

(DRAFT) NATIONAL IDENTITY MANAGEMENT COMMISSION ACT, 2007

**2007 ACT No. 23
ARRANGEMENT OF SECTIONS**

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SCHEDULES

(DRAFT) NATIONAL IDENTITY MANAGEMENT COMMISSION ACT, 2007

2007 ACT No. 23

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL IDENTITY DATABASE AND THE NATIONAL IDENTITY MANAGEMENT COMMISSION CHARGED WITH THE RESPONSIBILITIES FOR MAINTENANCE OF THE NATIONAL DATABASE, THE REGISTRATION OF INDIVIDUALS, AND THE ISSUANCE OF GENERAL MULTIPURPOSE IDENTITY CARDS; AND FOR RELATED MATTERS

[25TH DAY OF MAY, 2007]

COMMENCEMENT.

ENACTED BY THE NATIONAL ASSEMBLY OF THE FEDERAL REPUBLIC OF NIGERIA:

PART I- ESTABLISHMENT, ETC. OF THE NATIONAL IDENTITY MANAGEMENT COMMISSION

PART 1 - ESTABLISHMENT OF NATIONAL IDENTITY MANAGEMENT COMMISSION.

ESTABLISHMENT OF NATIONAL IDENTITY MANAGEMENT COMMISSION

1. - (1) There is hereby established a body to be known as the National Identity Management Commission (in this Act referred to as "the Commission").

(2) The Commission

(a) shall be a body corporate with perpetual succession and a common seal; and

(b) may sue and be sued in its corporate name;

(3) The Commission may hold, acquire and dispose of any property or interest in property, moveable or immovable for the purpose of its functions under this Act.

MEMBERSHIP OF THE COMMISSION

2. - (1) There is hereby established for the Commission a governing Board (in this Act referred to as "the Board") which shall consist of:

(a) a part-time Chairman;

(b) a representative each of:

- (i) the Independent National Electoral Commission;
- (ii) the National Health Insurance Scheme;
- (iii) the Federal Road Safety Commission;
- (iv) the Federal Inland Revenue Service;
- (v) the National Pension Commission;
- (vi) the Nigeria Police Force;
- (vii) the Nigeria Immigration Service;
- (viii) the Office of the National Security Adviser;
- (ix) the National Population Commission;
- (x) the Central Bank of Nigeria;
- (xi) the State Security Service;
- (xii) the Economic and Financial Crime Commission;
- (xiii) the Chief of Defence Staff;
- (xiv) the Corporate Affairs Commission;

(c) three persons who are knowledgeable in Information Communication Technology or identity management to represent the public interest; and

(d) the Director-General of the Commission.

(2) The Chairman and members of the Commission shall be-

(a) appointed by the President; and

(b) citizens of Nigeria.

(3) Members of the Board, other than the Director-General, shall be part time members.

First Schedule.

(4) The provisions of the First Schedule to this Act shall apply with respect to the proceedings of the Board and the other matters mentioned therein.

3. - (1) The Chairman and members of the Board, other than Ex-officio members, shall hold office for a term of 4 years in the first instance and may be reappointed for a further term of 4 years and no more.

(2) Notwithstanding the provisions of subsection (1) of this section, a member of the Board shall cease to hold office as a member if:

(a) he resigns his appointment as a member of the Board by a notice under his hand, addressed to the President ;

(b) he becomes of unsound mind;

(c) becomes bankrupt or makes a compromise with his creditors;

(d) he is convicted of a felony nr any of offence involving dishonesty or corruption ;

(e) he becomes incapable of carrying on the functions of his office arising from an infirmity of mind or body ; or

(f) the President is satisfied that it is not in the interest of the Commission or in the interest of the public for the person to continue in office and notifies the member in writing to that effect.

(3) If a member of the Board dies or resigns or otherwise vacates his office before the expiration of the term for which he is appointed, a fit and proper person shall be appointed for the remainder of the term of office of the predecessor, so however that the successor shall represent the same interest.

Emolument, etc.

4. The Chairman and members of the Board shall be paid such emoluments, allowances and incidental expenses as the President may, from time to time, approve.

PART II - FUNCTIONS AND POWERS OF THE COMMISSION

Functions of the Commission.

5. The Commission shall

(a) create, manage, maintain and operate the National Identity Database established under section 14 of this Act including the harmonization and integration of existing identification databases in government agencies and integrating them into the National identity database;

~~(b) carry out the registration of citizens of Nigeria into the National Identity Database; registrable persons in accordance with the provisions of this Act and any regulations, guidelines and other documents issued thereunder;~~

~~(c) carry out the registration of non-citizens of Nigeria who are lawfully resident in Nigeria; collate information obtained by the Commission in pursuance of its functions under this Act and reproduce such information as may be required from time to time subject to and in accordance with the provisions of this Act or regulations made thereunder;~~

(d) serve as the repository of all biometric data capture for the management of identity in the country for proper coordination and harmonization;

~~(e) issue a General Multi-purpose Identity Card to any person registered pursuant to paragraphs (b) and (c) of this section; assign a unique national identification number to any person registered pursuant to paragraph (b) of this section;~~

~~(f) collate information obtained by the Commission in pursuance of its functions under this Act and reproducing such information as may be required, from time to time; issue identity credentials, including general multipurpose cards, digital identity cards and such other identity credential it deems appropriate having given due consideration to developments in applicable technology, to any person registered pursuant to paragraph (b) of this section;~~

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(fg) assign a unique National Identification Number to any person registered pursuant to paragraphs (b) and (c) of this section and the National Identification Number shall be incorporated into or made compatible with other existing identity related databases or registers in respect of which information or data relating to the registered person has been registered, documented or stored; ensure the preservation, protection, sanctity and security (including cyber security) of any information or data collected, obtained, maintained, or stored in respect of the National Identity Database;

(hg) ensure the preservation, protection, sanctity and security (including cyber security) of any information or data collected, obtained, maintained or stored in respect of the National Identity Database; establish and maintain secured communication links with any existing relevant identity related database or agency;

