

for

by

2013 EDITION

# **NATIONAL IDENTITY MANAGEMENT COMMISSION ACT**

## ARRANGEMENT OF SECTIONS

### PART I

#### *Establishment, etc. of the National Identity Management Commission*

1. Establishment of a National Identity Management Commission.
2. Membership of the Commission.
3. Tenure of Office of the chairman and members of the Board.
4. Emoluments, etc.

### PART II

#### *Functions and Powers of the Commission*

5. Functions of the Commission.
6. Powers of the Commission.

### PART III

#### *Staff of the Commission*

for

by

2013 EDITION

7. The Director-General.
8. Appointment, dismissal, etc. of other staff of the Commission.
9. Staff regulations.

#### PART IV

##### *Financial Provisions*

10. Fund of the Commission.
11. Power to accept gifts.
12. Annual estimate and accounts.
13. Annual reports.

#### PART V

##### *Establishment of the National Identity Database, etc.*

14. Establishment of a National Identity Database.
15. Objectives of the Database.
16. Registrable persons.
17. Contents of the Database.
18. Registration and issuance of Multi-purpose Identity Cards.

for

by

2013 EDITION

19. Assignment of National Identity Cards.
20. Provision of information by third parties.
21. Contents of the Multi-purpose Identity Cards.
22. Change of circumstances and errors.
23. Security of the Multi-purpose Identity Card.
24. Production of a Multi-purpose Identity Card.
25. Cancellation and withdrawal of Multi-purpose Identity Cards.
26. Disclosure of registered information.
27. Mandatory use of the National Identification Number for transactions.

## PART VI

### *Offences and Penalties*

28. Unauthorised access, refusal to give information, etc.
29. Transactions without a National Identification Number.
30. Miscellaneous offences, etc.

## PART VII

### *Miscellaneous Provisions*

for

by

2013 EDITION

31. Power to make regulations.
32. Repeal, savings, etc.
33. Interpretation.
34. Short title.

## SCHEDULES

### FIRST SCHEDULE

*Supplementary Provisions relating to the Commission*

### SECOND SCHEDULE

*Contents of the Database*

## NATIONAL IDENTITY MANAGEMENT COMMISSION ACT, 2007

**An Act to provide for the establishment of a National Identity Database and the National Identity Management Commission to be charged with the responsibilities for maintenance of the National Database, the registration of individuals, and the issuance of general Multi-purpose Identity Cards; and for related matters.**

*[25th May, 2007]*

*[Commencement. ]*

ENACTED by the National Assembly of the Federal Republic of Nigeria.

## PART I

for

by

2013 EDITION

*Establishment, etc. of the National Identity Management Commission*

## **1. Establishment of a National Identity Management Commission**

- (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, movable or immovable for the purpose of its functions under this Act.

## **2. Membership of the Commission**

- (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;

for



by

TREE&Trees JusticeMedia  
[www.lawnigeria.com](http://www.lawnigeria.com)

2013 EDITION

- (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.

for

by

2013 EDITION

- (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. Tenure of Office of the Chairman and members of the Board**

- (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 re-appointed 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 or 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.

### **4. Emoluments, etc.**

for

by

2013 EDITION

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*

#### **5. Functions of the Commission**

The Commission shall-

- (a) create, manage, maintain and operate the National Identity Database established under section 14 of this Act including the harmonisation 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;
- (c) carry out the registration of non-citizens of Nigeria who are lawfully resident in Nigeria;
- (d) issue a General Multi-purpose Identity Card to any person registered pursuant to paragraphs (b) and (c) of this section;
- (e) 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;
- (f) 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;



