

**OBJECTS AND REASONS**

This Bill would provide for

- (a) the establishment, maintenance and regulation of a National Identity Management System that facilitates
  - (i) the enrollment and re-registration of citizens of Barbados and persons who are not citizens of Barbados but who are legally resident in Barbados for a period of 6 months or more; and
  - (ii) the compilation and maintenance of a database of such persons to be known as the National Register;
- (b) the issue of new identification cards and national identity credentials to each person registered in the National Register;
- (c) the facilitation of the verification and authentication of identity information for all persons registered in the National Register;
- (d) the preservation, protection, security and confidentiality of the National Identity Management System; and
- (e) matters related to paragraphs (a) to (d).

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**BARBADOS**

A Bill entitled

An Act to make provision for the establishment, maintenance and regulation of a National Identity Management System and matters related thereto.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Barbados Identity Management Act, 2021*.

**Interpretation**

2. In this Act,

“authentication” means the process by which biographic information, biometric data and any other information of an individual is proved to be accurate or inaccurate;

“biographic information” means personal data collected pursuant to section 7 and the *First Schedule*;

“biometric data” means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of an individual, which allow or confirm the unique identification of that individual;

“certificate for electronic identification” means a certificate, issued by the Commission, unique data, including codes or private cryptographic keys, that is used to verify an individual’s electronic identity;

“certificate for electronic signature” means a certificate, issued by the Commission, with unique data, including codes or private cryptographic keys, which is used by the signatory in creating an electronic signature;

“Certificate of Registration” means the certificate set out in the *Second Schedule*;

“Chief Registering Officer” has the meaning assigned to it by section 2 of the *Representation of the People Act, Cap. 12*;

- “citizen” means a person who has citizenship of Barbados by virtue of the provisions of the *Constitution* or the *Barbados Citizenship Act*, Cap. 186;
- “Commission” means the Electoral and Boundaries Commission established by section 41A of the *Constitution*;
- “compulsory school age” has the meaning assigned to it by section 2 of the *Education Act*, Cap. 41;
- “documentary evidence” means electronic data, printed or written material, a photograph or any other material which records or shows information which can be used to establish or confirm
- (a) the identity of a person; or
  - (b) whether that person qualifies for registration,
- including the supporting documents set out in Part III of the *First Schedule*;
- “electronic signature” has the meaning assigned to it by section 2 of the *Electronic Transactions Act*, Cap. 308B;
- “father” means the biological or adopted father of a minor;
- “guardian” means a person other than a mother or father of a minor who has custody and is responsible for the minor in accordance with the laws of Barbados;
- “identification card” means an identification card issued by the Commission pursuant to section 20;
- “legitimate non-immigrant purposes” includes such purposes as touring, recreation, sports, health, family reasons or business;
- “minor” means a person who is under 16 years of age and includes an adopted minor;
- “mother” means the biological or adopted mother of a minor;

“national identity credential” means an authenticated record kept in electronic form that facilitates the verification of an individual’s identity in an electronic environment;

“National Identity Management System” includes the

- (a) National Register;
- (b) national identity credentials;
- (c) national identification card; and
- (d) the processes and procedures, networks, services, software programmes, automated retrieval and storage, interconnectivity and other associated elements for the enrollment and re-registration of a person qualified to be in the National Register and the verification and authentication of a person’s identity;

“National Register” means the register established, kept and maintained by the Commission pursuant to section 4;

“national identification number” means the number issued by the Commission to a person registered in the National Register and affixed to the identification card or embedded in a national identity credential issued to that person;

“permanent resident” has the meaning assigned to it by section 2 of the *Immigration Act*, Cap. 190;

“public institution” means

- (a) a Government Children’s Home;
- (b) the Geriatric Hospital;
- (c) the Psychiatric Hospital;
- (d) a District Hospital;
- (e) the Welfare Department;
- (f) Dodds Prison or any other correctional facility;

(g) a Government Industrial School; and

(h) Queen Elizabeth Hospital;

“registering officer” has the meaning assigned to it by section 2 of the *Representation of the People Act*, Cap. 12;

“resident” means a person who derives an income in Barbados or elsewhere, and who

(a) is legally living in Barbados;

(b) is domiciled in Barbados; and

(c) has a permanent home in Barbados which he considers his settled or usual place of abode;

“signatory” means a natural person who creates an electronic signature;

“student” includes a person attending a tertiary institution;

“supporting documents” means the documents set out in the Part III of the *First Schedule* used to aid in the verification of a person’s information to be recorded in the National Register;

“tertiary institution” has the meaning assigned to it by section 9(f) of the *Education Act*, Cap. 41;

“verification” means the process of establishing the accuracy of information received by the Commission where the information received is compared with reliable documents and or other information; and

“visitor” means a person who

(a) enters Barbados for legitimate non-immigrant purposes, in the course of duty, or for purposes connected with their employment for a period of 6 months or more but not exceeding 12 consecutive months; and

(b) is not resident in Barbados for the purposes of section 85 of the *Income Tax Act*, Cap. 73.

### **Administration**

3. The Commission shall be responsible for the general administration of the provisions of this Act.

## **PART II**

### **REGISTRATION**

#### **National Register**

4.(1) The Commission shall register

- (a) all citizens of Barbados; and
- (b) persons who are not citizens of Barbados but who are resident in Barbados for a period of 6 months or more.

(2) The Commission shall, for the purposes of subsection (1), establish, keep and maintain a register to be known as the National Register to

- (a) register and record the persons referred to in subsection (1);
- (b) provide information to facilitate the issuing of identification cards and national identity credentials to the persons registered in the National Register; and
- (c) provide information to facilitate the preparation of a register of electors for the purposes of the *Representation of the People Act*, Cap. 12.

(3) The National Register shall be in such form as the Commission deems fit and shall contain such particulars as set out in Part I of the *First Schedule*.

(4) The Registrar with responsibility for the registration of deaths, under the *Vital Statistics Act*, Cap. 192A, shall no later than the last day of each month of the year provide the Commission with a list of the names of persons whose deaths have occurred during the preceding month.