(ih) establish and maintain secured communication links with any existing relevant identity related database or agency; maintain secured communication links with end users in any public or private organization, agency, or body including Card Acceptance Devices, Government Service Centres;

(ji) maintain secured communication links with end users in any public or private organisation, agency or body including Card Acceptance Devices, Government Service Centres; collaborate with relevant bodies and agencies in setting out standards and technical specifications for the communications links with organizations and for the devices utilized for such communications established or maintained pursuant to paragraphs (g) and (h) of this section;

(jk) collaborate with relevant bodies and agencies in setting of standards and technical specifications for telecommunications links between organisations and for the devices utilized for such communications established or maintained pursuant to paragraphs (j) and (k) of this section; provide a secure and reliable method to verify personal information in respect of registered persons, subject to such conditions and on payment of such fees and in such manner as may be specified by regulations;

(lk) respond to verification enquiries regarding the identification of individuals; (l) perform such other duties which, in the opinion of the Commission, are

(m) carry out the registration of births and deaths in Nigeria for the effective and efficient management of the national identity database established under section 14 of this Act; and

(nm) enter into any form of agreement with any private or public sector based agency or organization for the development or establishment of the Identity Management Solution or for the realization of any of its functions; perform such other duties which, in the opinion of the Commission, are necessary or expedient for the discharge of its functions under this Act.

(n) research and monitor developments in the identity management sector;

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~~(J) collaborate with relevant bodies and agencies in the setting of standards and Powers of the Commission.~~

(a) request for any information on data from any person on matters relating to its functions under this Act;

~~Powers of the Commission.~~

(c) establish and operate administrative and monitoring offices in the ~~S~~states, ~~L~~local ~~G~~overnment ~~A~~reas and ~~A~~area ~~C~~councils;

(d) monitor any matter that may affect the functions of the Commission; ~~and~~

~~(e) interface with all relevant agencies that perform biometric data capture for the purpose of identity management and administration; do such other things which by this Act or any other enactment are required or permitted to be done by the Commission.~~

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~~(f) enter into any form of agreement with any private or public sector-based agency or organization for the development or establishment of the identity management solution or for the realization of any of its functions;~~

~~(g) set up facilitation centres and grievance redressal mechanism for redressing the complaints and grievances of registered persons; and~~

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~~(h) do such other things by which this Act or any other enactment are required or permitted to be done by the Commission.~~

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PART III - STAFF OF THE COMMISSION

The Director General.

8.7. - (1) There shall be for the Commission, a Director-General, who shall=-

(a) be appointed by the President;

(b) be the Chief Executive officer responsible for the day-to-day administration of the Commission;

(c) possess professional skills and 15 years cognate experience in any of the following fields: information communication technology, engineering, management science, law, business administration, economics or related fields.

(2) The Director-General shall, subject to the general control of the Board, be responsible for:

(a) the execution of the policies and decisions of the Board and its day to day operations and administration;

(b) keeping proper records of proceedings of the Board ; and

(c) the direction and control of all other employees.

(3) the Director-General shall hold office-

(a) for a term of 4 years in the first instance and may be reappointed for a further term of 4 years and no more ; and

(b) on such terms and conditions as to emolument and otherwise as may be specified in his letter of appointment.

Appointment, dismissal, etc. of other staff of the Commission.

9-8. - (1) The Board shall have power to appoint for the Commission such other employees as it may deem necessary for the efficient performance of its functions under this Act and shall have power to pay persons so employed such remuneration (including allowances) as the Commission may determine with the approval of the President.

(2) The power of the Commission under subsection (1) of this section shall include the power to-

(a) promote and control the staff of the Commission as may appear to the Commission necessary or expedient; and

(b) dismiss, terminate, consider the resignation or withdrawal of appointment and exercise disciplinary control over the staff of the Commission, other than the Director-General.

(3) The Board may delegate to the Director-General, generally or specifically; the power to appoint such categories of staff of the Commission as the Commission may from time to time specify.

Staff regulations

10-9. The Commission may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of its employees and without prejudice to the generality of the foregoing, such regulations may provide for:

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Commission; and

(b) appeals by such employees against dismissal or other disciplinary measures.

PART IV - FINANCIAL PROVISIONS

11-10. - (1) The Commission shall establish and maintain a fund which shall consist of:

(a) initial takeoff grant from the Federal Government;

(b) annual subvention from the Federal Government;

- (c) fees and other charges received by the Commission pursuant to this Act;
 - (d) subject to section 11 of this Act, all other sums accruing to the Commission by way of grants-in-aid, gifts, testamentary dispositions, endowments, bequests and donations made to the Commission; and
 - (e) such other sum as may accrue, from time to time, to the Commission.
- (2) the Commission shall from time to time apply the proceeds of the fund establish pursuant to subsection (1) of this section:
- (a) to the cost administration of the Commission;
 - (b) to the payment of the salaries, fees or other remuneration or allowances, payable to the officers and employees of the Commission, so however that no payment of any kind under this paragraph (except) such as may be expressly authorised under any other enactment or regulation in force) shall be made to any person who is in receipt of emoluments from the Government of the Federation of Nigeria or of a State);
 - (c) to reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorised by the Commission in accordance with the rates approved by the Board ;
 - (d) for the maintenance of any property vested in the Commission ; and
 - (e) for and in connection with all or any of the functions of the Commission under this Act.

Power to accept gifts.

42-11. - (1) The Commission may accept any gift, grant or donation of land, money or other property from any person or organisation upon such terms and conditions (acceptable to the Commission), if any, as may be specified by the person or organisation making the gift or donation.

(2) The Commission shall not accept any gift or donation if the conditions attached thereto by the person or organization making the gift or donation are inconsistent with the functions of the Commission.

Annual estimate and accounts.

43-12. -(1) The commission shall, not later than 30th September in each year, submit to the President an estimate of its expenditure and income (including estimates of expected payments into the fund of the commission) during the next succeeding year.

(2) The commission shall keep proper accounts in a form which conforms to accepted accounting standards, and proper records in relation thereto and the accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the commission shall be audited at the end of each calendar year by auditors appointed from the list and in accordance with the guidelines supplied by the

Auditor-General for the Federation and the fees of the auditors and the expenses for the audit generally shall be paid from the fund of the Commission.

