

**A BILL
ENTITLED**

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

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, 2020, 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;

“Board” means the Board of Management established under section 6;

“Chairperson” means the chairperson of the Board;

“Chief Executive Officer” means the Chief Executive Officer of the Authority, appointed under paragraph 1 of the First Schedule;

“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;

“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 Databases 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;

“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 –
 - (a) establish a National Identification and Registration Authority having responsibility for civil registration and the National Identification System;
 - (b) provide for the enrolment of citizens of, and individuals who are ordinarily resident in, Jamaica, in the National Identification Databases;
 - (c) establish databases, to be known as the National Identification Databases, consisting of all identity information collected by the National Identification and Registration Authority in respect of enrolled individuals;
 - (d) establish databases, to be known as the Civil Registration Databases, consisting of all information collected for civil registration by the Registrar-General;
 - (e) provide for the characteristics, assignment and use of a unique National Identification Number to be assigned to each enrolled individual;
 - (f) provide for the issue of a National Identification Card to each enrolled individual;
 - (g) prevent identity theft and other instances of fraud with respect to identity information; and

- (h) provide for the discharge of the statutory functions of the Registrar-General by an office established within the Authority, under the management and control of the Authority.

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 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 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 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) through the office established under subsection (2), carry out the functions of the Registrar-General as described in subsection (2);
- (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) develop policies, procedures and protocols for the collection, processing, storage, authentication and verification of information in the National Databases, consistent with data protection best practices and in conformity with the Data Protection Act;
- (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; and
- (h) perform such other functions which, in the opinion of the Board, are necessary for the efficient discharge of the Authority’s functions.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

First Schedule.

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

(9) 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.

Board of Management.

6. - (1) For the purposes of this Act, there shall be a Board of Management which shall be responsible for overseeing the general administration of the Authority and, in particular, shall -

(a) develop policies and procedures for -

(i) the creation, management, maintenance and operation of the National Identification System;

- (ii) the enrolment of eligible individuals;
 - (iii) the generation and assignment of a National Identification Number to each enrolled individual;
 - (iv) the issue of a National Identification Card to each enrolled individual;
 - (v) the collation and reproduction of information obtained as required under this Act to be collated and reproduced from time to time;
 - (vi) the safe custody and, where required, disposal of all identity information collected or obtained by the Authority or stored in the Databases;
 - (vii) the promotion of the use of the National Identification Number and the National Identification Card; and
 - (viii) on-going research on developments and best practices in civil registration and identity information management;
- (b) ensure that the operations of the Authority 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;

- (c) review, evaluate, approve and monitor the implementation, by the Chief Executive Officer, of the Authority's –
 - (i) corporate policies;
 - (ii) operational, strategic and other corporate plans; and
 - (iii) annual budget proposals and submissions;
- (d) review, evaluate and approve the financial statements and major expenditure proposals of the Authority;
- (e) keep the Minister and Permanent Secretary abreast of matters relating to the administration and management of the Authority, including any need for financial, human, technological and other resources necessary for the achievement of performance targets;
- (f) give directions to the Chief Executive Officer, in respect of the management of the Authority;
- (g) operate in a manner that maximises the effective and efficient operation of the Authority;
- (h) in relation to the operations of the Authority, establish policies on –
 - (i) human resource management, including a code of conduct and a system of performance-based evaluation;
 - (ii) financial management;
 - (iii) employee benefits;
 - (iv) property management; and
 - (v) enterprise risk management;
- (i) approve 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;

- (j) monitor the performance of the Authority in respect of its performance targets and service standards;
- (k) require the Chief Executive Officer to provide it with such periodic reports, and such special reports, as the Board considers appropriate in respect of the management of the Authority.

**First Schedule,
Part II.**

(2) The provisions of Part II of the First Schedule shall have effect with respect to the constitution of the Board and otherwise with respect thereto.

**Ministerial
directions.**

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

**National
databases.**

9. - (1) National databases are hereby established, consisting of –

- (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 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.

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

(11) In this section –

“access, “data”, 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;
 - (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 in so far as it is reasonably possible for that identity information to be verified;

- (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 an inmate of 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 inmate 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) knowingly enrolls or attempts to enrol more than once in the National Identification Databases;
- (d) falsely alleges the loss or destruction of that individual's National Identification Card and applies for a new card while in possession of a National Identification Card; or
- (e) 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.