- (5) The Chief Immigration Officer shall no later than the last day of each month of the year provide the Commission with a list of the names of persons who were resident in Barbados for 6 months or more and have left Barbados with no return date or an open ended ticket.
- (6) The Commission shall review the National Register and where necessary delete any entry in respect of any person
- (a) who is deceased;
  - (b) who is not a citizen of Barbados and who is no longer resident in Barbados and has not been resident in Barbados for a continuous period of more than 5 years; or
  - (c) where the Commission considers that that person ought not to have been registered in the National Register.
- (7) Information deleted from the National Register pursuant to subsection (6) shall be archived in a manner determined by the Chief Registering Officer.
- (8) The Commission may, for the purpose of registering a person specified in section 5, publish at least once in the *Official Gazette* and at least twice, at intervals of not less than 7 days apart, by electronic means, a notice requiring a person or a group of persons to appear before the Chief Registering Officer for registration in the National Register.
- (9) The Commission may, for the purpose of removing a person specified in subsections (4) and (5) or sections 10(2) and (3) from the National Register, publish at least once in the *Official Gazette* and at least twice, at intervals of not less than 7 days apart, by electronic means, a notice of the removal and where relevant, the notice may require a person or a group of persons to attend before the Chief Registering Officer.
- (10) The National Register shall not be open to inspection by members of the public.

**Obligation to register****5.(1)** A person who

- (a) is born in Barbados;
- (b) is a citizen of Barbados;
- (c) has an immigrant status certificate issued in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (d) has permanent resident status in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (e) is in Barbados for a period of 6 months or more as a student, in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (f) is resident in Barbados for a period of 6 months or more as a worker, in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (g) is employed by the Caribbean Development Bank under the provisions of the *Caribbean Development Bank Act*, Cap. 323A;
- (h) has a Right of Establishment Certificate issued in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (i) has a CARICOM Skilled National Certificate, issued in accordance with the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A;
- (j) is the spouse of a person who has a CARICOM Skilled National Certificate issued in accordance with the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A;
- (k) is the spouse of a person who is resident in Barbados for a period of 12 months or more as a worker in accordance with the provisions of the *Immigration Act*, Cap. 190;

- (l) is entitled by virtue of any other provision of the *Immigration Act*, Cap. 190 to remain as a resident in Barbados for a period of 6 months or more;
- (m) is permitted to remain in Barbados permanently under any other law; or
- (n) is a minor and the child of a person to whom paragraphs (c) to (m) applies where that minor is under compulsory school age,

shall be registered in the National Register.

(2) A person who is eligible for registration in the National Register shall provide the registering officer with such documentary evidence as the Commission may require in order to establish the truth of the information to be recorded in relation to that person in the National Register.

(3) Where the person referred to in subsection (1)(b) is a minor, that minor shall be registered by his mother, father, guardian or any other person authorised to register a minor under section 6.

(4) Where the person referred to in paragraphs (b), (c), (d), (e), (l), (m) or (n) of subsection (1) is a minor, that minor shall be registered by his mother, father, guardian or any other person authorised to register a minor under section 6.

(5) A minor shall, on attaining 16 years of age, register in accordance with section 7 for an identification card.

(6) Notwithstanding subsection (2), where a person is unable to produce documentary evidence to satisfy the registering officer of his

- (a) full name;
- (b) correct date of birth; or
- (c) correct place of birth,

the registering officer shall request that the person produce to the Chief Registering Officer a sworn affidavit with supporting exhibits, where relevant, deposing his full name, as well as his correct date of birth and place of birth in

addition to stating the reason for the unavailability of the required documentary evidence.

(7) The Commission shall take such reasonable steps as may be required to verify the contents of an affidavit submitted in accordance with subsection (6).

(8) The Commission, with the consent of a person mentioned in subsection (1), may collect the fingerprints of that person for the purpose of assisting with the confirmation of their identity and the person may elect to submit the prints of all fingers or some fingers of their choosing.

(9) A person who is a visitor shall not be eligible for registration in the National Register unless that person is a person to whom subsection (1) applies.

(10) A person who is not registered under this Act shall not

- (a) be added to the National Register;
- (b) be assigned a national registration number;
- (c) be issued with an identification card or a national identity credential;
- (d) qualify to be added to the register of electors or the revised register of electors prepared under the *Representation of the People Act*, Cap. 12;
- (e) qualify to obtain a driver's permit or licence; or
- (f) qualify to access any service or goods which require the presentation of an identification card to obtain such services or goods.

### **Registration of a minor**

**6.(1)** The mother or father of a minor who is born in Barbados or any other person authorised to register that minor shall, within 45 days of the birth of that minor, register the minor with the Chief Registering Officer.

(2) Where a minor is registered by a person other than the mother or father of the minor, the mother or father of the minor shall give to that person an instrument in writing stating that the person has permission to register the minor and the

instrument may include the national identification number of the mother or father of the minor.

(3) Where a minor is adopted, the person who has adopted the minor shall, on producing the relevant documents showing the evidence of the adoption to the Chief Registering Officer, register the minor with the Chief Registering officer.

(4) Where a person other than the mother or father is the guardian of the minor that person shall produce such documentation as the Chief Registering Officer may require in order to register that minor.

(5) Upon registering the minor the Chief Registering Officer shall issue in respect of that minor an identification card designated for that minor.

(6) A person who is required to register a minor in accordance with this section and who fails to do so shall pay a penalty of \$100, as well as any fee which may be required.

#### **Procedure for registration**

7.(1) A person required to register pursuant to section 5 may do so

- (a) in person in accordance with subsections (2) to (7); or
- (b) electronically as determined by the Commission.

(2) A registering officer, in seeking to obtain finger prints pursuant to section 5(8), shall obtain the consent of the person seeking to so register and that person shall indicate in the applicable field set for the purpose in the National Register whether he is submitting all or some of his finger prints as selected by that person.