for

by

2013 EDITION

- (g) 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;
- (h) establish and maintain secured communication links with any existing relevant identity related database or agency;
- (i) maintain secured communication links with end-users in any public or private organisation, agency or body including card acceptance devices, Government service centres;
- (j) collaborate with relevant bodies and agencies in the setting of standards and technical specifications for telecommunications links between organizations and for the devices utilised for such communications established or maintained pursuant to paragraphs (j) and (k) of this section;
- (k) respond to verification enquiries regarding the identification of individuals;
- (l) perform such other duties which, in the opinion of the Commission, are necessary or expedient for the discharge of its functions under this Act;
- (m) enter into any form of agreement with any private or public sector based agency or organisation for the development or establishment of the Identity Management Solution or for the realisation of any of its functions;
- (n) research and monitor developments in the identity management sector;
- (o) carry out the registration of births and deaths in Nigeria; and
- (p) collaborate with relevant bodies and agencies in the setting of standards and technical specifications for ICT links between organisations and for the devices utilised for such communications established or maintained pursuant to paragraphs (i) and (j) of this section.

## **6. Powers of the Commission**

for

by

2013 EDITION

The Commission shall have the power to-

- (a) request for any information or data from any person on matters relating to its functions under this Act;
- (b) fix the terms and conditions of service including remuneration of the employees of the Commission;
- (c) establish and operate administrative and monitoring offices in the States, Local Government Areas and Area Councils;
- (d) monitor any matter that may affect the functions of the Commission; and
- (e) do such other things which by this Act or any other enactment are required or permitted to be done by the Commission.

### PART III

#### *Staff of the Commission*

#### **7. The Director-General**

- (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-

for

by

2013 EDITION

- (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 re-appointed 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.

### **8. Appointment, dismissal, etc. of other staff of the Commission**

- (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.

for

by

2013 EDITION

## **9. Staff regulations**

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*

## **10. Fund of the Commission**

- (1) The Commission shall establish and maintain a fund which shall consist of-
  - (a) initial take-off 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.

for

by

2013 EDITION

- (2) The Commission shall from time to time apply the proceeds of the fund established under subsection (1) of this section-
- (a) to the administration cost 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.

### **11. Power to accept gifts**

- (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 organisation making the gift or donation are inconsistent with the functions of the Commission.

### **12. Annual estimate and accounts**

for

by

2013 EDITION

- (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.

### **13. Annual reports**

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.*

### **14. Establishment of a National Identity Database**

- (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.

for

by

2013 EDITION

- (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.

### **15. Objectives of the Database**

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 a Multi-purpose 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 the Multi-purpose Identity Cards;
- (e) facilitate the provision of a secured and a reliable method for ascertaining, obtaining, maintaining and preserving information and facts about citizens of Nigeria and other registerable persons in accordance with the provisions of this Act, and whenever same is necessary or adjudged necessary in the public interest, providing such information to a designated and specified judicial or police authority; and
- (f) facilitate the provision of a convenient method for individuals who have been issued with the Multi-purpose Identity Cards to provide proof of facts entered about themselves in the Database to other persons who reasonably require such proof.

### **16. Registrable persons**

for

by

2013 EDITION

This Act shall apply to the following persons, who shall be registerable persons in respect of whom entries shall be recorded in the Database, that is-

- (a) any person who is a citizen of Nigeria;
- (b) any person, whether or not he is a citizen of Nigeria, who is lawfully and permanently resident in Nigeria; and
- (c) any non-citizen of Nigeria who is lawfully resident in Nigeria for a period of two years or more.

### **17. Contents of the Database**

- (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 authorised by the 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 Multi-purpose Identity Cards; and
  - (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 Data- base (whether or not it is authorised by the Second Schedule to this Act) if-
  - (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;



for

by

2013 EDITION

- (c) the Commission considers that it is both practicable and appropriate for such information to be recorded in accordance with the applicant's 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 set out in the Second Schedule to this Act.