(8) For the purpose of subsection (7), an individual provides false information if at the time of the provision of the information the individual -

- (a) knew or believed the information to be false; or
- (b) was reckless as to the veracity of the information.

**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;
 - (vii) principal place of residence and 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, as defined by the Finger Prints Act; and
 - (iii) manual signature, in the case of an individual who is eighteen years of age or older; and
- (c) the following reference numbers in respect of the individual, where applicable –
- (i) taxpayer registration 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 may determine 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) A person commits an offence if, without lawful authorisation, the person collects identity information from an individual.

(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 two million dollars.

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;
- (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) 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 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.

(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) in the case of cancellation –
 - (i) pursuant to subsection (1)(a) or (2), shall ensure that the identity information pertaining to the individual is purged from the National Identification Databases where —
 - (A) the time allowed under this Act for making an appeal against the cancellation has elapsed without an appeal being brought; or
 - (B) an appeal against the cancellation is brought under this Act and the appeal is unsuccessful;
 - or
 - (ii) pursuant to subsection (1)(b), shall

- (A) not begin or shall cease (as the case may require) to process the identity information provided by the individual for the purposes of enrolment; and
- (B) 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) is given notice that the individual's enrolment has been cancelled –

- (a) shall no longer use a National Identification Number; and
- (b) 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), 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;
- (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 one million dollars.

(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 five hundred thousand dollars.

(12) A person who, without reasonable excuse, fails to notify the

Authority as required under subsection (7)(c), of the loss, theft, damage, mutilation or destruction of a National Identification Card commits an offence.

Use of National Identification Card.

17. – (1) An enrolled individual who is issued a National Identification Card may use the card for any of the following purposes –

- (a) as a means of proving that individual's identity;
- (b) as a means of facilitating transactions between that individual and any other party, where agreed between that individual and the other party.

(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.

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, but younger than sixty years of age, shall be valid for ten years from the date of issue and shall be renewable for successive periods of ten years until the individual attains the age of sixty years;

(c) sixty years of age or older, shall be valid for fifteen years from the date of issue, and is renewable for successive periods of fifteen 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;
- (v) the card control number;
- (vi) the category of enrolment (that is, whether as a citizen or individual ordinarily resident in Jamaica).

(2) Subject to section 16(5), a National Identification Card shall, in the absence of evidence to the contrary, 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 imprisonment for a term not exceeding three years.

**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 has, under that Act, revoked the leave of that individual to remain in Jamaica.

(2) Where the Authority cancels a National Identification Card issued to an individual, the Authority shall, by notice given in the prescribed form, inform the individual of the cancellation and of the individual's right to appeal against the cancellation.

(3) An individual who, pursuant to subsection (2) is given notice that the individual's National Identification Card has been cancelled shall surrender the Card to the Authority within thirty days after receiving the notification.

(4) An individual who, without reasonable excuse, fails to surrender a National Identification Card as required under subsection (3) commits an offence.

Re-issue of cancelled National Identification Card.

21. The Authority may re-issue a cancelled National Identification 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).

Obligation to surrender National Identification Card.

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

(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*

Security of information.

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 –

- (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 malware that are 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) eight 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.

(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 without notice, 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.

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 identity information about 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 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.

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 enrolled 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 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.

**National
Databases
Inspectorate.**

27. - (1) There is hereby established an office to be known as the National Databases Inspectorate, which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

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

(a) monitor compliance with this Act, regulations made under this Act, and all laws concerning the protection or confidentiality of identity information;

(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, regulations made under this Act, and all laws concerning the protection or confidentiality of identity information;
- (d) give to the Board such directions and advice as may be appropriate to ensure that identity information collected by the Authority or stored in the National Identification Databases is subject to the highest practicable levels of security and confidentiality;
- (e) make such recommendations to the Chief Executive Officer 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.

(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, including the processes for

the collection and storage of identity information, for the purpose of determining whether the information is maintained according to data protection and information privacy principles;

- (e) issue such directions to the Authority as the Inspectorate considers necessary to rectify or resolve any breach, or potential breach, of this Act, regulations made under this Act or any other law concerning the protection or confidentiality of identity information; and
- (f) refer any matter concerning any irregularity, misconduct or breach, believed to be carried out by any officer of the Authority or any officer of the Board, to –
 - (i) the Director of Public Prosecutions;
 - (ii) the Integrity Commission;
 - (iii) the Auditor-General;
 - (iv) 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.