(3) The consent obtained pursuant to subsection (2) shall be indicated in the applicable field set out for that purpose in the National Register by

- (a) affixing his name, signature or mark; or
- (b) where a person is unable to affix his name, signature or mark the registering officer shall indicate on the Certificate of Registration that the person is unable to sign.

(4) The registering officer shall, where consent is obtained pursuant to subsection (2), collect the relevant fingerprints.

(5) Where a person refuses to consent to submitting fingerprints, that refusal shall be indicated in the applicable field set out for that purpose in the National Register

(a) by affixing his name, signature or mark; or

(b) where a person is unable to affix his name, signature or mark the registering officer shall indicate on the Certificate of Registration that the person is unable to sign,

and the person shall not be subject to any penalty, fine or term of imprisonment.

(6) A person required to register pursuant to section 5 who decides to register in person

(a) shall in the presence of a registering officer, supply the information specified in Part I of the *First Schedule* so that the registering officer may record the information in the National Register;

(b) shall comply with the requirements set out in Part II of the *First Schedule* for an officer assigned by the Commission to take a photograph of him;

(c) shall submit his signature;

(d) may submit his fingerprints once his consent is obtained pursuant to subsections (2) and (3);

(e) shall supply such additional information as the Chief Registering Officer or a registering officer may require

(i) in respect of the particulars specified in Part I of the *First Schedule*; or

(ii) to ensure the proper identification and registration of a person;

- (f) shall produce such documentary evidence or other information, as the Chief Registering Officer or a registering officer may consider necessary to support the accuracy of any information submitted;
- (g) shall, where required, surrender any previous identification card issued to the person;
- (h) shall comply with such procedures or requirements as the Commission implements or requires for the completion of the registration process;
- (i) shall read or have read to him the contents of the Certificate of Registration, and where he is certain that the information is correct affix his name, signature, or mark to verify that the information contained in the Certificate of Registration is true and accurate to the best of his knowledge;
- (j) shall obtain a copy of the Certificate of Registration; and
- (k) shall, where relevant, pay the relevant fee set out in the *Third Schedule*.

(7) The registering officer shall sign and stamp a copy of the completed Certificate of Registration and issue that copy to the person as proof of his registration pursuant to this Act.

(8) Where a person affixes his mark in accordance with subsection (6)(i) the registering officer shall sign and stamp the completed Certificate of Registration, and affix to the form

- (a) words stating that the mark was made by the person to whom the Certificate of Registration belongs; or
- (b) words of like effect,

before issuing a copy of the completed Certificate of Registration to that person as proof of his registration.

(9) Where a person is unable to affix his name, signature or mark the registering officer will indicate on the Certificate of Registration that the person is unable to sign.

(10) A person required to register pursuant to section 5 who decides to register electronically pursuant to subsection (1) shall do so in the manner determined by the Commission and subsections (2) to (9) shall apply with such modifications as are deemed necessary by the Commission for facilitating the registration of persons.

(11) Notwithstanding subsections (2) and (6), a person who is under 16 years of age shall not be required to

- (a) appear before a registering officer;
- (b) take a photograph for an identification card; or
- (c) supply any signature or fingerprints.

(12) The Chief Registering Officer shall ensure that the supporting documents set out in Part III of the *First Schedule* for each person registered in the National Register are recorded and stored in an electronic format or otherwise for the purposes of the Commission under this Act.

**Power to correct recorded information**

**8.(1)** The Chief Registering Officer or an officer designated by the Chief Registering Officer shall ensure that each registration is complete and accurate, and where necessary request further or additional information from the person to whom the registration relates.

(2) The Chief Registering Officer, a registering officer or any other officer designated by the Chief Registering Officer may correct any error made in National Register or Certificate of Registration in respect of any person registered in the National Register.

(3) Where a correction is made in accordance with subsection (2), the officer making the correction shall make a record of his name, position, date and time of the correction and shall indicate the nature of the correction.

**Change in information relevant to registration**

9.(1) A person shall, where

- (a) there is any change in the information previously given to the Commission notify the Chief Registering Officer of the change; or
- (b) he is satisfied that his personal appearance has changed so as to make it likely that his identity as certified by the identification card may be questioned,

appear before a registering officer to obtain a replacement of an identification card, and pay to the Commission the replacement fee specified in the *Third Schedule*.

(2) Where a person pursuant to subsection (1)(a) appears before a registering officer to record a change in the information previously given to the Commission, the registering officer shall have the change reflected in the national identity credential.

(3) The Chief Registering Officer shall, where he is satisfied that the change materially affects the proper identification of the person, cancel that identification card or national identity credential and shall issue the person with a new identification card and a national identity credential.

(4) Where the Chief Registering Officer considers that the circumstances do not require the replacement of the identification card or national identity credential, he shall require that the person continue to use the existing identification card or national identity credential.

(5) A person who has been issued with an identification card or an national identity credential shall notify the Chief Registering Officer of any change in his place of residence within 30 days of the change of address by submitting the

Notice of Change of Residence Form set out in the *Fourth Schedule* to a registering officer.

(6) A person who contravenes subsections (1) and (5) is liable to pay to the Commission an administrative penalty of \$500.

### PART III

#### IDENTIFICATION CARDS

##### **Issuance of identification card**

**10.(1)** The Commission shall issue to a person registered in the National Register an identification card for which he is eligible upon

- (a) presentation of the Certificate of Registration or such other documentation as may be required by the Commission; and
- (b) payment of the relevant fee set out in the *Third Schedule* where applicable,

to the Chief Registering Officer.

(2) Where the Commission is satisfied that a person does not qualify for an identification card under subsection (1), the Commission shall direct the Chief Registering Officer not to issue an identification card to that person and that person shall be removed from the National Register.

(3) The Commission may revoke or suspend an identification card where the holder contravenes the provisions of this Act and that person may be removed from the National Register.

(4) The Commission shall inform a person affected by a decision made pursuant to subsections (2) or (3) in writing.