Annual reports

14.13. The Commission shall, not later than six months after the end each year, submit to the President, a report on the activities of the Commission and its administration during the immediately preceding year and shall include in the report the audited accounts of the Commission and the auditors' comments thereon.

PART V - ESTABLISHMENT OF THE NATIONAL IDENTITY DATABASE, ETC

15.14. (1) There is hereby established a National Identity Database (in this Act, referred to as the "Database") which shall contain registered information or data relating to citizens of Nigeria and non-Nigerian Citizens who are registerable persons within the meaning of section 16 of this Act.

(2) Any person in respect of whom an entry is made in the Database (in this Act referred to as "a registered person") shall be identified using unique and unambiguous features such as fingerprints and other biometric information.

Objectives of the Database

16.15. the objectives of the Database shall, be to :

(a) use fingerprints and other biometric information as unique and unambiguous features of identifying registerable persons ;

(b) enable the Commission, using the information contained in the Database to issue ~~identity credentials~~ Multipurpose Identity Card with a unique Identification Number to registerable persons;

(c) enable the harmonisation of existing identity card schemes in Nigeria;

(d) provide a medium for the identification, verification and authentication of ~~citizens of Nigeria and other~~ registerable persons ~~entitled to~~ whom have been issued the Multipurpose Identity Cards; National Identity Numbers;

(e) facilitate the provision of a secured and a reliable method for ascertaining, maintaining and preserving information and facts about ~~citizens of Nigeria and other~~ sharing of such information, in accordance with the provisions of this Act and data protection best practices and standards necessary in the public interest, providing such

Registrable persons.

16.

17. This Act shall apply to the following persons, who shall be registerable to obtain a National Identification Number by undergoing the process of enrolment in accordance with the provisions of this Act.

(2) Every registrable person shall submit his demographic information, biometric information, and a government issued identification document at an enrolling agency.

(3) Any person having charge of any registrable persons shall cause such persons to be brought before the Commission or at such other place designated by the Commission, for enrolment and the provisions of this Section 16 shall apply, mutatis mutandis, to the registration of such persons.

(4) The Commission shall take special measures to enrol and issue National Identity Numbers to such persons who do not have any permanent dwelling house and such other categories of individuals as may be specified by regulations.

(5) Where a registrable person is unable to submit a government issued identification documentation specified under subsection (2), the Commission may require:

(a) a relative of the registrable person to identify the registrable person under oath, provided that such relative is of legal age and has already been registered under the Act; or

(b) two persons to be determined by the Commission shall identify the registrable person under oath, where the registrable person has no known relatives.

(6) An individual who identifies a registrable person for the purposes of this section shall be known as an Identifier and the Commission shall in such manner as may be specified by regulations determine who can be an Identifier and shall maintain a register of all Identifiers, each of whom shall be linked to all the registered persons they have identified. Persons who have been registered through an Identifier shall also be tagged as such in the database.

(7) The enrolling agency shall, at the time of enrolment, inform the individual undergoing registration of the following details in such manner as may be specified by regulations, namely:—

(a) the manner in which the information shall be used;

(b) the nature of recipients with whom the information is intended to be shared during authentication; and

(c) the existence of a right to access information, the procedure for making requests for such access, and details of the person or department in-charge to whom such requests can be made.

(8) For the purposes of this Act, a person shall be deemed to be a resident of the federal republic of Nigeria, and therefore a registerable person, if such person has resided in Nigeria for a period or periods amounting in all to one hundred and eighty

days or more in the twelve months immediately preceding the date of application for enrolment.

(9) On receipt of the demographic information and biometric information, the Commission shall, after verifying the information, in such manner as may be specified by regulations, issue a National identity Number to such individual. In addition, the Commission, in consideration of advances in technology, utility, security and confidentiality, issue identity credentials, including general multipurpose cards, digital identity cards and such other identity credential as it deems appropriate, to registered person.

(10) A National Identity Number, issued to an individual:

(a) shall be a random number and bear no relation to the attributes or identity of the holder of the National Identity Number.

(b) shall not be re-assigned to any other individual.

(c) may, in physical or electronic form subject to authentication and other conditions, as may be specified by regulations, be accepted as proof of identity of the holder of the National Identity Number for any purpose.

Contents of the Database

48-17. - (1) The information that may be recorded in the Database shall be limited to:

(a) the information, the inclusion of which in the entry of a registered person is ~~Second~~ authorized by the ~~s~~Second Schedule to this Act;

(b) information of a technical nature for use in connection with the administration of the Database;

(c) information of a technical nature for use in connection with the administration of arrangements made for purposes connected with the issue or cancellation of ~~Multipurpose-Identity credentialsCards~~; and

~~(e)~~(d) information recorded in the Database in accordance with subsection (2) of this section.

(2) information about a registered person may be recorded in his entry in the ~~Second~~ Database (whether or not it is authorised by the Second Schedule to this Act,) if: ~~Schedule~~.

(a) he has made an application to the Commission requesting the recording of the information as part of his entry ;

(b) the information is of a description identified in Regulations made by the Commission as a description of information that may be made the subject of ~~such~~ a request under paragraph (a) of this subsection 2:

(c) the Commission considers that it is both practicable and appropriate for such information to be recorded in accordance with the applicants request; and

(d) the applicant has paid any fees or charges prescribed by the Commission with respect to such applications.

(3) The Commission may by order approved by the Attorney-General of the Federation and published in the gazette, modify the information for the time being ~~s~~Set out in the ~~s~~Second Schedule to this Act.

Registration and issuance of Multipurpose Identity Cards.

~~20. 19.~~ The ~~identity Credentials~~cards assigned to a registered ~~individual person~~ shall convey essential information about the registered person's identity be compiled in a prescribed manner and shall, in addition to a serial, index and control number, consist of a reproduction, in figure codes, of the following particulars, and no other particulars, of the registered person to whom it is assigned, namely:

(a) the date of birth and gender of the registered person; ~~and~~

(b) whether or not the registered person is a citizen of Nigeria; and

(c) such code or features as safeguards for data privacy and security, and prevention against the proliferation of fraudulent or falsified identification credentials.