(4) The Inspectorate shall submit to the Minister within three months after the start of each financial year, a report on its functions in respect of the previous financial year, and the Minister shall cause the report to be laid on the table of each House of Parliament.

(5) Notwithstanding anything contained in the Data Protection

Act, the Inspectorate shall submit to the Information Commissioner under that Act a report on its functions in respect of a calendar quarter, within one month after the end of that quarter.

Third Schedule. (6) The provisions of the Third Schedule shall have effect as concerns the constitution of the Inspectorate and otherwise with respect thereto.

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 one million 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 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 the seizure of anything that is –

- (a) subject to legal professional privilege; or
- (b) contains identity information, if such seizure may be reasonably expected to have a negative impact on any aspect of Jamaica's information, 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 Parish Court, to a fine not exceeding three million dollars.

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 officer 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), 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; and
 - (m) 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 Board 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 Board, 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 General Register Office appointed under section 4 of the Registration (Births and Deaths) 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(8),
6(2) and 34)**

The National Identification and Registration Authority

Part I

Chief Executive Officer and Other Employees

Chief Executive Officer.

1. - (1) There shall be employed to the Authority a Chief Executive Officer, who shall be appointed by the Board after consultation with the Minister.

(2) Subject to sub-paragraph (10), the Chief Executive Officer shall be appointed at such remuneration, and on such terms and conditions, as are approved by the Board.

(3) An individual shall be disqualified for appointment under this section if the individual –

- (a) is not a citizen of Jamaica;
- (b) is a bankrupt within the meaning of the Insolvency Act; or
- (c) is not a fit and proper person, as determined under sub-paragraph (4),

and an individual shall not be appointed pursuant to this paragraph unless that individual submits to the Board a voluntary declaration declaring that the individual is not disqualified, as described in this paragraph, for the appointment.

(4) In determining whether an individual is a fit and proper person to be appointed under this paragraph, the Board shall have regard to –

- (a) the individual's academic qualifications, technical, managerial and leadership competencies and experience; and

- (b) whether the individual is of good repute in respect of the individual's character, honesty and integrity.

(5) Without prejudice to any terms or conditions of service applicable under sub-paragraph (2), the appointment of the Chief Executive Officer may be terminated by the Board if the Board is satisfied that the Chief Executive Officer –

- (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 Chief Executive Officer;
- (b) becomes disqualified under sub-paragraph (3);
- (c) is convicted of an offence and sentenced to a term of imprisonment or to death;
- (d) is convicted of an offence involving fraud, dishonesty or moral turpitude;
- (e) fails to carry out a function conferred or imposed on the Chief Executive Officer by or under this Act; or
- (f) fails to fulfil performance targets, agreed upon between the Board and the Chief Executive Officer, as performance targets

to be fulfilled by the Chief Executive Officer,

or for any other sufficient cause.

(6) Before taking any action under subparagraph (5) terminating the appointment of the Chief Executive Officer, the Board shall notify that Officer in writing of the right to be heard on the matter of the proposed termination within such time as may be specified in the notice, and shall give the Officer the opportunity to be heard accordingly.

(7) The Chief Executive Officer shall –

- (a) be responsible for the day to day administration and management of the Authority, and shall ensure that the Authority's operations are carried out in an efficient and effective manner;
- (b) be responsible for managing the assets and property of the Authority;
- (c) ensure that the Authority's performance targets are met;
- (d) maintain systems to promote and support compliance with this Act;
- (e) submit the annual budget and other financial statements, and the strategic and operational plans, of the Authority to the

Board for approval;

- (f) submit the internal regulations and policies of the Authority to the Board for approval;
- (g) submit annual and quarterly reports, and such other reports as the Board may require, in respect of the Board's operations, to the Board for approval;
- (h) ensure that the Board is kept informed of all matters material to the administration and management of the Authority;
- (i) be responsible for the operations of the Office of Registrar-General established under section 5(2); and
- (j) perform such other functions as may be assigned to the Chief Executive Officer, by the Board.

(8) The Chief Executive Officer may in writing delegate to an officer of the Authority the performance of such of the functions of Chief Executive Officer (other than the power of delegation) as the Chief Executive Officer considers necessary for the proper administration of the Authority.