### **18. Registration and issuance of Multi-purpose Identity Cards**

- (1) Every registerable person who, at the commencement of this Act has attained the age of sixteen years, shall within sixty days thereof or such longer period as the Commission may by order specify, attend before the Commission or at such other place designated by the Commission, for the purpose of being registered and shall-
- (a) provide any particulars specified in that regard by the Commission;
  - (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 provide such information as may be required by the Commission.
- (2) Any person having charge of any persons to whom this subsection applies shall cause such persons to be brought before the Commission or at such other place designated by the Commission, for registration and the provisions of subsection (1) of this section shall apply, *mutatis mutandis*, to the registration of such persons. The persons to whom this subsection applies are-

for

by

2013 EDITION

- (a) any person born after the commencement of this Act, who shall be registered within sixty days of their birth, or within such other period, not exceeding 180 days, as the Commission may by regulation specify; and
- (b) any person who, at the commencement of this Act, was less than sixteen years.
- (3) The Commission may require any person giving any information under subsections (1) and (2) of this section to furnish documentary proof or other evidence of the truth of such information as is within the power of such person to furnish.
- (4) An entry in the Database consisting of the information recorded about a registered person shall be given a unique number which shall be such person's identity number and such number shall comply with the prescribed requirements.
- (5) Upon the registration of a person under this Act, the Commission shall issue to the registered individual a Multi-purpose Identity Card with an identity number.

## **19. Assignment of National Identity Cards**

The identity cards assigned to a registered individual shall 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.

## **20. Provision of information by third parties**

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

for

by

2013 EDITION

- (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.

## **21. Contents of the Multi-purpose Identity Card**

- (1) For the purposes of this Act, a Multi-purpose Identity Card 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 applications 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) A Multi-purpose Identity Card issued to any registered person shall-
  - (a) record only the prescribed information or data;

for

by

2013 EDITION

- (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.

## **22. Change of circumstances and errors**

- (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

for

by

2013 EDITION

(d) otherwise to provide such information as may be required by the Commission.

### **23. Security of the Multi-purpose Identity Card**

- (1) It shall be the duty of every person to whom a Multi-purpose Identity Card is issued under 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 a Multi-purpose Identity Card, 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.

### **24. Production of a Multi-purpose Identity Card**

The Commission or any other person authorised by any law may require any person to whom a Multi-purpose Identity Card has been issued under this Act to produce such card and it shall be the duty of that person to produce such card if he has it on his person or within a specified period after he is required to do so:

Provided that nothing in this Act shall require any person to carry a Multi-purpose Identity Card on his person at all times.

for

by

2013 EDITION

## **25. Cancellation and withdrawal of Multi-purpose Identity Cards**

- (1) The Commission shall cancel a Multi-purpose Identity Card if it appears to it that-
  - (a) the card was issued in reliance on inaccurate or incomplete information;
  - (b) the card has been lost, stolen, damaged, tampered with or destroyed;
  - (c) there has been a modification of information recorded in the entry in the Database of the holder of the card;
  - (d) another change of circumstances requires a modification of information recorded or on the card; or
  - (e) it is a Multi-purpose Identity Card of a description that the Commission has decided should be re-issued.
- (2) The Commission may require any person to surrender, within such period as it may specify, any Multi-purpose 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 cards that the Commission has decided should be re-issued; or
  - (d) is in that person's possession in consequence of a contravention of a relevant requirement.

## **26. Disclosure of registered information**

for

by

2013 EDITION

- (1) No person or body corporate shall have access to the data or information contained in the Database with respect to a registered individual entry except with the authorisation of the Commission and only if-
  - (a) an application for the provision of the information to that person is made by or with the authority of that individual; or
  - (b) that individual otherwise consents to the provision of that information to that person.
- (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.
- (3) The provision of information is authorised by this section where such disclosure is-
  - (a) in the interest of national security;
  - (b) necessary for purposes connected with the prevention or detection of crime; or
  - (c) for any other purpose as may be specified by the Commission in a regulation.
- (4) The powers of the Commission to make regulations by virtue of this section authorising the provision of information to a person are exercisable for the purposes only of authorising the provision of information in circumstances in which its provision to the person in question is strictly necessary in the public interest.

