

Legal & Regulatory Framework For Identity Management in an Emerging Economy

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National Conference on Identity Management ,
Transcorp Hilton, Abuja
22nd September 2008

Presentation Flow

- Introduction
- Why Identity Management?
- Regulation of Identity Management
- Principles of Regulation of Identity Management
- Privacy Issues
- Legal & Regulatory Framework For Identity Management
- Overview of Regulatory Framework for National Identity Management in Nigeria
- Future Legal challenges

Introduction

- What is an Identity?
 - what you are – biometrics
 - what you carry e.g – Card
 - what you belong to e.g passport
 - what you know e.g –PINs
- Contextual nature of identity gives rise to Incidence of multiple individual identity systems
- Population growth
- Globalisation
- Developments in Technology

Why Identity Management?

- Incidence of multiple individual identity credentials
- Identity risks therefore assurance
- Economic development e.g Unique Identification and financial infrastructure
 - *2008 Partnership Forum For Making Finance Work for Africa*
- Security considerations
 - *US Real Identity Management Act*

Regulation of Identity Management

- ❑ Individuals as 'data subjects'
- ❑ privacy rights protection
- ❑ Human nature
- ❑ To provide legal certainty
- ❑ Create trust in the system
- ❑ Need for the law to catch up with technology advancement
- ❑ Security

Principles of Identity Management Regulation

- Legal neutrality of database operator
- 'Protection' of privacy rights
- Use Restrictions
- Data Security
- Access Rights
- Compliance and supervision

Privacy Issues (I)

- Fundamental Human rights
 - *UN Declaration on Human Rights*
 - *S. 37 of 1999 Nigerian Constitution*
- Privacy as claim of an individual to determine what information about her or himself should be known to others
- Public Policy considerations
 - *safety*
 - *health*
 - *overall economic well-being*

See S. 45 of 1999 Constitution
- Consent
 - *still the only time tested defense*

Privacy Issues (II)

‘... what underpines all these issues ... Is the renegotiation of individual rights and responsibilities for a new world’

- The Age of Identity by Ed Mayo

Legal & Regulatory Framework For Identity Management (II)

- Identity management as part of a nation's data management system governed by **broad based** Protection legislation
- **Subject Specific**
 - Identity Management, Drivers License Management legislation
- **Sector Specific**
 - Communications,
 - Financial
- African examples : Angola
Ghana

Data

Overview of Legal Framework for Nigeria's National Identity Management system

- Section 4 of 1999 Constitution
- Item 28 of 2nd Schedule of 1999 Constitution
- NIMC Act enacted on 25th May 2007;
 - establishes NIMC (S. 1- 13)
 - establishes a National Identity Database (NIDb) (S. 14 – 17)
 - empowers NIMC to issue Multi –purpose Identity Card (MPIC) and National Identification Number (NIN) to registrable persons (S. 15 b)
 - makes the use of the NIN mandatory for a host of transactions (S. 27)
 - repeals the National Civic Registration Act (S. 32)

Overview of Legal Framework for Nigeria's National Identity Management system (II)

- ❑ NIMC Act also ;
- ❑ restricts access - S. 26
- ❑ describes type of information to be kept in NIDb (S. 17 and Schedule 2)
- ❑ Penalises unauthorised access and other offences (Ss.28 - 30)
- ❑ Legislation satisfies most of the principles for the regulation of an identity management system

Overview of Legal Framework for Nigeria's National Identity Management system (I)