**Identification card**

- 11.(1)** An identification card shall
- (a) display the information set out in Part I of the *Fifth Schedule* as well as such other information as the Commission considers necessary on the card;
  - (b) be equipped with a digital chip which shall contain personal data enabling digital identification as set out in Part II of the *Fifth Schedule*; and
  - (c) contain such security features as the Commission determines necessary to protect the personal data set out in Part II of the *Fifth Schedule*.
- (2) Subject to section 10(2) and (3) and section 15, an identification card referred to in subsection (1) shall be valid for a period of 10 years or for such period as the Commission may prescribe by order with the approval of the Minister.
- (3) An identification card referred to in subsection (1)
- (a) shall be collected by the person to whom the card belongs or by a person who that person has authorised to collect the card by an instrument in writing; or
  - (b) which is issued to a minor shall be collected by the mother, father or guardian of the minor or by the person permitted to register the minor under section 6.
- (4) The Commission shall be responsible for the issue and maintenance of the certificate for electronic identification and the certificate for electronic signature embedded in the identification card referred to in subsection (1).

**Use of an identification card**

**12.(1)** A person who is issued an identification card may be required to produce his identification card

- (a) to the Chief Registering Officer, a registering officer or any other officer designated by the Commission;
- (b) to a police officer, an immigration officer or a customs officer;
- (c) for the purpose of voting in an election in Barbados;
- (d) for the purpose of accessing goods or services provided by the Government or the private sector; or
- (e) for any other purpose for which the verification of his identity is required,

and that identification card shall be *prima facie* evidence of the identity of the person shown on the identification card and the information set out in section 11(1)(b).

(2) Where a person is unable to produce his identification card for the purposes mentioned in subsection (1), the person authorised to require such identification shall, unless another form of identification is authorised by law, defer consideration of the person or refuse access until such time as the relevant identification card is produced.

(3) All identification cards issued by the Commission are the property of the Government of Barbados and shall be for the use of the person to whom the card is issued, and any person who finds, or comes into possession of an identification card which was not issued to him shall return that identification card to the Commission.

**Replacement of an identification card**

**13.(1)** A person whose identification card is lost, stolen, damaged, destroyed, tampered with or defaced shall attend before a registering officer to be registered

for the replacement of the identification card and pay to the Chief Registering Officer the replacement fee specified in the *Third Schedule*.

(2) Where an identification card is lost, stolen, damaged, destroyed, tampered with or defaced, the holder of that identification card shall submit a report to the Chief Registering Officer.

(3) A person who has his identification card replaced or whose card is expired shall return or surrender his previous or expired identification card to the Chief Registering Officer before he is issued with a new identification card, unless that identification card has been lost, stolen or destroyed.

### **Provision of an identification card in certain circumstances**

**14.(1)** Notwithstanding section 7, where a person is incapacitated or is in the care and custody of a public institution and cannot appear before a registering officer, that person or any person authorised to act on the behalf of that person by an instrument in writing shall inform the Commission and the Chief Registering Officer, on direction from the Commission, shall instruct a registering officer to

- (a) register the incapacitated person or institutionalised person in the National Register and facilitate the issuance of an identification card to the incapacitated person or institutionalised person or
- (b) replace an identification card that is lost, stolen, damaged, destroyed, tampered with or defaced.

(2) An incapacitated person, an institutionalised person or any person authorised to act on the behalf of such persons by an instrument in writing, who has his identification card replaced or whose card is expired shall return or surrender the previous or expired identification card to the Chief Registering Officer before being issued with a new identification card, unless that identification card has been lost, stolen or destroyed.

(3) Where a registering officer has been instructed to visit an incapacitated person pursuant to subsection (1), the registering officer shall visit that person

for the purpose of photographing that person and collecting the information necessary for effecting the registration and issuance of an identification card to that person and the registering officer shall take all the necessary materials to ensure that he will accurately obtain

(a) all the information specified in accordance with Part I of the *First Schedule*; and

(b) a photograph in accordance with Part II of the *First Schedule*.

(4) A registering officer shall take such steps as may be necessary to ensure that all information required for the replacement of the identification card is collected and recorded in respect of any person to whom subsection (1) applies.

(5) A person registered under this section shall obtain a copy of the Certificate of Registration.

(6) Where relevant, a person registered in accordance with this section shall pay the relevant fee set out in the *Third Schedule*.

(7) For the purposes of this section,

“incapacitated person” means a person with a temporary or permanent impediment or impairment which is a mental or physical deficiency, disability or illness;

“institutionalised person” means person in the care or custody of a public institution.

#### **Power to order the surrender of an identification card**

**15.(1)** The Commission may require holders of an identification card to surrender that identification card to the Commission for substitution of a new identification card for the purpose of facilitating updates to

(a) the appearance of the card; or

(b) the technology related to

(i) digital identification;

- (ii) security features referred to in section 11(1)(c);
  - (iii) certificate for electronic identification; or
  - (iv) certificate for electronic signature.
- (2) Where the Commission orders the surrender of an identification card pursuant to subsection (1), no fee shall be imposed for the replacement of that identification card.

## PART IV

### NATIONAL IDENTITY CREDENTIALS

#### **National Identity Credential**

**16.(1)** A national identity credential is an authenticated record kept in electronic form that facilitates the verification of an individual's identity in an electronic environment and shall contain

- (a) the information set out in Part III of the *Fifth Schedule*; and
  - (b) such security features as the Commission determines necessary to protect the information set out in Part III of the *Fifth Schedule*.
- (2) Subject to subsections (2) and (3) of section 17, a national identity credential shall be valid for 10 years or for such period as the Commission may by order prescribe with the approval of the Minister.
- (3) The Commission shall be responsible for the issue and maintenance of the certificate for electronic identification and the certificate for electronic signature embedded in the national identity credential in accordance with subsection (1).
- (4) No more than one national identity credential shall be issued for each individual at any given time.

(5) An national identity credential is personal to the individual to whom it has been issued and may not be transferred or vested by operation of law in any person other than that individual.