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

- (a) shall not preclude the performance, by the Chief Executive Officer, of the function

delegated; and

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

(10) No salary shall be paid, to a person appointed under sub-paragraph (1), in excess of such rate as may be prescribed by the Minister with responsibility for the public service, without the prior approval of that Minister.

Deputy Chief Executive Officers.

2. - (1) Subject to sub-paragraph (6), the Board may appoint, at such remuneration and on such terms and conditions as it considers fit, such number of Deputy Chief Executive Officers of the Authority as may be required for the efficient operation of the Authority.

(2) An individual shall be disqualified for appointment under this section if the individual –

- (a) is not a citizen of Jamaica;
- (b) is a bankrupt within the meaning of the Insolvency Act; or
- (c) is not a fit and proper person, as determined under sub-paragraph (3).

(3) In determining whether an individual is a fit and proper person to be appointed under this paragraph, the Board shall have regard to –

- (a) the individual's academic qualifications, technical, managerial and leadership

competencies and experience; and

- (b) whether the individual is of good repute in respect of the individual's character, honesty and integrity.

(4) Without prejudice to any terms or conditions of service applicable under subparagraph (1), the appointment of a Deputy Chief Executive Officer may be terminated by the Board if the Board is satisfied that that Deputy Chief Executive Officer –

- (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 Deputy Chief Executive Officer;
- (b) becomes disqualified under subparagraph (2);
- (c) is convicted of an offence and sentenced to a term of imprisonment or to death;
- (d) is convicted of an offence involving fraud, dishonesty or moral turpitude;
- (e) fails to carry out a function conferred or imposed on that Deputy Chief Executive Officer by or under this Act; or
- (f) fails to fulfil performance targets, agreed upon between the Chief Executive Officer

and that Deputy Chief Executive Officer, as performance targets to be fulfilled by that Deputy Chief Executive Officer, or for any other sufficient cause.

(5) Before taking any action under sub-paragraph (4) terminating the appointment of a Deputy Chief Executive Officer, the Board shall notify that Officer in writing of the right to be heard on the matter of the proposed termination within such time as may be specified in the notice, and shall give the Officer the opportunity to be heard accordingly.

(6) No salary shall be paid, to a person appointed under sub-paragraph (1), in excess of such rate as may be prescribed by the Minister with responsibility for the public service, without the prior approval of that Minister.

Appointment of other employees.

3. - (1) The Chief Executive Officer may, with the approval of the Board, employ to the Authority such number of officers, on such terms and conditions as may be approved by the Board, as may be required for the efficient operation of the Authority.

(2) No person shall be employed to any office of the Authority at a salary in excess of such rate as may be prescribed by the Minister with

responsibility for the public service, without the prior approval of that Minister.

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

(4) Subject to sub-paragraph (5) the qualifications for appointments to offices of employment with the Authority shall be developed by the Chief Executive Officer and subject to the approval of the Board.

(5) A person shall be disqualified for appointment to any office of employment with the Authority if the person is a member of either House of Parliament or a member of the Council of a Municipal Corporation, City Municipality or Town Municipality.

Part II

The Board of Management of the Authority

Composition of Board.

4. - (1) The Board shall have fifteen members consisting of –

- (a) the following *ex officio* members –
- (i) the Chief Education Officer;
 - (ii) the Chief Medical Officer;
 - (iii) the Chief Executive Officer of the Passport, Immigration and Citizenship Agency; and
 - (iv) the head of the Government agency responsible for the welfare of children; and
- (b) the following appointed members, being individuals eligible for appointment under the terms of sub-paragraph (2), appointed by the Governor-General on the advice of the Prime Minister given after consultation with the Leader of the Opposition –
- (i) a retired Judge of the Supreme Court or Court of Appeal, or an attorney-at-law of at least ten years standing;
 - (ii) a representative of the Jamaica Council of Persons with Disabilities;
 - (iii) a senior public official in the Ministry with responsibility for finance, designated by the Financial Secretary;

- (iv) a senior public official in the Ministry with responsibility for national security, designated by the Permanent Secretary in that Ministry;
- (v) a senior public official in the Office of the Prime Minister, designated by the Permanent Secretary in the Office of the Prime Minister;
- (vi) a senior public official in the Ministry with responsibility for justice, designated by the Permanent Secretary in that Ministry;
- (vii) a representative of a non-governmental organisation concerned with human rights;
- (viii) an individual who has demonstrated knowledge and experience in information and communication technology and cyber-security;
- (ix) an individual who has demonstrated knowledge and experience in human resource

management and public
administration;

- (x) an individual who has
demonstrated knowledge and
experience in financial
management and accounting; and
- (xi) an individual who has
demonstrated knowledge and
experience in matters relating to
marketing and public relations.