- NIMC Act also ;
 - restricts access - S. 26
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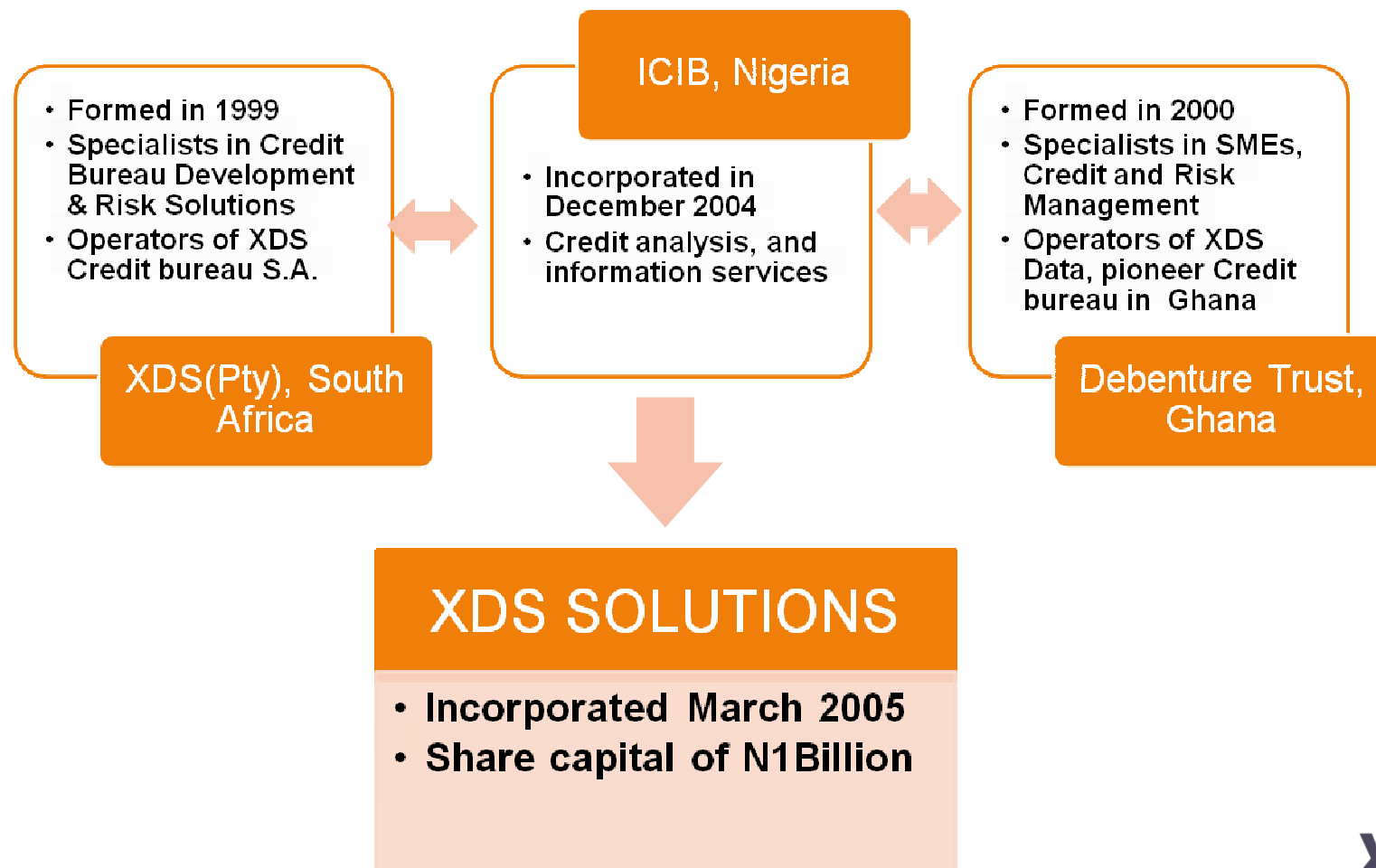
Overview of Legal Framework for Nigeria's National Identity Management system (II)

- How the legislation can be used to establish or reinforce the NIMC as a trusted party for Identity Management?
 - Don't assume trust, earn it
 - Ensure integrity of data capturing and transfer process
 - Privacy threat to be treated as other security threat
 - Relate Identity Management system to
- individual's economically beneficial systems like credit bureau

Future Legal challenges

- ❑ Multiple virtual identities
- ❑ Unconditional Anonymity
- ❑ Electronic signature use
- ❑ Monitoring Technology advancement

XDS: A Multinational



THANK YOU

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