

National Identification and Registration Act, 2020

January 28, 2021

JBA PUBLIC POLICY AND LEGISLATIVE COMMITTEE FEEDBACK ON THE NATIONAL IDENTIFICATION AND REGISTRATION ACT, 2020		
SECTION REFERENCE	COMMENTS	RECOMMENDATIONS
9	<p>1. Financial institutions currently rely on forms of identification and documentation issued by the Registrar General’s Department (such a Birth, Death and Marriage Certificates) to verify clients’ identity and to effect/validate transactions.</p> <p>We note that this personal information is currently stored in the civil status registers and that a new Civil Registration Database will be established under the draft legislation.</p> <p>We wish to confirm whether the establishment of the new National Databases will affect the validity of these documents.</p> <p>Please clarify:-</p> <ol style="list-style-type: none">i. Whether Financial Institutions will be able to rely on the documents currently issued by the Registrar General’s Department once the legislation is enacted?ii. What is the time period allowed for reliance on that information in the civil status registries and when should we start the relying on	<p>In order to ensure that Financial Institutions are acting on accurate information, we would propose that a provision be inserted to clarify that the validity of the documents already issued via the civil status registers will be preserved.</p> <p>And further, that the validity will not be affected before or during the transition to the new National Databases.</p>

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	<p>the information contained in the new Civil Registration Database to be established under the legislation?</p> <p>iii. Please clarify how can accredited third parties can ensure that information we receive from the RGD will be reliable during the transition period?</p> <p>iv. Based on the authentication processes and the level of accuracy will Financial Institutions be able to rely solely on the NIDS card as the sole form of identification.</p>	

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10	<ol style="list-style-type: none"> 1. Please clarify the checks and balances to be implemented to ensure that the new National Databases reflect that accredited third parties will not be relying on a canceled card. Any reliance on a cancelled card could compromise our transactions with clients. 2. In light of the Data Protection Act, we wish to raise a concern regarding the sharing of information across government databases (other than the new National Databases). Will consent be obtained from each Applicant for a NIDS Card to authorize the sharing of information between other databases? Will the enrollment form request consent from the enrollee to allow the Authority to access other databases to verify their data? 	<p>The new National Databases should be governed in a way which allows for quick flagging of a cancelled card.</p> <p>Being mindful of the provisions of the Data Protection Act it seems that consent should be sought and had from the individual before their information is shared with other Government entities and/or before information from other databases are accessed by and shared with the Authority.</p>
11	<ol style="list-style-type: none"> 1. There is no clear definition for the parameters of what constitutes lawful authorization as per Section 11(3) of the legislation. Such ambiguity could lead to confusion regarding the true import of the term. In particular with a harsh penalty being intimated for breach of this Section. 2. Does the reference in Section 11(3) to collecting identity information also include the storage of same? 	<p>Clarification on what the term “lawful authorization” means should be included in the legislation.</p>

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		Explicit mention should be made if this Section is intended to also refer to storage of the identity information.
12	Please clarify whether the form of identity stated in Section 12(2) of the proposed legislation and any other relevant section have to be locally-issued?	
14	<p>The circumstances for cancellation of the card are detailed in the legislation. However, it is not clear whether cancellation will occur automatically should a Card contain inaccurate information due to the administrative/clerical error of the Authority. Is the card still valid if there is a clerical/ administrative error on the Card? Please clarify if the Card will be automatically cancelled in such a circumstance.</p> <p>Will there be any cross referencing between the different registries to limit the conflict in information?</p> <p>We are requesting clarity on the checks and balances to be put in place to ensure that the cancelled cards which are surrendered to the Authority are not used in an unauthorized manner by the personnel.</p>	<p>Explicit mention be made in the legislation if a Card will be automatically cancelled by the Authority where a Card is issued with inaccurate information due to the fault of the Authority.</p> <p>A robust system should be implemented to avoid issues of improper use of cancelled Cards.</p>

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	<p>Is the effect of the cancellation immediate and reflected in the database? Please clarify whether updates to the Databases are in real time (for newly issued, expired, canceled cards). As financial institutions it is necessary that the information be accurate as our verification forms a critical component of our delivery of services.</p> <p>This section provides that an enrolled individual can request for their enrolment to be cancelled. In section 17, the Bill states that the National Identification Card may be used to facilitate transactions between the enrolled individual and any other party.</p> <p>In circumstances where the enrolment is subsequently cancelled, the Bill does not address the consequences for the parties that are relying on the National Identification Card provided to facilitate ongoing transactions with the previously enrolled individual.</p>	<p>It is ideal that there be a commitment by the Authority to update the Databases in real-time.</p> <p>The recommendation is for the law to state that parties, in particular Banks, are able to rely on the National Identification Card provided to them until the Card expires subject to section 18 or the party is notified of the cancellation of enrolment.</p>
16	Please clarify whether accredited third parties should accept a National Identification Card that is damaged or mutilated when it is submitted for the provision of services.	
20	See comments outlined regarding Section 14 above.	

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22	Please describe the process undertaken (“chain of custody”) once a National Identification Card is surrendered to the Authority.	
23	What is the Authority’s obligation with regard to the treatment of canceled and surrendered card?	
25	<ol style="list-style-type: none"> 1. We are concerned that the cost for accredited third parties to access the verification services of the Authority may be exorbitant at the outset of the roll out of NIDS system. In particular as there is no certainty on how fast enrollees will sign up. 2. It is not clear what is the criteria by which the individual or entity will be evaluated for an Application to become an accredited third party. Please clarify. 3. Is there a set class of individuals or companies who can become accredited third parties? Will consideration be given to employers, landlords/realtors, credit agencies to become accredited third parties? 	<p>JBA should negotiate a fee at the lower end of the spectrum for the first two (2) years after the legislation is enacted until the take up is greater.</p> <p>The criteria for evaluation of an accredited third party’s Application should be explicitly stated. Possible reasons for rejection and appeal in event of denial could also be included.</p>

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SCHEDULE (On Page 42)	There is a typographical error at the heading of the section entitled “The National Indentification and Registration Authority”	The word “ Indentification ” is to be deleted and replaced with the word “ Identification ”.