20.-(1) For the purposes of this Act, an identity credential issued to a registered person by the Commission shall:

(a) record such part of the registered information entered in the Database with respect to that registered individual as the Commission may, by Regulations, prescribe; and

(b) carry data enabling the card to be used for facilitating the making of for registered information recorded in a prescribed part of the entry of a registered person in the Database or for otherwise facilitating the provision of that information to a person entitled to be provided with it.

(2) An identity credential issued to any registered person shall•

(a) record only the prescribed information or data;

(b) record the prescribed part of it in an encrypted form;

(c) be only for the prescribed period ; and

(d) remain the property of the Federal Republic of Nigeria.

Provision of information by third parties

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~~4.~~ 21-(1) The Commission may require any person to provide it with any which, in the opinion of the Commission, is in the possession of such person and may be used for verifying:

- (a) any information or data recorded in the Database about any, registered, person;
 - (b) any information or data provided to the Commission for the purpose of being recorded in the entry of a registered person in the Database ; or
 - (c) any information or data otherwise available to the Commission for the purpose of being recorded about a registered individual, in the Database.
- (2) Any person who is in possession of any information which he has been required to provide under this section, shall comply with the directive to provide the information to the Commission within the period stipulated by the Commission in that regard:

PROVIDED that the Commission may, in such cases (if any), make reasonable payments to the person providing information in accordance with this section in respect of the provision of the information.

~~2.-(1) For the purposes of this Act, a Multipurpose Identity Card issued to a registered person by the Commission shall:~~

~~3.~~ 22-(1) A registered person shall notify the Commission about-

- (a) every prescribed change of circumstances affecting the information or data recorded about him in the Database; and
- (b) every error in that information or data of which he is aware.

(2) The notification referred to in subsection (1) of this section shall be given in the prescribed manner and within the prescribed period after the change of circumstances occurs or the registered person in question becomes aware of the error.

(3) Where a registered person has given a notification for the purposes of subsection (1) of this section, the Commission may, for the purpose of verifying the information or data that may be entered in the Database about that person in consequence of the notified change or correcting the error or otherwise ensuring that there is a complete, up-to-date and accurate entry about that registered person in the Database, require the registered person:

- (a) to attend at a specified place and time;
- (b) permit his fingerprints and other biometric information about himself to be taken and recorded for the purpose of registration in the Database, under this Act;
- (c) allow a photograph of his head and shoulders to be taken; and
- (d) otherwise to provide such information as may be required by the Commission.

~~Safety, preservation, etc. of Identity Credentials Multipurpose Identity Card.~~

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4. ~~23:-~~(I) It shall be the duty of every person to whom an ~~Multipurpose Identity~~ credentialCard this Act to secure its safety and preservation in good form and to notify the Commission, and such other persons as may be prescribed, if he knows or has reason to suspect that the card has been-

- (a) lost;
- (b) stolen;
- (c) damaged;
- (d) tampered with; or
- (e) destroyed.

(2) Any person who finds or comes into possession of an ~~Multipurpose Identity~~ credentialCard, which is not issued to him, shall without delay, return it to the person to whom it is issued or forward it to the Commission.

Production of a Multi-purpose Identity Cards

5. ~~24:-~~(I) The Commission shall cancel an ~~Multipurpose Identity~~ credentialCard if it appears to it:

- (a) that the ~~identity credential card~~ was issued in reliance on inaccurate or incomplete information;
- (b) that the ~~identity credential card~~ has been lost, stolen, damaged, tampered with or destroyed;
- (c) that there has been a modification of information recorded in the entry in the Database of the holder of the ~~identity credentialCard~~;
- (d) another change of circumstances requires a modification of information recorded or on the ~~identity credentialCard~~; or
- (e) it is an ~~identity credentialMultipurpose Identity Card~~ of a description/that the Commission has decided should be reissued.

(2) The Commission may require any person to surrender, within such period as it may specify, any ~~identity credentialMultipurpose Identity Card~~ in the possession of such a person which in the opinion of the Commission-

- (a) is issued to another ;
- (b) has expired or been cancelled or is otherwise invalid ;
- (c) has not yet been cancelled but is of a description of ~~identity credential cards~~ that the Commission has decided should be reissued; or
- (d) is in that person's possession in consequence of a contravention of a relevant requirement.

Disclosure of registered information

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~~6. 25.-(1) No person or body corporate shall have access to the data or~~
~~(a) an application for the provision of the information to that person is made by or with~~
~~the authority of that individual; or~~

~~(2) Notwithstanding any other provisions of this Act, the Commission may, without a~~
~~registered individual's consent provide another person with information recorded in the~~
~~individual's entry in the Database if the provision of the information is authorised by this~~
~~section. Without prejudice to the provisions of subsection 1 of this section, no person or~~
~~body corporate shall have access to the data or information contained in the Database~~
~~with respect to a registered person except only if:~~

~~(a) the registered person has given and not withdrawn consent for the disclosure of the~~
~~information; or~~

~~(b) disclosure is necessary —~~

~~(i) for compliance with a legal obligation to which the requesting person or body~~
~~corporate is subject,~~

~~(ii) for the performance of a task carried out in the public interest or in the exercise of~~
~~official authority vested in the requesting person or body corporate;~~

~~(iii) for the prevention, detection, investigation, prosecution, or punishment for an~~
~~offence, or~~

~~(iv) for the preparation or conduct of proceedings before a court.~~

~~(3) The provision of information is authorised by this section where such disclosure is—~~

~~(a) to a public authority in the interest of national security;~~

~~(b) necessary:~~

~~(i) for purposes connected with the prevention or detection of crime;~~

~~(ii) for a purpose related to the prevention, detection or investigation of conduct in~~
~~respect of which a public authority has the power to impose penalties;~~

~~(iii) for a matter related to national health insurance or immigration; or~~

~~(iv) for a purpose relevant to the functions of the Commission.~~

~~(5) The registered information that may be provided under subsection (2) is —~~

~~(i) identity data;~~

~~(ii) a photograph of the registered person;~~

~~(iii) information that relates to residential status and personal reference numbers;~~

~~(iv) the signature of the individual concerned; and~~

(v) information in respect of the questions and responses used to identify the individual who made an application for an entry or a modification of an entry in the Database.

