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NATIONAL IDENTITY MANAGEMENT COMMISSION ACT, 2007

**ACCESS TO REGISTERED INFORMATION IN THE
NATIONAL IDENTITY DATABASE REGULATIONS, 2017**



ARRANGEMENT OF REGULATIONS

Regulations :

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S. I. No. 16 of 2017

NATIONAL IDENTITY MANAGEMENT COMMISSION ACT, 2007**ACCESS TO REGISTERED INFORMATION IN THE
NATIONAL IDENTITY DATABASE REGULATIONS, 2017**

[26th Day of October, 2017]

Commence-
ment.

In exercise of the powers conferred on it by sections 31 of the National Identity Management Commission Act 2007 and all other powers enabling it in that behalf, the National Identity Management Commission (“the Commission”) makes the following Regulations—

1. The Objectives of these Regulations are to—

Objectives.

(a) give effect to the provisions of the Act as it relates to the verification and authentication of identities of persons registered under the Act ; and

(b) make provisions for the granting of access to information of a registered individual in the National Identity Database (NIDB) to security agencies, public and licenced private agencies.

2. All access to registered information shall be in accordance with the provisions laid down in these Regulations, the Act, other relevant Regulations made pursuant to the Act or the provisions of such licences granted by the Commission.

Access to
registered
information.

3. A Registered individual may access his information stored in the National Identity Database in accordance with the Act, these Regulations and guidelines issued by the Commission.

Right of a
registered
individual to
access
personal
information.

4.—(1) The Commission may provide any person other than designated persons stipulated under Regulations 5, 6 and 7 of these Regulations with the registered information of a registered individual where—

Disclosure
of registered
information.

(a) an application for the provision of the information to that person is made by or with the authority of that registered individual ; or

(b) the registered individual consents to the provision of that information to that person by submitting his NIN or biometrics to the Commission.

(2) The fingerprint and other biometric information shall be outside the purview of an application under sub-regulation (1) of this regulation.

(3) The information that may be provided to a person under regulation 5 (3) of these Regulations shall be limited to—

(a) information about the individual falling within paragraph 1, 3 or 4 of the Second Schedule to the Act ;

(b) any photograph of the registered individual recorded in the National identity database ;

(c) the registered individual's signature that is so recorded ;

(d) information about whether the multipurpose identity card issued to the registered individual is active or inactive and if not active, the reason for it not being active ;

(e) information in relation to confirmation whether or not information falling within sub-regulation (2) of this regulation submitted to the Commission corresponds with the information recorded in the registered individual's entry in the National Identity Database ; and

(f) information in relation to confirmation that the registered individual's entry in the National Identity Database does not contain information of a particular description falling within sub-regulation (2) of this regulation.

Access by
Security
Agencies

5.—(1) The Commission may without a registered individual's consent disclose registered information about such registered individual to a security agency strictly for purposes connected with the execution of that agency's function and in matters relating to national interest and security.

(2) The disclosure referred to in sub-regulation (1) of this regulation, shall be made upon—

(a) submission of prior written request to the Commission from an official of the relevant security agency who is not below the rank of a Commissioner of Police or an officer of a co-ordinate rank in any other security agency ; and

(b) compliance with procedures, processes and guidelines prescribed from time to time by the Commission in that regard.

(3) The Commission may for the purposes of this regulation provide secured access through various platforms to relevant security agencies.

(4) The platforms referred to in sub-regulation (3) of this regulation, shall be password login-protected, have user accounts, access level rights, login credentials for proper auditing and have further security features in accordance with international best practices.

Access by
Government
Agencies.

6.—(1) The Commission may without a registered individual's consent disclose registered information about such registered individual to a relevant Government agency strictly for purposes connected with the execution of that agency's function of verifying the individual for the provision of service.

(2) The disclosure referred to in sub-regulation (1) of this regulation, shall be made upon—

(a) submission of prior written request to the Commission from an official of the relevant Government agency who is not below the rank of a Permanent Secretary or Director-General or an officer of coordinate rank ; and

(b) compliance with procedures, processes and guidelines prescribed from time to time by the Commission in that regard.

(3) The Commission may for the purposes of this regulation provide secured access through various platforms to relevant Government agencies.

(4) The platforms referred to in sub-regulation (3) of this regulation, shall be password login-protected, have user accounts, access level rights, login credentials for proper auditing and have further security features in accordance with international best practices.

(5) Registered information that may be disclosed to a Government agency pursuant to this regulation shall be limited to information listed under regulation 4 (3) of these Regulations.

7.—(1) The Commission may, with the consent of a registered individual, grant access to licenced private sector agencies for the purpose of verification and authentication of the identity of that individual.

Access by
Licensed
Private
Agencies.

(2) The disclosure of registered information about the registered individual to the licensed private agency shall be—

(a) for the purpose connected with the carrying out of that agency's function of verifying the registered individual for the provision of a requested service ;

(b) upon the payment of applicable fees ; and

(c) on the grant of licence to that agency by the Commission.

(3) The Commission may, for the purposes of this regulation, provide secured access through various platforms to licensed private agencies.

(4) The platforms referred to in sub-regulation (3) of this regulation, shall be password login-protected, have user accounts, access level rights, login credentials for proper auditing and have further security features in accordance with international best practices.

(5) Registered information that may be disclosed to a licensed private agency pursuant to this regulation shall be limited to information listed under Regulation 4 (3) of these Regulations and subject to the terms and conditions of the licence issued to the agency.