(6) The Commission may revoke a national identity credential and substitute new national identity credentials for the purpose of facilitating updates to the technology related to

- (a) digital identification;
- (b) security features referred to in subsection (1)(b);
- (c) a certificate for electronic identification; or
- (d) a certificate for electronic signature.

**Issuance of a national identity credential**

**17.(1)** The Commission shall issue to a person registered in the National Register a national identity credential upon

- (a) presentation of the Certificate of Registration; and
- (b) payment of the relevant fee set out in the *Third Schedule* where applicable,

to the Chief Registering Officer.

(2) The Commission may revoke or suspend a national identity credential where the holder contravenes the provisions of this Act and that person may be removed from the National Register.

(3) The Commission may require a holder of a national identity credential to surrender that national identity credential to the Commission for substitution of a new national identity credential for the purpose of facilitating updates to the technology in respect of digital identification or security features designed to protect the information set out in section 16(1)(a).

(4) The Commission shall inform a person affected by a decision made pursuant subsections (2) or (3) in writing.

**Use of a national identity credential**

**18.** An individual may use a national identity credential for the purpose of verifying his identity by electronic means for

- (a) the purpose of accessing goods or services provided by the Government or the private sector;
- (b) any other purpose for which the verification of his identity is required, in an electronic environment.

PART V

SECURITY, CONFIDENTIALITY, VERIFICATION, INFORMATION  
SHARING AND CONFIRMATION SERVICE

**Security**

**19.(1)** The Commission shall ensure the security and confidentiality of the records of a person registered pursuant to Part II.

(2) The Commission shall take measures including security safeguards to ensure that the information in the possession or control of the Commission, including information recorded in the National Register or embedded in the chip of the identification card or the national identity credential, is secured and protected against any loss, unauthorised access or use or unauthorised disclosure thereof.

**Disclosure of information**

**20.(1)** A Commissioner, an officer or an employee of the Commission or an expert retained to assist the Commission shall comply with the provisions of the *Data Protection Act, 2019* (Act 2019-29) and shall keep confidential all information coming to his knowledge during the performance of his functions

under this Act or any enactment which relates to the private affairs of a person except insofar as disclosure is necessary for

- (a) the administration of this Act or any regulations made thereunder;
- (b) compliance with the provisions of any enactment; or
- (c) compliance with an order of a court.

(2) Information collected about a person registered in the National Register pursuant to section 7 may be disclosed where such disclosure facilitates the use of the card pursuant to section 12 or the national identity credential pursuant to section 18

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

#### **Confirmation service request**

**21.(1)** A confirmation service request is a request made to the Commission to facilitate the use of the identification card pursuant to section 12 or the national identity credential pursuant to section 18.

(2) A person may make a confirmation service request referred to in subsection (1) in order to confirm identity of a person or particulars related to the identity of a person in order to facilitate the use of the identification card pursuant to section 12 or the national identity credential pursuant to section 18.

(3) For the purposes of this section “particulars related to the identity of a person” means the particulars set out in section 11(1)(b) in the relation to the identification card or section 16(1)(a) in relation to the national identity credential.

PART VI

COMPLAINTS

**Complaint**

**22.(1)** A person who is aggrieved by an act performed or a decision made by the Commission may make a complaint to the Data Protection Commissioner within 14 days of the act performed or the decision made by the Commission.

(2) A complaint made pursuant to subsection (1) shall set out the nature of the act or decision which is in breach of this Act or any other relevant enactment.

(3) Part VIII of the *Data Protection Act, 2019* (Act 2019-29) shall apply *mutatis mutandis* to this Act and any statutory instruments made thereunder.

**Appeal**

**23.** A person who is aggrieved by the decision of the Data Protection Commissioner pursuant to section 22 shall appeal to the High Court within 14 days of the decision.

PART VII

OFFENCES

**Impersonation**

**24.(1)** A person who impersonates or attempts to impersonate another person, whether dead or alive, real or imaginary, by providing any false information, is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

- (2) Where
- (a) a person with the intention of causing harm or mischief to a person registered in the National Register; or
  - (b) with the intention of appropriating the identity of a person registered in the National Register

changes or attempts to change any information kept in the National Register, recorded on an identification card or recorded in a national identity credential by impersonating or attempting to impersonate another person, dead or alive, real or imaginary, that person is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

- (3) A person who impersonates or attempts to impersonate any person authorised under this Act to collect information pursuant to the provisions of this Act is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

#### **Unauthorised disclosure of identity information**

**25.** A person who, intentionally discloses, transmits, copies or otherwise disseminates any identity information collected in the course of registration or authentication to any person not authorised under this Act is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

#### **Unauthorised access to National Register**

- 26.** Whoever, not being authorised by the Commission, intentionally
- (a) accesses or secures access to the National Register;
  - (b) downloads, copies or extracts any data from the National Register or stored in any removable storage medium
  - (c) introduces or causes to be introduced any virus or other computer contaminant in the National Register;

- (d) damages or causes to be damaged the data in the National Register;
- (e) disrupts or causes disruption of the access to the National Register;
- (f) denies or causes a denial of access to any person who is authorised to access the National Register;
- (g) destroys, deletes or alters any information stored in any removable storage media or in the National Register or diminishes its value or utility or effects it injuriously by any means;
- (h) 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
- (i) provides any assistance to any person to do any of the acts referred to in paragraphs (a) to (h),

is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for 3 years, or to both.

#### **Tampering with data in National Register**

**27.** A person who, not being authorised by the Commission, uses or tampers with the data in the National Register or in any removable storage medium with the intent of modifying information relating to a person registered in the National Register or discovering any information on that person is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

#### **Manipulation of biometric data**

**28.** A person who gives or attempts to give any biometric data which does not pertain to him for the purpose of getting a national identification number or authentication or updating his data is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

PART VIII

MISCELLANEOUS

**Power to waive fees**

**29.(1)** The Commission may by order exempt a person or a group of persons from the payment of any fee specified in the *Third Schedule* for the issue or replacement of an identification card.

