



JAMAICA GOVERNMENT PENSIONERS ASSOCIATION

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15 February 2021

Houses of Parliament
Gordon House
Duke Street
Kingston

Attn: Mrs. Grace-Ann Morrison, Joint Select Committee of Parliament

Dear Madam,

Re: The National Identification and Registration Act, 2020

In response to your letter dated January 8, 2021 requesting a submission on the caption, I submit the following on behalf of the Jamaica Government Pensioners Association:

1. The Act seems to provide an appropriate framework for the establishment of a National Registration Authority (NRA) and the introduction of a comprehensive national identification and registration system which includes the already existing civil registration system, and has the support in general of the Jamaica Government Pensioners Association (JGPA). Nevertheless, there are a few issues that we wish to refer to specifically for the attention of, and treatment by, the Parliamentary Committee.
2. The Act does not seem to indicate what are or may be the benefits to an individual of being enrolled for, and acquiring, a National Identification Card, and providing the required data to the NRA. Might it be more attractive to such individuals who are being invited under the Act to provide all the data being sought, if they were aware of the benefits to be derived by doing so? **It is anticipated that since those are not identified in the Act, there will be provisions made for identification and inclusion in the Regulations to the Act.**
3. **Part 111, Section 9 (4)** of the Act states that the identity information stored in the National Identification Databases ***“shall 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”***. While there is no issue with what is stated, it is what is not said that is critical. It is understood that the purpose of encryption of the data is to avoid or reduce the risks of such information being made

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available or accessible to other parties not so entitled or authorised. Who has the authority to decrypt the information? The Act must give some indication as to the body or person or agency who may convert the encrypted data **“into legible form”**. **It is anticipated that since that is not identified in the Act, there will be provisions made for identification and inclusion in the Regulations to the Act.**

4. **Section 11 (1) (b) (ii)** states that the following identity information may be required by the NRA from an individual for the purpose of enrolling the individual: **“(ii) fingerprints, as defined by the Finger Prints Act”**. The Finger Prints Act definition is: **“finger print includes a palm print and a foot print”**. However, it is to be noted that the taking of an individual’s finger prints generally relates to offences against the law. The Act allows the NRA to determine the sufficiency of information provided to it and therefore whether to deny the application for enrollment. If an individual therefore decides not to provide his fingerprints, is that sufficient grounds for the NRA to refuse to enroll that person? **We submit that it should not be.**
5. **Section 35** requires review of the Act by Parliament from time to time, the first being after three (3) years from the date of commencement. Without further requirement a second review may not soon come. **It is suggested that the Act needs to go further and specifically require that the fines and penalties under the Act be reviewed every fixed number of years.**
6. **Re Section 26 (6)**, that requires the Appeal Tribunal to **“give a written copy of its decision, including the reasons therefor, to the appellant, the Authority and the Inspectorate”**, we submit that the Act specifies a fixed timeframe within which that shall be done.
7. Page 45, there is a formatting/typo error at the end of the line of 4(b) that should be corrected.

It is also being suggested by some of our members that in order to explain the benefits, advantages and disadvantages of the NIRA Act, there must be national public information provided before the passing of the Act.

The above is submitted for your consideration, and I thank you for giving us the opportunity to comment on such an important piece of legislation.

Yours sincerely



Johnathan Brown, BH (M)
President
Jamaica Government Pensioners Association