) and (i) as paragraphs (i) and (j) and insert the following as paragraph (h)—
	" (h) to implement such measures and provide such co-operation as may be required under the National Identification and Registration Act, Revenue Administration Act or any other law relating to the processing of personal data (as defined by the Data Protection Act), for the prevention of identity theft and other instances of fraud with respect to personal data;".
	2. In section 17(2)—
	(a) delete the word "or" at the end of paragraph (a);
	(b) delete the comma at the end of paragraph (b) and substitute therefor the word "; or"; and

(c) insert the following as paragraph (c)—

"(c) except as permitted under section 17FB of the Revenue Administration Act,".

Passed in the Honourable House of Representatives this 13th day of October, 2021 with fourteen (14) amendments.

M. DALRYMPLE PHILIBERT, CD, MP
Speaker.

Passed in the Senate this 19th day of November, 2021, with eight (8) amendments.

THOMAS TAVARES-FINSON, OJ, CD, QC, JP
President.

On the 23rd day of November, 2021 the House of Representatives agreed to the amendments made by the Senate.

M. DALRYMPLE PHILIBERT, CD, MP
Speaker.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.