(6) Where a person or body corporate is provided with registered information contained in the Database in connection with a particular purpose, they shall not use that information for any other purpose unless –

(a) the registered person to whom the information relates consents to the use of the information for that other purpose,

(b) the use of the information for that other purpose is authorised or required by law,

(c) the purpose for which the information is used is directly related to the purpose for which the information was collected, or

(d) the information is used –

(i) in a form in which the registered person is not identified, or

(ii) for statistical or research purposes and will not be published in a form that can reasonably be expected to identify the registered person concerned.

(7) A public authority may access, use, retain or disclose registered information contained in the Database where the use or disclosure of the information does not infringe a registered person's fundamental rights and freedom. Such public authority shall comply with the provisions of the Nigeria Data Protection Act as amended from time to time in its access, use, retention or disclosure of registered information.

(8) Where any public authority uses or discloses registered information contained in the Database, it shall, taking into account the specific nature of the information and the specific purpose for which it is to be used or disclosed, implement appropriate technical and organisational measures to ensure that such use or disclosure does not harm the rights and freedom of the relevant registered person.

(9) The Commission shall, in addition to the provisions of this Section, issue guidelines on the access, use, retention and disclosure of registered information contained in the Database.

(10) Each request made for access to registered information on the Database shall state –

(a) the purpose for which the information is required for use,

(b) the period of retention of the information,

(c) the recipient of the information, and

(d) the security and confidential modalities for the disposal of the registered information which is no longer required.

26(1) For the purpose of establishing proof of identity of a registered person, the presentation of the National Identity Number and an identity credential issued by the Commission shall constitute sufficient proof of the relevant registered person's identity subject to proper authentication. Provided that when authentication cannot be performed without any fault on the part of the registered person, the Commission shall ensure that the affected registered person will not be disadvantaged or prejudiced thereby

(2) An authentication request shall be entertained by the Commission only upon a request sent by a requesting entity to the Commission, or an agent of the Commission, electronically in accordance with this Act and in line with any requirements as set out by regulations.

(3) At the time of the authentication, a requesting authority shall inform the registered individual of the following details:

(a) the nature of information that will be shared by the Commission upon authentication;

(b) the uses to which the information received during authentication shall be put; and

(c) alternatives to submission of identity information.

(4) Every registered individual shall be entitled to obtain his authentication records in such manner as may be specified by regulations.

(5) The Commission shall have the power to license agents to carry out authentication and verification on its behalf, provided such agents shall store any registered information securely and shall only perform such services pursuant to the provisions of this Act and any directions provided by the Commission.

(6) The Commission shall not, either by itself, through any entity under its control, or its agents, collect, keep or maintain any information about the purpose of authentication

(7) The Commission shall have the power to issue regulations setting out the process for access to, and maintenance of, authentication records.

Use of the National Identification Number

~~7. 27-{ 1) As from the date specified in that regard in regulations made by the Commission, the NATIONAL IDENTIFICATION NUMBER issued to a registered individual shall must be presented for any verification requirements including but not limited to, the following transactions, that is :~~

(a) issuance of any government-recognized identification document, such as an international passport and voters' card; application for, and issuance of a passport;

(b) enrollment in any government-endorsed or mandated program, services, subsidy or benefits;

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(c) financial transactions;

~~(db)~~ opening of ~~individual and or personal~~ bank accounts;

~~(ee)~~ purchase of insurance policies;

(f) SIM Card registrations

~~(ge)~~ subject to the provisions of the Land Use Act, the purchase, transfer and registration of land by any individual or any transaction connected therewith;

~~(he)~~ such transactions pertaining to individuals as may be prescribed and regulated by the Pensions Reform Act, 2004;

~~(ij)~~ such transactions specified under the Contributory Health Insurance Scheme;

~~(gj)~~ such transactions that have social security implications;

~~(hk)~~ all consumer credit transactions;

~~(i) registration of voters;~~

~~(km)~~ such relevant government services; and

~~(n) any additional transaction that requires the verification of the identity of the individuals involved, other transaction which the Commission may so prescribe and list in the Federal Government Gazette.~~

~~(2) Proof of identity shall not necessarily be construed as proof of eligibility to avail certain benefits and services which will be determined based on the applicable rules and regulations of the relevant entity or authority. The issuance of a National Identity Number or an identity credential under this Act shall not be construed as incontrovertible proof of citizenship. Any authority or organisation to which a person applies to carry out any transaction listed under subsection (1) of this section shall request such person to produce his Multipurpose Identity Card or National Identification Number.~~

Unauthorised access, refusal to give information etc.

PART VI-OFFENCES AND PENALTIES

Offences - Unauthorised access, refusal to give information etc.

8. 28.-(1) Any person who:

~~(a) without lawful authorization, accesses data or information contained in the Database; or~~

(a) without lawful authorisation by the Commission, intentionally –

(i) accesses or secures access to the National Identity Database;

(ii) downloads, copies, or extracts any data from the National Identity Database or stores the data from the database in any removable storage medium;

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(iii) introduces or causes to be introduced any virus or other computer contaminant in the National Identity Database;

(iv) damages or causes to be damaged the data in the National Identity Database;

(v) disrupts or causes disruption of the access to the National Identity Database;

(vi) denies or causes a denial of access to a person who is authorised to access the National Identity Database;

(vii) reveals any information or shares, uses, or displays information contained within the database;

(viii) destroys, deletes, or alters any information stored in any removable storage media or in the database or diminishes its value or utility or affects it injuriously by any means;

(ix) steals, conceals, destroys, or alters or causes any person to steal, conceal, destroy or alter any computer source code used by the Commission with an intention to cause damage; or

(x) uses or tampers with the data in the database or in any removable storage medium with the intent of modifying information relating to national identity number holder or discovering any information thereof,

(b) refuses to provide relevant data or information to the Commission; or

(c) in giving any information for the purposes of this Act, knowingly or recklessly makes a statement or provides information to the Commission, which is false in any material particular,

commits an offence under this Act.