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Rules for providing information to Security and Government Agencies

8.—(1) The Commission shall from time to time issue guidelines, which shall prescribe the procedure and the rules to which a security agency or a Government agency shall comply, in order to be provided with information under regulations 5 and 6 of these Regulations.

(2) The devices utilized in obtaining information from the Commission shall conform to the specifications and standards listed in the guidelines to be issued by the Commission from time to time.

(3) The Commission shall keep detailed and accurate records of all instances upon which registered information is released to a security agency or other Government agency.

(4) The record referred to in sub-regulation (3) of this regulation, shall not be disclosed to any person, except by the order of a Court.

Non-compliance and enforcement.

9.—(1) The Commission shall in the realization of its responsibilities and in the effective implementation of its responsibilities and objectives under the Act, ensure the effective enforcement of these Regulations.

(2) Without prejudice to such other provisions and enforcement measures provided in the Act, these Regulations and other relevant Regulations made pursuant to the Act, the following acts shall constitute a contravention—

(a) utilization or application of the NIN for illegal purposes or for such other purposes not otherwise specified by the Commission under the conditions for the grant of access or release of any information ;

(b) taking advantage of making, issuing or examining the National Identity Card or the NIN by seeking, demanding, accepting or receiving any form of financial, physical or material inducement and other personal benefits ;

(c) illegally changing or attempting to change or amend a person's NIN on the Commission's database or any other database created in conformity with the Act or other Regulations made pursuant to the Act ;

(d) unauthorized use or disclosure of registered information obtained by the grant of access to the NIDB or through issuing, examining or seizing a registered individual's National Identity Card ;

(e) any act or inaction occasioning the collection of money or other material inducement or benefit for the purpose of granting access to the NIDB and other services offered by the Commission ;

(f) any act or inaction occasioning the provision of false information into the NIDB ;

(g) any act, inaction, attempt or carrying out double enrolment into the NIDB ; or

(h) unauthorized access of data or information contained in the NIDB.

10. The Commission may, from time to time, issue additional guidelines, rules or directives on any aspect of these Regulations either of general or specific application. Directives.

11. In these Regulations— Interpretation.

“*Act*” means the National Identity Management Commission Act 2007 ;

“*Access*” means the grant of right or permission to request information from the NIDB ;

“*CAC*” means the Corporate Affairs Commission ;

“*Commission*” means the National Identity Management Commission ;

“*Enrolment*” or “*Registration*” means presentation and recording of relevant information about a registrable individual for the purpose of entering the information in the National Identity Database, established under the Act ;

“*Government agency*” means such agencies of the government contained in the Schedule to these Regulations ;

“*Identity Verification*” means the process, approved by the Commission confirming or denying a claimed identity ;

“*Identity Verification Service*” means provision of identity verification in accordance with the provisions of these Regulations ;

“*Identity Verification Service Provider*” means a person duly licensed by the Commission in accordance with these Regulations or any other Regulations made pursuant to the Act for the provision of identity verification services ;

“*Licensee*” means a company granted a licence to provide any of the services under these Regulations or other Regulations made pursuant to the Act ;

“*Licensed Private Agency*” means a company registered by the Corporate Affairs Commission under the Companies and Allied Matters Act and licenced by the Commission ;

“*Multipurpose Identity Card*” means the Multipurpose Identity Card issued to a registered individual under section 18 of the Act ;

“*NIDB*” means the National Identity Database ;

“*NIN*” means National Identification Number ;

“*Registered individual*” shall have the same meaning as stated in the Act ;

“*Registrable individual*” means any individual that is required to be registered under the Act ;

“*Registered information*” shall have the same meaning as stated in the Act ;

“*Secure Channel or Means*” means a way of transferring data that is resistant to overhearing, reading and tampering with the content ;

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“*Security Agency*” means an organization established pursuant to the provisions of the Constitution or an Act of the National Assembly which conducts intelligence activities for the internal security of Nigeria and includes those agencies specified ; and

“*Slip*” means acknowledgement slip containing the NIN of the applicant.

Citation.

12. These Regulations may be cited as the Access to Registered Information in the National Identity Database Regulations, 2017.

SCHEDULE

GOVERNMENT AND SECURITY AGENCIES

In these Regulations, Government and Security Agencies include—

GOVERNMENT

1. Federal Inland Revenue Service (FIRS)
2. Federal Road Safety Commission (FRSC)
3. Independent National Electoral Commission (INEC)
4. National Health Insurance Scheme (NHIS)
5. National Pension Commission (PENCOM)
6. Nigerian Communication Commission
7. Corporate Affairs Commission (CAC)
8. National Universities Commission (NUC)
9. National Population Commission (NPopC)
10. All Ministries, Departments and Agencies of the Federal Government of Nigeria
11. Such other agencies as may be specified by the Commission from time to time.

SECURITY AGENCIES

1. Office of the National Security Adviser (ONSA)
2. Nigerian Police Force (NPF)
3. Department of State Security Service (DSS)
4. Economic and Financial Crimes Commission (EFCC)
5. Nigeria Immigration Service (NIS)
6. Nigerian Prison Service (NPS)
7. Such other agencies as may be specified by the Commission from time to time.

MADE at Abuja this 26th day of October, 2017.

ENGR. ALIYU A. AZIZ
Director-General/CEO
National Identity Management Commission