**J.E.T.S LIMITED**

**General**

The structure of the bill seems well developed with considerations for several of the high level aspects with regards to the enabling framework, the supporting systems and operations.

The bill does also respect to the immediate social concerns with regards to the protection of sensitive identify information.

**Comments on the Sections**

**Part I - Preliminary**

**Section 01** - No issues

**Section 02** - A key feature of the NIDS Databases will be security and encryption. However neither encryption or security is defined

                     Cyber security may be added with consideration for protection from electronic attacks via viruses, ransom ware or other mal-ware

                     National Identification**Number** may be a limiting concept (only number characters) Alpha-numeric characters may be more flexible - Suggest National Identification **Designator**

                     Accredited Third Parties are not defined - S25(1)(b).

**Section 03** - Section 3(g) assets an object to "prevent identify theft". That object may not be achievable in real experience however it could be better  stated as to "validate identities and so counter act identify theft"

**Section 04** - No issues.

**Part II - The National Identification and Registration Authority**

**Section 05** - Section 5 (3)(c) and (d) should make clear that the development of systems and procedures will be subject to review and approval by the Board.

                      Also it may be useful to note that all such designs are subject to Parliamentary review.

                   - the reporting could be made clear by means of a org chart for the Authority along with its reporting to Parliament.

**Section 06** - No issues

**Section 07** - No issues

**Section 08** - No issues

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

**Section 09** - S 9 (1)(a) and (b) The concentration of "all" identity information within the National Identity Databases suggest that security around the location and systems should be addressed

                      Protection from physical and cyber assaults should be stated with regards to the valuable information assets for the Nation.

                   - S 9(4) The encryption of the information is mention but should be strengthened by stating the expected strength of encryption

                      Also the means of encryption key management should be outlined to ensure control and the avoidance of loss of access due to lost or forgotten security keys.

                      A further note on the backup requirements (at least dual if not triple database backups) as per S23(h)

**Section 10** - S 10 (7)(c) How will the Authority verify a report of loss or damage to NIDS card?

**Section 11** - S 11 (1) The list of information presented is useful but not all persons might have these items.

                      Some information should be Mandatory such as in (1)(a) (i) to (ix) and (1)(b)(i).  This would define the sufficiency requirement of S 11 (2)

                      It is desirable to add academic qualifications as item (xiii) as another means of verifying identity

                      However other elements of S 11(1) should be optional. For examples some persons due to injury or other reasons may not have finger prints nor be able to make a manual signature

**Section 12** -  S12 makes Identity verification a function of the Authority but has not state how the verification process would be achieved.

                       The supply of documents is one means but the Authority would have to be able to distinguish legitimate documents from fraudulent items.

                       Also the Authority may have to call on other authorities or respected persons to be able to verify identities. This should be added to the section.

**Section 13** - No issues

**Section 14** - Cancelation of enrollment may in future have significant bearing on a persons ability to transact in Jamaica.

                     It should be considered that 1) a notice be issued to persons at risk of cancellation - say 30 days prior  or with effect 30 days from the date of the notice

                     and 2) the time allowed would afforded the person the opportunity to correct any misinformation or error that may be at the root of the issue.

**Section 15** - The term Identification Number suggests that only numeric characters should be used in the National ID.

                     It may be better use a term that allow non-numeric or alpha number characters - i.e A National Identity Designation

**Section 16** - S 16 requires the Authority to issue cards at no charge as per S 16(6) but does not mention any charges that may be applied to the individual at the time of renew of a card.

                     S 16 (3) The record keeping for the Cards issued may itself be a risk for exposure of critical information. As such the list of assigned records should be secured and encrypted.

                     S 16 (12) Failing to report a lost or missing card could make all persons in the country into offenders.  Suggest that provide be removed and that repeated loss or damage to a card may be subject to a fine.

                                     - Only misused of the card should be considered an offence

**Section 17** - No issues

**Section 18** - S18(1)(b) and (c) The validity of the cards for 10 to 15 year periods seems to overlook normal wear and tear on the physical devices.

                      Suggest that card validity be 5-10 years.

                     The cost or fees related to the issue of cards is not state.

**Section 19** - No issues

**Section 20** - S 20 (2) the Authority should issue a notice of cancellation with effect at say 30 days from the date of the notice.

**Section 21** - No issues

**Section 22** - The treatment of cards to persons who have since become deceased needs to be expanded.

                     The NIDs number should be unique and therefore not re-usable by another individual.

                     Should the cards of deceased persons be returned to the Authority or destroyed?

**Section 23** - S 23 (a) and (f) indicate the use of encryption which has not been defined nor the means of ensuring the safe control of the encryption keys.

                     S 23 (h) briefly mentions backups but not a mandate for the minimum number of backups to assure redundancy.

                     Further to ensure the protection of the data we should ensure that the primary databases be located in Jamaica with use of off island backups only where the data is in the strongest encrypted form

**Section 24** -

**Section 25** - S25(1)(b) How will the Authority confirm the consent of the individual due to requests via an accredited third party?

**PART V—Appeal and oversight**

**Section 26** - S 26 (7) refers to the Second Schedule for the constitution of the Tribunal  in which at item 7 remuneration is mentioned but not defined.

                      The function the Tribunal can be affected by having inappropriate levels of compensation. This should be stated with referenced to approved GOJ scales.

                      Note also the source of funding for the Tribunals expenses is not stated. This could result unavailability of funds if not identify and provided for.

**Section 27** - The National Database Inspectorate provides for a oversight for the NIDS Authority.

                     It has not been stated whether the Inspectorate itself would be subject to audit and review.

                     Also the matter of funding and management of the Inspectorate is not explicit - it is only said that it would be funded by the NIDS Authority which presents a potential conflict.

                     The value of the Inspectorate to ensure consumer confidence may be eroded if the Inspectorate is poorly funded or not able to make regular reports.

                     Effective oversite on the very powerful NIDS Authority

                     It may be prudent that the financial affairs of the  Inspectorate also be subject to audit by independent auditors.

                     The compensation of the staff of the Inspectorate should be better outlined as pegged to a GOJ scale publicly disclosed rather than being determined by only the MOF.

                     The Inspectorate should also be required to provide an annual NIDS review plan and associated budget for its activities for parliamentary approval.

                     This would help ensure transparency and also a means by which the Inspectorate may be evaluated

**Section 28** - No issues noted

**Section 29** - No issues noted

**Section 30** - Comments pending

**Section 31** - Comments pending

**Section 32** - Comments pending

**Section 33** - Comments pending

**Section 34** - Comments pending

**Section 35** - Comments pending

**Section 36** - Comments pending

**Section 37** - Comments pending

**Section 38** - Comments pending