(2) A person found guilty of an offence under subsection (1) (a) of this section shall be liable upon conviction to imprisonment for a term not less than ten (10) years without option of fine. Any person found guilty of an offence under any other provision of this section of this Act shall be liable on conviction to a fine of not less than ₦250,000.00 or imprisonment for a term not less than 3 years or to both such fine and imprisonment.

(3) Where ~~an~~ any offence under subsection (1) of this section is committed by a body corporate and is proved to have been committed with the connivance of or attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in any such capacity, such person as well as the body corporate shall be deemed guilty of that offence and shall each be liable on conviction, if an offence under subsection (1) (a), to imprisonment for ten (10) years and the body corporate to a fine of ₦10,000,000.00. With regard to any other offence, such person shall be liable upon conviction to a fine of ₦1,000,000.00.

Transaction without a national Identification Number.

23. (4)-(l) Any person who-

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~~(a) when required in accordance with the provisions of this Act to register himself fails to do so; and willfully obstructs any employee of the Commission in the due execution of his duties; _____~~

~~(b) willfully obstructs any employee of the Commission in the due execution of his duties; unlawfully makes use of a national identity number issued to any other person under this Act~~

~~(c) willfully destroys or mutilates the Multipurpose Identity Card issued under this Act; engages in the act of multiple registration; and~~

~~(d) being an employee of the Commission, unlawfully issues any Multipurpose Identity Card or makes any entry, alteration or erasure on any Multipurpose Identity Card; acting as an Identifier provides false information about Registrable Person(s) applying to be registered, shall be guilty of an offence under this act.~~

~~(e) unlawfully deprives any person of the Multipurpose Identity Card issued to him under this Act;~~

~~(5) Any person who commits an offence under subsection (4) and any other provision under this Act for which no penalty is specifically provided shall be liable on conviction to a fine of not less than N1,500,000 or imprisonment for term of not less than 6 months or to both such fine and imprisonment.~~

~~(6) No penalty imposed under this Act shall prevent the imposition of any other penalty or punishment under any other applicable law for the time being in force.~~

~~(7) :-~~

~~(a) Subject to the provisions of paragraph (b) of this sub-section (4), the provisions of this Act shall apply also to any offence or contravention committed outside Nigeria by any person, irrespective of his nationality.~~

~~(b) For the purposes of paragraph (a) of this sub-section (7), the provisions of this Act shall apply to any offence or contravention committed outside Nigeria by any person, if the act or conduct constituting the offence or contravention involves any data in the National Identity Database.~~

Power to investigate

~~9. The Commission may make regulations for the effective operation of this Act and the due administration thereof and without prejudice to the generality of the foregoing, the Commission may by such regulations:~~

~~(2) The Commission or an officer of the Commission authorised by it may request a person in writing to provide information or to attend at a time and place specified to provide information which the Commission considers reasonably necessary for the purpose of this Act.~~

Repeal, savings, etc.

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30(1) The Commission shall apply ex-parte to a Judge in Chambers for the issuance of a warrant for the purpose of obtaining evidence in relation to an investigation.

(2) A Judge may issue a warrant under subsection (1) on the satisfaction that —

(a) a person has engaged, is engaging, or is likely to engage in a conduct that contravenes the provisions of this Act;

(b) the warrant is sought to prevent the commission of an offence under this Act;

(c) the warrant is sought to prevent interference with investigative process under this Act;

(d) the warrant is for the purpose of investigating data security breaches and data privacy breaches, or obtaining electronic evidence; or

(e) the person named in the warrant is preparing to commit an offence under this Act.

(3) A warrant issued under subsection (2) shall authorise the Commission to —

(a) in the company of a law enforcement officer, enter and search any premises, where — (i) an offence under this Act is being committed, (ii) there is evidence of the commission of an offence under this Act or other relevant law, (iii) there is an urgent need to prevent the commission of an offence under this Act or other relevant law, or (iv) where there is reasonable suspicion that an offence under this Act is or about to be committed;

(b) stop and search any person found on such premises;

(c) enter and search any conveyance found on the premises;

(d) seize, seal, remove, or detain anything which is, or contains evidence of the commission of an offence under this Act;

(e) use or cause to be used a computer or other devices to search any data contained in or available to any computer system or computer network;

(f) use any technology to decode or decrypt any coded or encrypted data contained in a computer into readable text or comprehensible format; or

(g) require any person having charge of or conversant with the operation of a computer or electronic device in connection with an offence under this Act to produce such computer or electronic device.

Joint and Vicarious Liability

31(1) Where an offence has been committed by a body corporate or firm, the body corporate or firm, as well as principal officers of the body corporate or firm shall be deemed culpable, unless the principal officers prove that —

(a) the offence was committed without their consent or connivance; and

(b) they exercised diligence to prevent the commission of the offence.

(2) A body corporate shall be vicariously liable for the acts or omissions of its agent or employees, in so far as the acts or omissions relate to its business.

Legal Proceedings - Limitation of suits against the Commission

—32—(1) The National Civic Registration Act is hereby repealed:

(a) it is commenced within three months after the act, neglect, or default complained of;
or

(b) in the case of continued damage or injury, within three months after the ceasing of such act, neglect or default complained of.

(2) A suit shall not be commenced against the Commission, a member of the Board, or staff of the Commission before the expiration of one month after written notice of intention to commence the suit is served on the Commission, a Board member, or staff of the Commission by the intending plaintiff or plaintiff's agent.

(3) The notice referred to in subsection (2) shall clearly state the — (i) cause of action; (ii) particulars of the claim; (iii) name and place of abode of the intending plaintiff ; and (iv) relief sought.

(4) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act, shall apply in relation to any suit instituted against an official or employee of the Commission.