(2) An order made under subsection (1) is subject to negative resolution.

**Exemption from the payment of fees**

**30.(1)** A person who is 65 years of age or older shall be exempt from the payment of any fee specified in the *Third Schedule* for the issue or replacement of an identification card.

(2) A person under 65 years of age who is in the care and custody of a public institution shall be exempt from the payment of any fee specified in the *Third Schedule* for the issue or replacement of an identification card where the person in charge of the public institution issues a certificate to that effect to the Chief Registering Officer.

(3) A disabled person who is

(a) under 65 years of age;

(b) not in the care and custody of a public institution; and

(c) unable to pay the fee for the issue or replacement of an identification card,

shall be exempt from the payment of any fee specified in the *Third Schedule* for the issue or replacement of an identification card where the Director of the National Disabilities Unit issues a certificate to that effect to the Chief Registering Officer.

- (4) A person in the care and custody of the Queen Elizabeth Hospital who
- (a) is under 65 years of age;
  - (b) is incapacitated as defined in section 14; and
  - (c) is unable to pay the prescribed fee for the issue or replacement of an identification card,

shall be exempt from the payment of any fee specified in the *Third Schedule* for the replacement of an identification card where the person in charge of the Queen Elizabeth Hospital issues a certificate to that effect to the Chief Registering Officer.

#### **Power to amend Schedules**

**31.** The Commission, with the approval of the Minister, may by order amend the *First, Second, Third, Fourth and Fifth Schedules*.

#### **Consequential Amendments**

**32.** The enactments set out in Column 1 of the *Sixth Schedule* are amended in the manner specified in Column 2 of the *Sixth Schedule*.

#### **Regulations**

**33.** The Commission may, with the approval of the Minister, make regulations for giving effect to the provisions of the Act.

#### **Savings and Transitional provision**

**34.(1)** An identification card authorised under section 25 of the *Representation of the People Act*, Cap. 12 or under the *Statistics Act*, Cap. 192 shall remain valid for a period of 12 months from the date of the commencement of this Act.

(2) A person who is an existing holder shall appear before a registering officer to register with the Commission before the end of the period specified in subsection (1).

(3) Where an incapacitated person or an institutionalised person cannot appear before a registering officer, that person or any person authorised to act on the behalf of that person, shall inform the registering officer of the condition of the person.

(4) Where a registering officer has been informed in accordance with subsection (3), the registering officer shall visit that person for the purpose of photographing and effecting the registration of that person and the registering officer shall take all the necessary materials to ensure that he will accurately obtain the required information for the registration of the person and the photograph of the person.

(5) A registering officer shall take such steps as may be necessary to ensure that all information required for the registration of a person in accordance with this Act is collected and recorded in respect of any person to whom this section applies.

(6) A person registered under this section shall obtain a copy of the Certificate of Registration.

(7) A new identification card issued under this Act to any person who is an existing holder of a valid identification card

(a) authorised under section 25 of the *Representation of the People Act*, Cap. 12 and issued under the *Representation of the People (Registration of Electors) Regulations, 1990* (S.I. 1990 No. 8); or

(b) authorised under the *Statistics Act*, Cap. 192 and issued under the *Statistics (Registration Census of Barbadian Residents) Regulations, 1979* (S.I. 1979 No. 47),

shall be issued free of cost during the period referred to in subsection (1).

(8) Subsection (7) shall not apply to a person who is an existing holder who does not register with the Commission before the end of the period specified in subsection (1), and that person shall thereafter pay the cost of the replacement identification card specified in the *Third Schedule*.

(9) For the purposes of this section,

“existing holder” means a person who was registered with the Commission or under the *Statistics Act*, Cap. 192 and issued with an identification card by the Commission prior to the commencement this Act;

“incapacitated person” means a person with a temporary or permanent impediment or impairment which is a mental or physical deficiency, disability or illness; and

“institutionalised person” means person in the care or custody of a public institution.

**FIRST SCHEDULE**

*(Sections 2,4 and 14)*

*Contents of National Register*

*PART I*

*Particulars of a Person to be Recorded in the National Register*

1. Full name [First Name(s), Middle Name(s) and Surname Name].
2. Other names by which the person is or has been known - Aliases.
3. Date of birth.
4. Place of birth.
5. Sex, height, eye colour.
6. Physical abnormalities or distinguishing marks, if any.
7. Address of the ordinary place of residence in Barbados.
8. National identification number.
9. Disability, if any.
10. Full name of biological or adopted father.
11. Full name of biological or adopted mother.
12. Part of a twin or multiple birth.

- 13.** Name of guardian, where relevant, and the nature of relationship to the minor, where a minor is being registered by a person who is not the parent of the minor.
- 14.** A passport size photograph of the person which shall include the head and shoulders in a single frame, and the photograph must clearly show the features of the face (not required for minors).
- 15.** Signature (not required for minors).
- 16.** Fingerprint where consent has been obtained. (not required for minors).
- 17.** Nationality.
- 18.** Status.
- 19.** Residential status.
- 20.** Marital status.
- 21.** Telephone numbers.
- 22.** Email address.
- 23.** Occupation, profession, trade or employment (including membership of any of the armed forces of Barbados or another country).
- 24.** Details of documentary evidence and any other particulars that the Chief Registering Officer or registering officer may consider necessary to ensure correct identification.
- 25.** Other relevant information required by the Commission.