## **27. Mandatory use of the National Identification Number for transactions**

- (1) As from the date specified in that regard in regulations made by the Commission, the National Identification Number issued to a registered individual must be presented for the following transactions, that is-

for

by

2013 EDITION

- (a) application for, and issuance of a passport;
  - (b) opening of individual or personal bank accounts;
  - (c) purchase of insurance policies;
  - (d) subject to the provisions of the Land Use Act, the purchase, transfer and registration of land by any individual or any transaction connected therewith;
  - (e) such transactions pertaining to individuals as may be prescribed and regulated by the Pensions Reform Act, 2004;
  - (f) such transactions specified under the Contributory Health Insurance Scheme;
  - (g) such transactions that have social security implications;
  - (h) all consumer credit transactions;
  - (i) registration of voters;
  - (j) payment of taxes;
  - (k) such relevant Government services; and
  - (l) any other transaction which the Commission may so prescribe and list in the Federal Government *Gazette*.
- (2) 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 Multi-purpose Identity Card or National Identification Number.

PART VI



for

by

2013 EDITION

*Offences and Penalties*

**28. Unauthorised access, refusal to give information, etc.**

- (1) Any person who-
  - (a) without lawful authorisation, accesses data or information contained in the Database; or
  - (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 N250,000.00 or imprisonment for a term not less than 3 years or to both such fine and imprisonment.
- (3) Where an 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.

**29. Transactions without a National Identification Number**

for

by

2013 EDITION

A person who carries out or permits the carrying out of any transaction specified in section 27 of this Act without a National Identification Number commits an offence and shall-

- (a) where the offence is committed by a registered individual, be liable on conviction to a fine of not less than N50,000.00 or imprisonment for a term not less than 6 months or to both such fine and imprisonment; and
- (b) where the offence is committed by a body corporate, be liable on conviction to a fine of not less than ₦ 1,000,000.00 and in addition, the Chief Executive or the line manager or other similar officer of the body corporate, or any other person purporting to act in any such capacity shall be deemed guilty of that offence and shall be liable on conviction to a fine of ₦ 1,000,000.00 each.

### **30. Miscellaneous offences**

- (1) A person who-
  - (a) when required in accordance with the provisions of this Act to register himself fails to do so;
  - (b) wilfully obstructs any employee of the Commission in the due execution of his duties;
  - (c) wilfully destroys or mutilates the Multi-purpose Identity Card issued under this Act;
  - (d) being an employee of the Commission, unlawfully issues any Multi-purpose Identity Card or makes any entry, alteration or erasure on any Multi-purpose Identity Card;
  - (e) unlawfully deprives any person of the Multi-purpose Identity Card issued to him under this Act;
  - (f) is in unlawful possession of or makes use of a Multi-purpose Identity Card issued to any other person under this Act;

for

by

2013 EDITION

- (g) is knowingly in possession of any Multi-purpose Identity Card on which any unlawful entry, alteration or erasure has been made or of a document so closely resembling a Multi-purpose Identity Card as to be calculated to deceive;
  - (h) is in unlawful possession of more than one Multi-purpose Identity Card issued under this Act at any one time;
  - (i) hands over the Multi-purpose Identity Card issued to him under this Act to any other person to be used by such other person for any purpose not authorised by this Act or any unlawful purpose, whatsoever; and
  - (j) refuses, in satisfaction of any purpose whatsoever to accept a Multi-purpose Identity Card issued under this Act as sufficient identification of the person to whom it is issued, commits an offence under this Act.
- (2) Any person who commits an offence under this Act for which no penalty is specifically provided shall be liable on conviction to a fine of not less than N100,000 or imprisonment for term of not less than 6 months or to both such fine and imprisonment.

## PART VII

### *Miscellaneous Provisions*

#### **31. Power to make regulations**

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-

- (a) provide for any alterations in the particulars recorded in the Database;
- (b) provide for the collection, collation and processing of data and other relevant information; and

for

by

2013 EDITION

- (c) allow or require a person who provides a public service to make it a condition of providing the service to a registered individual that the individual produces-
  - (i) the Multi-purpose Identity Card issued to him;
  - (ii) other evidence effects about himself contained in the Database; or
  - (iii) both:

Provided that nothing in this paragraph authorises the making of regulations the effect of which will be to require a registered individual to carry a Multipurpose Identity Card with him at all times or to produce such a card otherwise than for the purposes connected with an application by him for the provision of a public service;