(2) An individual is eligible to be an
appointed member of the Board if that individual –

- (a) is a national of Jamaica;
- (b) is eighteen years of age or older;
- (c) has not been convicted of an offence
involving fraud, dishonesty or moral
turpitude;
- (d) is not, and has not been, a member of
either of the Houses of Parliament;
- (e) is not, and has not been, 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);
- (f) has at any time been diagnosed as having a
mental disorder as defined in the Mental

Health Act; and

- (g) is a fit and proper person as described in sub-paragraph (3).

(3) An individual is a fit and proper person for the purposes of sub-paragraph (2)(g), 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 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 the functions of a Board member;
- (d) in the opinion of the Prime Minister –
 - (i) the individual is of sound probity and able to exercise competence, diligence and sound judgement in

fulfilling the functions of a Board member;

- (ii) the individual possesses the knowledge, skills and experience necessary for the intended functions to be carried out by the individual as a Board member; and
- (iii) the appointment of the individual will not raise any issue of conflict of interest or undue influence.

(4) Subject to paragraphs 5 and 6, the members appointed pursuant to sub-paragraph (1)(b) shall serve for a period of three years, and shall be eligible for re-appointment.

(5) If an appointed member of the Board 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 appointed member.

(6) The Prime Minister shall appoint a Chairperson and Deputy Chairperson from among the appointed members of the Board.

Resignation of appointed member.

5. - (1) An appointed member, other than the Chairperson, may resign membership of the Board 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 may resign membership of the Board by notice in writing thereof addressed to the Governor-General and submitted to the Prime Minister, who shall transmit the notice 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 of member.

6. - (1) The Governor-General, on the advice of the Prime Minister, given after consultation with the Leader of the Opposition, may revoke the appointment of an appointed member of the Board if the member –

- (a) is suffering from a mental disorder as defined in the Mental Health Act, or by reason of ill-health is permanently unable to discharge any function as Board member;
- (b) is, or becomes, ineligible to be an appointed member of the Board;
- (c) fails to discharge functions as a Board member in a competent manner;
- (d) fails, without reasonable excuse or

explanation, to attend three consecutive meetings of the Board; or

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

(2) Before taking any action under subparagraph (1) advising as to the revocation of the appointment of a member, the Prime Minister shall notify that member in writing of the right to be heard on the matter of the proposed revocation within such time as may be specified in the notice, and shall give the member the opportunity to be heard accordingly.

Proceedings of the Board.

7. - (1) The Board shall determine the frequency, time and place of its meetings, but shall meet as often as necessary to carry out its functions.

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

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

(4) The Chief Executive Officer shall attend the meetings of the Board, but is not entitled to vote on any decision of the Board.

(5) The quorum for meetings of the Board shall be seven members.

(6) The decisions of the Board 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 a casting vote.

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

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

(9) The Board may invite the attendance of any individual at any meeting of the Board, for the purpose of assisting the Board in its deliberations on any matter before it.

(10) An individual who attends a Board meeting upon the invitation of the Board –

- (a) may take part in the discussions of the Board, but shall not vote in any decision of the Board; and
- (b) shall be advised by the presiding Chairperson of the individual's duty of secrecy and confidentiality under section

30.

(11) Nothing in this paragraph precludes a meeting of the Board being conducted by electronic means, and “presence” in relation to the participation of a Board member shall be construed to include participation through electronic means in accordance with arrangements made by the Board in the regulation of its proceedings pursuant to sub-paragraph (2).

Appointment of Committees.

8. - (1) The Board may appoint committees for any purpose connected with the functions of the Board that, in the opinion of the Board would be better regulated and managed by means of committees,

(2) The membership of a committee appointed pursuant to sub-paragraph (1) may comprise a mixture of members of the Board and such other individuals as the Board considers appropriate having regard to the knowledge and expertise required in respect of the matter concerned, and the Board shall determine the number of members, terms of appointment, quorum, and terms of reference for the functions, of the committee.

