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JAMAICA CHAPTER #74, REGION 7B

February 15, 2021

The Clerk to the Houses
Houses of Parliament
Gordon House
81 Duke Street
Kingston

Dear Sirs:

Re: **Written Submission to the Joint Select Committee on
the National Identification and Registration Act, 2020**

ASIS International (ASIS) is the leading organisation for security professionals worldwide. Founded in 1955, ASIS is dedicated to increasing the effectiveness and productivity of security professionals by developing educational programmes and materials that address broad security interests.

This submission is from the ASIS Jamaica Chapter, a group of approximately 158 members, including Globally Certified Security Professionals from many of the island's top companies and organisations as well as sole practitioners. We formulate and implement security policies and programmes for our respective organizations within the private and public sectors. We also develop and implement security systems to reduce our employers' loss from internal and external threats and from natural and man-made events such as organised crime, fraud and cyber security (ASIS Jamaica Chapter, 2015).

SUBMISSION

We support the intent of this bill; it is timely and relevant. Not only does it seek to bolster our national security framework but it also provides a foundation for better governance, economic growth and stronger social administration which will ultimately inspire more confidence among the Jamaican People. This aligns with ASIS Jamaica Chapter's philosophy as we seek to advance security. Our group stands ready to assist in making Jamaica safer as well as the place of choice to live, work, raise families and do business (Planning Institute of Jamaica, 2012).

ASIS Jamaica Chapter's Board Management Committee (BMC) represents the views of the general membership. The BMC comprises of 16 members to include the Chapter Chairman, Vice-Chairman, Secretary, Treasurer and Law Enforcement Liaison. We thank you for the opportunity to make a submission regarding the proposed National Identification and Registration Act, 2020 (NIRA) which seeks to: (1) establish a modern and efficient database of Jamaicans and other persons who ordinarily reside in Jamaica; (2) optimize efficiency in the public and private sectors; and (3) strengthen our immigration, border security and national security apparatus. Each member of the chapter was given an opportunity to contribute in preparation of this submission.

We are also prepared to appear before the Joint Select Committee of Parliament if required to do so. It is our humble submission that:

CLAUSE 5 (3c) & (3d) – THE NATIONAL IDENTIFICATION AND REGISTRATION AUTHORITY

We are in support of the general intent of this clause. However, the task of processing, storage, authentication and verification of information in national databases would have normally required human intelligence. As technology advances, we have become more reliant on the use of Artificial Intelligence (AI), Algorithms and Machine Learning programmes to perform these tasks for us. According to Microsoft Azure (2021), AI allows a computer system to make predictions or take actions based on existing data, and perform complex tasks such as image recognition. While AI provides great benefits as we seek to automate and digitize the way we do business in Jamaica, the results that we will get from these systems will only be as good as the data that is collected and entered into the database. As a result of this, there are growing concerns about safety, transparency, fairness and unintended consequences as it relates to AI.

These concerns have prompted global efforts to examine and develop better controls, guidance, governance policies, legislations and standards when it comes to the use of AI. Given the proposed integration of the National Identification Card with commerce and economic activity in Jamaica, we are in agreement with the Government’s position that it is prudent to develop policies, procedures and protocols for the collection, processing, storage, authentication and verification of data, consistent with best practices and international standards. It is our hope, that due considerations will be given to the concerns mentioned as they are also necessary to providing adequate safeguards and managing serious risks associated with AI.

Additionally, in developing adequate systems for the security, secrecy and the necessary safeguards for the protection and confidentiality of the information stored in the national databases, we are also asking you to consider a purpose-built facility (data centre) that is located in a highly secured geographical space, consistent with best practices and international standards. Reason being, housing a mission-critical infrastructure in any other facility could bring many security challenges. In our current environment, data breaches and other cyber-attacks are an increasing threat not just to businesses but our Information Communication Technology infrastructure as well. Having a purpose-built facility would offer an adequately secured space in which to operate efficiently and securely. This could also provide an opportunity for public private partnership between the Government and the private security industry to protect it.

Clause 6 (1) (a) (vi) – BOARD OF MANAGEMENT

The Board of Management is responsible for the safe custody of all National Identification System information collected or obtained. However, this clause does not set out any requirements, technical competence or level of independence for persons appointed to the Board of Management.

Similarly, Section 6 (1) (b) (i) requires that the Board of Management ensures that the operations of the Authority are in conformity with the Data Protection Act. The Data Protection (DP) Act is afflicted with a similar issue. One of the primary technical positions under the DP Act is the data controller. According to the DP Act the “data controller” means any — (a) Person; or (b) Public authority, who, either alone or jointly or in common with other persons determines the purposes for which and the manner in which any personal data are, or are to be, processed, and where personal data are processed only for purposes for which they are required under any enactment

to be processed. The person on whom the obligation to process the personal data is imposed by or under that enactment is for the purposes of the Act a data controller. Again, whereas it is comprehensively stated what the data controller should do, it is noted that the legislation does not provide a standard of competence nor requirement for role.

CLAUSE 11 (ii) & (iii) – IDENTITY INFORMATION

We are also in support of the general intent of this clause. However, there is a concern. Although it is widely publicized that South Korea’s National Identification System has been studied and benchmarked by the Jamaican Authority (Carter, 2017), it does not appear that all aspects of that system is being considered. Recently, South Koreans were able to use their digital identification for the boarding of domestic flights as well as mobile drivers licence (Pascu, 2020).

The free movement of skills and labour is the right of a CARICOM national under Article 46 of the Revised Treaty of Chaguaramas, which Jamaica is also a signatory. It is against this background that the CARICOM Passport was issued to citizens of the 15 member CARICOM Countries to facilitate free movement. Likewise, citizens of the Organisation of Eastern Caribbean States (OECS) including Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, Saint Lucia and St. Vincent and the Grenadines are currently able to use their National Identification Cards (NIC) for intra-region travel. However, we have no such provision in the proposed legislation. It is not our position that the CARICOM Passport should be replaced; however, we sincerely hope that due consideration will be given to Jamaicans/Residents holding the National Identity Card (NIC), to use it as a travel authorization to exercise the right of free movement in the CARICOM as well.

CLAUSE 24 (1a), (1b) & (1c) - DISCLOSURE OF IDENTITY INFORMATION

We are also in support of the general intent of this clause. However, it does not expressly state whether provisions have been made for the private security industry investigators who also carry out investigative functions in preventing and detecting crime. As such, investigators may need to request identity information and receive disclosure, in pursuant to a case under investigation. Therefore, we feel that this should be expressly clarified to avoid any ambiguities.

Finally, we thank the Committee for its engagement and contact on this Bill. Should you need any further information please contact Chapter Secretary, Jason Robinson on 876-357-6484 or admin@asisjchapter.org.

Yours sincerely,
ASIS International – Jamaica Chapter



Jason Robinson, MSc, BA, PSP
Chapter Secretary

REFERENCES

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