- (d) impose fees (if any) of such amounts as the Commission thinks fit, which may be charged for the issue, re-issue or replacement of the Multi-purpose Identity Cards including different fees to be charged in different circumstances and the circumstances in which such fees may be charged, including anyone or more of the following-
  - (i) applications to the Commission for entries to be made in the Database, for the modification of entries or for the issue of Multi-purpose Identity Cards;
  - (ii) the making or modification of entries in the Database;
  - (iii) the issue of Multi-purpose Identity Cards;
  - (iv) applications for the provision of information contained in entries in the Database;
  - (v) the provision of such information;

for

by

2013 EDITION

- (vi) applications for confirmation that information supplied coincides with information recorded in the Register
- (vii) the issue or refusal of such confirmations;
- (viii) applications for the approval of a person or of an apparatus in accordance with any regulations under this Act; and
- (ix) the grant of such approvals;
- (e) make provisions for the determination, for the purposes of this Act, of the circumstances in which a place is to be regarded, in relation to a registered individual-
  - (i) as a place where such registered individual resides; or
  - (ii) as the registered individual's principal place of residence in Nigeria.

### **32. Repeal, savings, etc.**

- (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 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

for

by

2013 EDITION

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 this 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.

### **33. Interpretation**

- (1) In this Act-

**"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;

**"Board"** means the governing board of the Commission;

**"card"** 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;

for

by

2013 EDITION

**"Commission"** means the National Identity Management Commission;

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

**"enactment"** includes any law enacted by the National Assembly or House of Assembly of any State in Nigeria;

**"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;

**"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;

**"Multi-purpose Identity Card"** means the identity card issued to registered persons pursuant to section 18 of this Act;

**"National Identification Number"** means the National Identification Number assigned to registered persons pursuant to section 19 of this Act;

**"passport"** shall have the meaning ascribed to that term in the Immigration Act;

**"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;

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

for

by

2013 EDITION

**"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.

- (2) 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.
- (3) References in this Act to the issue of a document or card include references to its renewal, replacement or re-issue (with or without modifications).
- (4) 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.

### **34. Short title**

This Act may be cited as the National Identity Management Commission Act, 2007.

## SCHEDULES

### FIRST SCHEDULE [Section 2 (4).]

#### *Supplementary Provisions relating to the Commission*

### **1. Proceedings of the Commission**



for

by

2013 EDITION

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 functions 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.
6. **Committees**
  - (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.

for

by

2013 EDITION

- (2) Every committee appointed under the provisions of subparagraph (1) 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.

## **8. Miscellaneous**

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 authorized 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. The validity of any proceedings of the Commission or a committee thereof; shall not be adversely affected-
  - (a) by any vacancy in the membership of the Commission; or
  - (b) by any defect in the appointment of a member of the Commission or committee; or
  - (c) 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

for

by

2013 EDITION

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*

**1. Personal information**

The following maybe 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.

**2. Identification information**

The following may be recorded in a registered individual's entry in the Database-

- (a) a photograph of the individual's head and shoulders;

for

by

2013 EDITION

- (b) the individual's signature;
- (c) the individual's fingerprints;
- (d) other biometric information about the individual.

### **3. Residence status**

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.

### **4. Personal reference numbers**

(1) The following maybe 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 organisation;

for

by

2013 EDITION

- (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 licence 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 preceding 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 Part IV of the Federal Road Safety Commission Act, 1990.

## 5. Record history

The following may be 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;

for

by

2013 EDITION

- (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.*

## **6. Registration and ID Card history**

The following may be 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 Multi-purpose 10 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 Multi-purpose 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;
- (i) particulars of every requirement by the Commission for the individual to surrender the Multi-purpose ID Card issued to such individual.

for

by

2013 EDITION

## **8. Validation information**

The following may be 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.

## **9. Records of provision of information**

The following may be 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; and
- (c) other particulars, in relation to each occasion, of the provision of the information.

## **SUBSIDIARY LEGISLATION**

for



by



2013 EDITION

*No Subsidiary Legislation*