(5) A notice, summons, process, or document, required or authorised to be served on the Commission under the provisions of this Act or any other law or enactment, may be served by delivering it to the Director-General at the head office of the Commission.

(6) An execution or attachment process shall not be issued against the property of the Commission, in respect of an action or suit against the Commission.

Repeal, savings, etc.

33 (1) The National Civic Registration Act is hereby repealed.

(2) The repeal of the Act mentioned in subsection (1) of this section shall not affect anything done or purported to have been done under the repealed enactment.

(3) As from the commencement of this Act, any director, employee, staff or officer who immediately before the commencement of this Act holds office in the Department of 'National Civic Registration (hereinafter referred to as the "Department") existing before the commencement of this Act, and who have been made an offer by the Commission shall be' deemed to have been transferred to the Commission established under this

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Act on terms and conditions no less favourable than those obtaining immediately before the commencement of this Act; and service or employment in the Department shall be deemed to be service or employment in the Commission established under this Act and any director, employee, staff or officer to whom the Commission did not make an offer shall be re-deployed by the Head of the Civil Service of the Federation.

(4) There shall be vested in the Commission established under this Act and without further assurance, all assets, funds, resources and other immovable property, which immediately before the commencement of this Act were vested in the Department.

(5) All rights, interest, obligations and liabilities of the Department existing immediately before the commencement of the Act under any contract or instrument, or in law or in equity shall by virtue of this Act be assigned to, and vested in the Commission established under this Act.

(6) Notwithstanding the provisions of any other Act or enactment, the provisions of this Act shall prevail and apply in cases of conflict between this Act and such other Act or enactment to the extent of the conflict.

~~(2) The repeal of the Act mentioned in subsection (1) of this section shall not affect anything done or purported to have been done under the repealed enactment.~~

4. 34-(1) In this Act:

"benefit" means any advantage, gift, reward, relief, or payment, in cash or kind, provided to an individual or a group of individuals and includes such other benefits as may be notified by the Federal Government;

~~"biometric information" in relation to a registered individual, means data about such individual's external characteristics, including in particular, the features of an iris or any other part of the eye; means finger print, facial scan, or such other biological attribute of an individual as may be specified by regulations;~~

"Board" means the governing Board of the Commission;

"Card" means and includes a document or other article, or a combination of a document and an article, in or on which information is or may be recorded ;

"Chairman" means the Chairman of the Commission;

"Citizen of Nigeria" means a person who is a citizen of Nigeria in accordance with chapter III of the Constitution of the Federal Republic of Nigeria, 1999;.

"Commission" means the National Identity Management Commission;

"Database" means the National Identity Database. established pursuant to section 14 of this Act;

"demographic information" includes information relating to the name, date of birth, address and other relevant information of an individual, as may be specified by

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regulations for the purpose of issuing a National Identification Number, but shall not include religion, caste, tribe, ethnicity, language, income or medical history;

"*Enactment*" includes any law deemed to be enacted, or enacted, by the National Assembly or House of Assembly of any State in Nigeria;

"enrolling agency" means an agency or centre appointed or designated, as the case may be, by the Commission, to make entries of registrable persons in the database;

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"*Fingerprint*" in relation to a registered individual, means record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of any of the individual's fingertips;

"government issued identification document" means (a) a valid passport; or (b) a valid driver's license; or (c) a valid residence permit; or (d) a valid certificate of acquired citizenship; or (e) any other document showing the full name, photograph, and signature/thumbmark of the applicant, as may be determined from time to time through guidelines issued by the Commission;

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"identity credential" means the approved methods established by the Commission for registered persons to furnish evidence of the information recorded about themselves in the Database to other parties who legitimately request such verification.

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"*member*" means a member of the National Identity Management Commission;

"*Minister*" means the Minister of Internal Affairs, or such other Minister as may be designated by the President ;

~~"Multipurpose Identity Card" means the identity card issued to registered persons pursuant to section 18 of this Act;~~

"*Passport*" shall have the meaning ascribed to that term in the Immigration

"*prescribed*" means prescribed by regulations made by the Commission or determined in accordance with such regulations by the prescribed person ;

"*President*" means the President of the Federal Republic of Nigeria;

"public authority" includes the Nigeria Social Insurance Trust Fund, the National Health Insurance Scheme, the Federal Inland Revenue Service and any other entity empowered by statute to collect taxes, the Nigerian Immigration Service and any other public organisation approved of by the Minister by gazette which requires identity data from the Commission;

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"registered individual" means any person in respect of which an entry has been made in the Database; and

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"*Registered information*" means, in relation to any registered individual, the information and data, including biometric information entered into the Database in respect of the individual;

“subsidy” means any form of aid, support, grant, subvention, or appropriation, in cash or kind, to an individual or a group of individuals and includes such other subsidies as may be notified by the Federal Government of Nigeria;

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References in this Act to a registered individual confirming the contents of the entries related to such registered individuals in the Database are, references to his confirming the entry to the extent only that it consists of information falling within paragraphs 1 to 5 of the Second Schedule.

References in this Act to the issue of a document or card include references to its renewal, replacement or reissue (with or without modifications).

References in this Act to providing a person with information recorded in a registered individual's entry in the Database include references to confirming or otherwise disclosing to such person that:

- (a) the information is recorded in that entry: or
- (b) the particular information is not recorded in that entry.

Short title

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—This Act may be cited as the National Identity Management Commission Act, 2024

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SCHEDULES

FIRST SCHEDULE

Section 2 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

Proceedings of the Commission

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the Chairman to have a second or casting vote), the Commission may make standing orders regulating the proceedings of the Commission and any committee thereof.

2. If at any time, the office of the Chairman is vacant or the chairman is in the opinion of the Commission permanently or temporarily unable to perform the function of his office, the Commission may appoint one of its members to perform such functions and references in this schedule to the chairman shall be construed accordingly.

3. Every meeting of the Commission shall be presided over by the chairman and if the chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their members to preside at the meeting.

4. The quorum at a meeting of the Commission shall consist of a chairman (or in the appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this schedule and six other members).