Disclosure of interest.

9. - (1) A member of the Board who is directly or indirectly interested in a contract made, or

proposed to be made, or in any other matter being considered, by the Board –

- (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 Board the nature of the interest; and
- (b) shall not be present during the deliberation of the Board, or take part in the decision of the Board, 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.

Liability of Board.

10. - (1) A member of the Board shall not be personally liable for any act or default of the Board done, or omitted to be done, in good faith in the course of the operations of the Board.

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

Remuneration of Board members.

11. There shall be paid to the members of the Board such remuneration (whether by way of salary, honorarium or fees) and allowances as the

Minister with responsibility for the public service may determine.

Office of member is not public office.

12. The office of member of the Board (whether as Chairperson or otherwise) shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Part III

General Provisions Applicable to the Authority's Operations

Finances.

13. - (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.

14. The Authority may invest its funds as it

considers fit.

Exemptions.

15. The Authority shall be exempt from liability for –

- (a) income tax;
- (b) stamp duty;
- (c) transfer tax; and
- (d) customs duties.

Accounts and audit.

16. - (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.

17. 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.

18. - (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.

19. - (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 Board, or any other member of the Board 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 Board, and shall be authenticated by the signatures of –

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

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 subparagraph (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(6))

The National Databases Inspectorate

**Composition
of inspectorate.**

1. – (1) The Inspectorate shall be comprised of the following members, appointed by the Governor-General, upon the advice of the Prime Minister after consultation with the Leader of the Opposition –

- (a) a registered public accountant, as defined in the Public Accountancy Act;
- (b) an information and communications technology professional having experience in enterprise mission critical systems with high security;
- (c) a retired Judge of the Supreme Court or Court of Appeal;
- (d) an individual who has experience in the telecommunications industry; and
- (e) an individual with experience in organisational management.

(2) An individual shall not be eligible to be

appointed pursuant to sub-paragraph (1) if the individual –

- (a) is not ordinarily resident in Jamaica;
- (b) is under the age of eighteen years;
- (c) is a bankrupt within the meaning of the Insolvency Act;
- (d) is, or has been, a member of either of the Houses of Parliament;
- (e) is, or has been, 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);
- (f) has at any time been diagnosed as having a mental disorder as defined in the Mental Health Act; and
- (g) is not a fit and proper person as described in sub-paragraph (3).

(3) An individual is a fit and proper person 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'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 a member of the Inspectorate; and
- (c) in the opinion of the Prime Minister –
 - (i) the individual is of sound probity and able to exercise competence, diligence and sound judgement in fulfilling the functions of a member of the Inspectorate;
 - (ii) the individual possesses the knowledge, skills and experience necessary for the intended functions to be carried out by the individual as a member of the Inspectorate; and
 - (iii) the appointment of the individual will not raise any issue of conflict of interest or undue influence.

(4) An individual shall not be appointed to act

as a member of the Inspectorate 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.

(5) For the purposes of sub-paragraph (2), “ordinarily resident” means resident in Jamaica for a continuous period of not less than six months immediately preceding the date of appointment pursuant to sub-paragraph (1).

Tenure of members of Inspectorate.

2. - (1) Except as provided in this paragraph, a member of the Inspectorate shall hold office for a term of seven years, and is eligible for re-appointment for one further term of seven years.

(2) A member of the Inspectorate may at any time resign office as a member by giving written notice thereof to the Governor-General, and the resignation shall take effect upon receipt of such notice by the Governor-General.

(3) The appointment of a member of the Inspectorate may be terminated by the Governor-General, if the Governor-General is satisfied that the member –

- (a) is suffering from a mental disorder as defined in the Mental Health Act;
- (b) is convicted of an offence and sentenced to

a term of imprisonment or to death;

(c) becomes ineligible to be appointed as a member under paragraph 1; or

(d) fails, without reasonable excuse, to carry out a function of that member under this Act.

(4) Before taking any action under subparagraph (3) terminating the appointment of a member, the Governor-General shall notify that member in writing of the right to be heard on the matter of the proposed revocation within such time as may be specified in the notice, and shall give the member the opportunity to be heard accordingly.

Remuneration.

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

Officers and agents of the Inspectorate.