*PART II**Procedure for a person to be photographed by the Commission*

- 1.** A person seeking registration under the Act shall, as a part of the application process, have his photograph taken by an officer of the Commission and that person shall comply with the requirements necessary for the officer of the Commission to take his photograph.
- 2.** The photograph will be taken against a background which has a colour or an image selected and approved by the Commission.
- 3.** The officer of the Commission who is taking the photograph of the person shall explain how the photograph will be taken including information regarding the number of shots to be taken and the position or direction from which the person will be photographed.
- 4.** The photograph shall be taken, framed and portrayed in such a manner that shows the head and shoulders of the person with the face clearly visible. The face of the person in the photograph shall be clearly discernible from the hairline to the chin, and the photograph shall include the ears of the person.
- 5.** The photograph of the person shall clearly show the centre of the face facing forward and show all the facial features of the person being photographed such as the forehead, eyebrows, eyes, nose, cheeks, lips, chin and ears.
- 6.** The photograph shall clearly show all the facial features of the person being photographed with no flaws or marks obscuring the face of the person unless the facial flaws or marks are genetic or a birth defect due to illness or a form of permanent cosmetic enhancement.
- 7.** A person must exhibit or show a neutral expression and his mouth shall be closed while being photographed.

- 8.** A person shall not cover his ears with his hair or any other form of covering while being photographed except for religious purposes.
- 9.** A person shall not wear a hat, cap, shawl, scarf or any other form of covering for the head or face while being photographed, unless

  - (a)* that person is a practicing member of a religion which requires the wearing of a head covering as an expression of the religious faith of that person. In that case the person is permitted to wear a covering for the head, but such a covering must permit the person to be photographed in a manner which will capture the centre of the face from the hairline to the chin, and the photograph may include the ears of the person; or
  - (b)* permitted to do so by the Commission.
- 10.** The eyes must be open and clearly visible and there must be no hair or any other thing obscuring the eyes of the person in a photograph.
- 11.** A person who wears prescription spectacles or glasses may be photographed in his prescription spectacles or glasses but the photograph must clearly show the eyes with no light reflecting in the prescription spectacles or glasses. It must be ensured that the spectacles or glasses do not obscure the eyes. The eyes of the person must be clearly seen in the photograph.
- 12.** A person shall not wear tinted spectacles or glasses, shades or any other form of tinted or cosmetic eye covering which obscure or change the eyes while being photographed.
- 13.** A person shall not wear a garment which does not cover the shoulders while being photographed, as the shoulders of a person must be covered while being photographed .

## PART III

Supporting Documents*	Number	Date of Issue	Effective Date	Place of Issue	Expiry Date
Adoption Order					
Birth Certificate					
Certificate of Change of Name					
Passport					
Immigrant Status Certificate					
Work Permit					
Student Visa					
CARICOM Skilled National					
Rights of Establishment					
Permanent Residence Certificate					
Registered Deed Poll					
Marriage Certificate					
Decree Absolute					
Sworn Affidavit					
Other relevant document(s)					

\*This list of supporting documents will vary depending on the personal information of each person and, accordingly, barring certain commonalities, the completed National Registration Form will reflect the specific details of each applicant.

## SECOND SCHEDULE

*(Section 2)*

*Barbados Identity Management Act*  
(Act 2021- )

*Certificate of Registration*

		File Number
		<input type="text"/>
National Identification Number	Marital Status	Phone (Home)
<input type="text"/>	<input type="text"/>	<input type="text"/>
Status	Eye Colour	Phone (Mobile)
<input type="text"/>	<input type="text"/>	<input type="text"/>
Residential Status	Height	Phone (Office)
<input type="text"/>	<input type="text"/>	<input type="text"/>
Surname	Occupation	Disability
<input type="text"/>	<input type="text"/>	<input type="text"/>
First Name	Place of Birth	Receipt Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

*Second Schedule - (Cont'd)**Certificate of Registration - (Cont'd)*

Middle Name	Nationality	Date of Birth	Sex
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Alias	Parish	Polling District
<input type="text"/>	<input type="text"/>	<input type="text"/>

Father's name	Email Address	Constituency
<input type="text"/>	<input type="text"/>	<input type="text"/>

Mothers's name	Twin or multiple birth
<input type="text"/>	<input type="text"/>

Consent given for submission of finger prints for the purposes of identification card or national identification credentials

Yes  No

Guardian ID	House/Lot Number	Delivery Date
<input type="text"/>	<input type="text"/>	<input type="text"/>

Guardian Name	House Name	Reason Change Card
<input type="text"/>	<input type="text"/>	<input type="text"/>

Nature of the Guardian	Any Other Particulars	Notes
<input type="text"/>	<input type="text"/>	<input type="text"/>

Expiry date
<input type="text"/>

*Second Schedule - (Concl'd)**Certificate of Registration - (Concl'd)*

## Supporting Documents

Type	Name	Country	Issue Date	Expiry Date	Effective Date
------	------	---------	------------	-------------	----------------

	<p>Please note that the information recorded in the National Register may be shared with other Government entities. Kindly bring this certificate when you come to collect your identification card.</p>
	<hr/> <i>Signature or Mark of Applicant</i>
	<hr/> <i>Reason for Placed Mark or Printed Name</i>
<hr/> <i>Official's Signature</i>	<hr/> <i>Signature and Name of Witness</i>

**THIRD SCHEDULE***(Sections 7, 9, 10, 13, 14, 17, 29, 30 and 34)*

*Barbados Identity Management Act  
(Act 2021- )*

*Fees for Identification Cards*

	\$
Barbados Identification Card	
(a) Adult Barbados Identification Card: First Issue	No charge
(b) Minor Barbados Identification Card: First Issue	No charge
(c) Adult Barbados Identification Card: Replacement	60.00
(d) Minor Barbados Identification Card: Replacement	60.00
(e) Change from Minor Barbados Identification Card to Adult Barbados Identification Card	
(i) if the Minor Barbados Identification Card is returned to the Commission	No charge
(ii) if the Minor Barbados Identification Card is lost or not returned to the Commission	60.00
(f) Emergency (same day):	
(i) Issue of Adult Barbados Identification Card	100.00
(ii) Issue of Minor Barbados Identification Card	100.00

**FOURTH SCHEDULE**

*(Section 9)*



Barbados Identity Management Act  
(Act 2021- )

*Notice of Change of Residence*

**NOTICE OF CHANGE OF RESIDENCE FORM**

To: The Chief Registering Officer

1. Take notice that I have changed my place of residence as follows:

From: \_\_\_\_\_ in the constituency of  
\_\_\_\_\_.