5. Where upon any special occasion, the Commission desires to obtain the advice of any person on any particular matter, the Commission may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member. Except that he shall not be entitled to vote or count towards a quorum.

Committees

6. -{1} Subject to its standing orders, the Commission may appoint such number of standing or ad-hoc committees as it thinks fit to consider and report on any matter with which the Commission is concerned.

(2) Every committee appointed under the provisions of subparagraph (l) of this paragraph, shall be presided over by a member of the Commission and shall be made up of a number of persons, not necessarily members of the Commission, as the Commission may determine in each case.

7. The decision of the Committee shall have no effect until it is confirmed by the Commission.

Miscellaneous

8. The fixing of the seal of the Commission shall be authenticated by the signature of the chairman and of the executive secretary of the Commission or such other member authorised generally or specifically by the Commission to act for that purpose.

9. Any contract or instrument, which if made by a person not being a body corporate, would not be required to be made under seal, may be made or executed on behalf of the Commission by the executive secretary or by any other person generally or specifically authorised by the Commission to act for that purpose.

10. Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed, without further proof to have been so signed or sealed.

11. -(1) The validity of any proceedings of the Commission or a committee thereof, shall not be adversely affected.

(2) by any vacancy in the membership of the Commission; or

(3) by any defect in the appointment of a member of the Commission or committee ; or

(4) by reason that a person not entitled to do so, took part in the proceedings.

12. Any member of the Commission or a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or committee, shall forthwith disclose his interest to the Commission or committee and shall not vote on any question relating to the contract or arrangement.

SECOND SCHEDULE

Section 17

CONTENTS OF THE DATABASE

Personal Information

1. The following may be recorded in a registered individual's entry in the database :
- (a) full name;
 - (b) other names by which the person is or has been known;
 - (c) date of birth ;
 - (d) place of birth;
 - (e) gender;
 - (f) the address of the individual's principal place of residence in Nigeria;
 - (g) the address of every other place in Nigeria where the individual has a place of residence.

Identification Information

2. the following may be recorded in a registered individual's entry in the database :
- (a) a photograph of the individual's head and shoulders;
 - (b) the individual's signature;
 - (c) the individual's fingerprints;
 - (d) other biometric information about the individual.

Residence Status

3. the following may be recorded in a registered individual's entry in the database :
- (a) the individual's nationality;
 - (b) the individual's entitlement to remain in Nigeria;
 - (c) where that entitlement derives from a grant of leave to enter or remain in Nigeria, the terms and conditions of that leave.

Personal reference numbers

4. (1) The following may be recorded in a registered individual's entry in the Database:

- (a) the individual's National Identity Number;
- (b) any national insurance number allocated to the individual;
- (c) the number of any immigration document relating to the individual;
- (d) the number of any Nigerian passport that has been issued to the individual ;
- (e) the number of any passport issued to the individual by or on behalf of the authorities of a country or territory outside Nigeria or by or on behalf of an international organization;
- (f) the number of any document that can be used by the individual (.in some or all circumstances) instead of a passport;
- (g) the number of any identity card issued to the individual by the authorities of the country or territory outside Nigeria;
- (h) any reference number allocated to the individual in connection with an application made by the individual for permission to enter or to remain in Nigeria;
- (i) the number of any driving license issued to him;
- (j) the number of any designated document which is held by him and is a document the number of which does. not fall within any of the proceeding subparagraphs ;
- (k) the date of expiry or period of validity of a document the number of which is recorded by virtue of this paragraph.

(2) In this paragraph "immigration document" means a document which is given in exercise of immigration functions and records information about leave granted to a person to enter or to remain in Nigeria.

(3) In this paragraph" driving licence" means a licence to drive a motor vehicle granted under the Part IV of the Federal Road Safety Commission Act, 1990.

Record History

5. The following maybe recorded in a registered individual's entry in the database:

- (a) information falling within the preceding paragraphs that has previously been recorded about the individual in the Database ;
- (b) particulars of changes affecting that information and of changes made to the individual's entry in the Database ;
- (c) the date of the individual's death.

Registration and ID Card History

6. The following maybe recorded in a registered individual's entry in the database:

- (a) the date of every application for registration made by the individual;
- (b) the date of every application by the individual for a modification of the contents of the individual's entry;
- (c) the date of every application by the individual confirming the contents of the entry or entries made in the Database in respect of such individual (with or without changes);
- (d) the reason for any omission from the information recorded in the individual's entry;
- (e) particulars (in addition to its number) of every Multipurpose ID Card issued to the individual;
- (f) whether each such card is in force and, if not, why not;
- (g) particulars of every person who has countersigned an application by the individual for a Multipurpose ID Card so far as those particulars were included on the application ;
- (h) particulars of every notification given by the individual for the purpose of regulations under section 31; and
- (i) particulars of every requirement by the Commission for the individual to surrender the Multipurpose ID Card issued to such individual.

Validation information

8. The following maybe-recorded in the entry in the Database for a registered individual:

- (a) a personal identification number to be used for facilitating the making of applications for information recorded in the individual's entry, and for facilitating the provision of the information;
- (b) a password or other code to be used for that purpose or particulars of a method of generating such password or code ;
- (c) questions and answers to be used for identifying a person seeking to make such an application or to apply for or to make a modification of that entry.

National Identity Management Commission Act 2007 No. 23 A609

Records of Provision of Information

9. The following maybe recorded in the entry in the Database for a registered individual :

- (a) particulars of every occasion on which information contained in the individual's entry has been provided to a person ;

(b) particulars of every person to whom such information has been provided on such an occasion ;

(c) other particulars, in relation to each occasion, of the provision of the information.

I Certify, in accordance with Section 2 (l) of the Acts Authentication Act; Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of the National Assembly.

NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
25th Day of May, 2007.

EXPLANATORY MEMORANDUM

This Act repeals the National Civic. Registration Act, Cap. 240, Laws of the Federation of Nigeria 1990 and establishes a National.Database for the country and the Nat. onal Identity Management Commission as the statutory body charged with the responsibility of maintenance of the National Database, the registration of individuals, issuance of general purpose Identity Cards, among other things.