4. - (1) The Inspectorate may employ, on such terms and conditions and subject to the prior approval of the Minister with responsibility for finance, such number of officers as may be required for the efficient operation of the Inspectorate.

(2) The Governor-General may, subject to such conditions as the Governor-General may

impose, approve of the appointment of any officer in the service of the Government to any office with the Inspectorate, and any officer so appointed 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.

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

Resources.

5. – (1) There shall be paid to the members of the Inspectorate from the funds of the Authority such remuneration, whether by way of honorarium, salary or fees, such allowances as the Minister responsible for the public service may determine.

(2) The Authority shall provide to the Inspectorate such resources as the Inspectorate reasonably requires for the discharge of its functions.

Protection from suit.

6. - (1) The members of the Inspectorate and the employees of the Inspectorate shall not be personally liable for any act or default of the Inspectorate done, or omitted to be done, in good faith in the course of the operations of the

Inspectorate.

(2) Where an individual is exempt from liability by virtue of sub-paragraph (1), the Inspectorate shall be liable to the extent that the Inspectorate would be liable if the individual were a servant or agent of the Inspectorate.

FOURTH SCHEDULE (Section 37)

Amendments to Other Enactments

Provision	Amendment
—	—
1. Access to Information Act.	<p>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) –</p> <p style="padding-left: 40px;">“(e) any identity information in the custody or control of the National Identification and Registration Authority pursuant to the National Identification and Registration Act.”.</p>
2. The Aliens Act.	<p>In section 13, insert next after subsection (2) the following subsection –</p> <p style="padding-left: 40px;">“(3) The Chief Immigration Officer shall furnish to the National Identification and Registration Authority such information about the immigration status of any citizen of Jamaica as the National Identification and Registration Authority may require for the purpose of the National Databases kept under the National</p>

Identification and Registration Act.”.

3. 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 “hereby state:”, 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 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)”.

4. 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.”.

5. 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.”.
6. The Executive Agencies Act. In section 19(1), delete paragraph (g).
7. 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.”.
8. The Immigration In Form “E” of the Schedule, insert immediately

- Restriction (Commonwealth Citizens) Act. 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,”.
9. 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.”.

10. The Jamaican Nationality Regulations, 1962.

1. 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”.

2. 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).”.

3. 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.”.

11. The Justice Protection Act.

1. In section 13(b), insert immediately before the

words “permitting a participant” the words “subject to subsection (2),”.

2. Re-number 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”.

12. 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,”.

13. 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)”.
14. 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.”.
15. 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),”.
16. 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).”.

17. 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, symbols without phonetic significance; or

(c) is contrary to public interest.”.

4. Re-number 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

(b) any certificates issued by the Registrar,

in any format that the Registrar-General considers appropriate.”.

9. Re-number 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.”.

18. 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.”.

19. The Revenue Administration Act. 1. In section 17D, insert the following as subsection (9) -

“ (9) The Registration Authority may designate the taxpayer’s National Identification Number assigned under the National Identification and Registration Act as the registration number assigned to the taxpayer for the purposes of this section.”.

2. Insert next after section 17FA the following section -

“Disclosure of information to National Identification and Registration Authority. 17FB. 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,

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.”.

MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to provide a legal framework for a National Identification System that provides safe, reliable and robust verification and authentication of identity information for citizens of Jamaica and persons ordinarily resident in Jamaica, thereby allowing for the strengthening of identity security, cyber security, and the simplification of bureaucracy. This legislative framework will -

- (a) establish a National Identification and Registration Authority having responsibility for civil registration and national identification;
- (b) provide for the enrolment of citizens, and individuals who are ordinarily resident in Jamaica, in the National Databases comprised in the National Identification System;
- (c) establish databases to be known as the National Databases, consisting of –

- (i) Civil Registration Databases comprising all information collected for civil registration by the Registrar-General; and
 - (ii) National Identification Databases comprising all identity information collected by the National Identification and Registration Authority;
- (d) provide for the characteristics, assignment and use of a unique National Identification Number to be assigned to each enrolled individual;
- (e) provide for the issue of a National Identification Card to each enrolled individual; and
- (f) provide for the discharge of the statutory functions of the Registrar-General by an office established within the Authority, under the oversight of the Authority and to make consequential amendments to the Registration (Births and Deaths) Act accordingly.

This Bill seeks to give effect to that decision.

Andrew Holness
Prime Minister