To: \_\_\_\_\_ in the constituency of  
\_\_\_\_\_.

2. The date of the change of my residence is the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

3. My name is \_\_\_\_\_  
*(Full name in capital letters)*

and my National Identification Number is \_\_\_\_\_  
*(Insert the National Identification Number)*

4. I do declare that the information given by me in this form is to the best of my knowledge and belief true and correct in all respects.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Signature or mark of applicant.*

**FIFTH SCHEDULE**

*(Sections 11 and 16)*



*Barbados Identity Management Act*  
(Act 2021- )

**PART I**

*Particulars and features to be displayed on the Identification Card*

1. Full name of person.
2. Date of birth.
3. Sex.
4. Nationality.
5. Disability (where applicable).
6. National identification number.
7. Signature of person (where the person is a minor, signature of parent or guardian of the minor is required).
8. Photograph of holder (not applicable to minors).
9. Expiry date (where applicable).
10. Residential status (where applicable).
11. Q R Code and other relevant encoding for usage of relevant authority.
12. Machine readable zone.
13. Digital chip.

*Fifth Schedule - (Cont'd)*

PART II

*Particulars contained in the digital chip of the identification card*

1. Full name of person.
2. Date of birth.
3. Sex.
4. Nationality.
5. Place of birth.
6. National identification number.
7. Address.
8. Photo or facial image.
9. Type of disability (where applicable).
10. Electronic signature.
11. Password.
12. Certificate for electronic identification.
13. Certificate for electronic signature.
14. Other representations or unique identifiers that may be stored electronically.
15. Other personal data required pursuant to
  - (a) a relevant enactment; or
  - (b) an international convention to which Barbados is a party.

*Fifth Schedule - (Concl'd)*

PART III

*Particulars contained in the national identity credential*

1. Full name.
2. Date of birth.
3. Sex.
4. Nationality.
5. Place of birth.
6. National identification number.
7. Address.
8. Photo or facial image.
9. Type of disability (where applicable).
10. Electronic signature.
11. Password.
12. Certificate for electronic identification.
13. Certificate for electronic signature.
14. Other representations or unique identifiers that may be stored electronically.
15. Other personal data required pursuant to
  - (a) a relevant enactment; or
  - (b) an international convention to which Barbados is a party.

## SIXTH SCHEDULE

(Section 32)

## CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Electronics Transactions Act, Cap. 308B</i>	<p>1. Section 2 is amended by</p> <p style="padding-left: 2em;">(a) inserting in the appropriate alphabetical order, the following:</p> <p style="padding-left: 4em;">““electronic signature” means a digital or electronic method used to identify an individual and indicate that individual's approval;” and</p> <p style="padding-left: 2em;">(b) deleting the definition of the word "signature".</p> <p>2. Section 19 is amended by deleting subsection (3) and substituting the following:</p> <p style="padding-left: 2em;">"(3) The Minister may, by notice published in the <i>Official Gazette</i>, revoke any recognition accorded under subsection (1), but, before doing so, the Minister shall</p> <p style="padding-left: 4em;">(a) advise the certificate service provider affected of his intention to do so;</p> <p style="padding-left: 4em;">(b) indicate his reasons for the proposed revocation; and</p> <p style="padding-left: 4em;">(c) invite the certificate service provider referred to in paragraph (a)</p>

*Sixth Schedule - (Cont'd)**CONSEQUENTIAL AMENDMENTS - (Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Electronics Transactions Act, Cap. 308B - (Concl'd)</i>	within 14 days of the notice, to submit representations in writing as to why the recognition should not be revoked, and shall consider those representations.".
	3. Section 22 is amended by deleting subsections (6), (7), (8) and (9).
2. <i>Representation of the People Act, Cap. 12</i>	1. Section 6(4)(c) is deleted and the following is substituted:  "(c) at any election, vote without first producing the identification card issued to him pursuant to the <i>Barbados Identity Management Act, 2021</i> (Act 2021- ) unless he proves to the satisfaction of the presiding officer that he has not been issued with an identification card or that he has been issued with an identification card that such card has been lost or destroyed.".
	2. Section 25 is deleted.
	3. Section 68(1)(e) is deleted.
3. <i>Representation of the People (Registration of Electors) Regulations, 1990, (S.I. 1990 No. 8)</i>	1. Paragraphs (1)(b) and (2) of regulation 14 are deleted. 2. Regulation 16(c) is deleted. 3. Regulation 24 is deleted. 4. Paragraphs (4) and (5) of regulation 28 are deleted.

*Sixth Schedule - (Concl'd)**CONSEQUENTIAL AMENDMENTS - (Concl'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>Representation of the People (Registration of Electors) Regulations, 1990</i> , (S.I. 1990 No. 8) - (Concl'd)	5. Regulation 29(c) is deleted. 6. Regulation 36(3) is deleted and the following is substituted: "(3) Where the registering officer or an enumerator is satisfied that the applicant is qualified as an elector for the constituency in which the electoral revising centre is established, he shall cause the applicant's name, and address to be entered in the appropriate register or list, as the case may be, for that constituency." 7. Form 6 of the <i>First Schedule</i> is deleted.
4. <i>Representation of the People (Identification Cards Replacement Fees) Regulations, 2007</i> , (S.I. 2007 No. 10)	The <i>Representation of the People (Identification Cards Replacement Fee) Regulations, 2007</i> (S.I. 2007 No. 10) are revoked.
5. <i>Statistics Act</i> , Cap. 192	Section 9 is amended by deleting subsection (3) and substituting the following: "(3) Notwithstanding subsection (1) (a) the Chief Electoral Officer may in order to perform his functions under the <i>Representation of the People Act</i> , Cap. 12; and (b) the Chief Registering Officer may in order to perform his functions under the <i>Barbados Identity Management Act, 2021</i> (Act 2021- ), have access to the information obtained for or in any census."

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2021.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
\_\_\_\_\_, 2021.

**President**