

# A BILL

## FOR

AN ACT TO REPEAL THE NATIONAL IDENTITY MANAGEMENT COMMISSION ACT 2007, AND TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL IDENTITY DATABASE AND THE NATIONAL IDENTITY MANAGEMENT COMMISSION CHARGED WITH THE RESPONSIBILITIES FOR MAINTENANCE OF THE NATIONAL DATABASE, THE REGISTRATION OF INDIVIDUALS, AND THE ISSUANCE OF IDENTITY CREDENTIALS; AND FOR RELATED MATTERS

*Sponsored by Hon. Julius Ihonvbere*

[ ] Commencement

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

1 PART I - OBJECTIVES AND APPLICATION

2 1. The objectives of this Act are to- Objectives

3 (a) provide for the establishment of a National Identity Database  
4 for the nation;

5 (b) establish the National Identity Management Commission  
6 charged with responsibilities for the maintenance of the National Identity  
7 Database, registration of registrable persons, issuance of identity credentials  
8 and superintend over identity management issues;

9 (c) strengthen the legal framework of national and digital identity,  
10 thereby creating an optimal foundational identification ecosystem that  
11 fosters inclusion, universal coverage and accessibility; and

12 (d) establish a harmonised foundational ID system that is governed  
13 by a regime that is less-restrictive, less-cumbersome, non-discriminatory,  
14 non-punitive, data-protection driven, cost effective, and compliant with  
15 global best practices.

16 2. -(1) This Act shall apply to registration of registrable persons Application  
17 within Nigeria and at licensed centres outside Nigeria, and the management

1 and operation of the National Identity Database and related matters.

2 (2) Without prejudice to (1), this Act shall apply whether or not an act  
3 qualifying as an offence or contravention of this Act is committed in Nigeria by  
4 any person, irrespective of nationality.

5 PART II - ESTABLISHMENT OF NATIONAL IDENTITY MANAGEMENT

6 COMMISSION

Establishment  
of National Identity  
Management  
Commission

7 3.-(1) There is established a body to be known as the National Identity  
8 Management Commission (in this Act referred to as "the Commission").

9 (2) The Commission-

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

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

13 (c) may hold, acquire and dispose of any property or interest in  
14 property, moveable or immovable for the purpose of its functions under this  
15 Act.

Membership  
of the Commission

16 4.-(1) There is established for the Commission a governing Board (in  
17 this Act referred to as "the Board") which shall consist of:

18 (a) a part-time Chairman;

19 (b) a representative each, not below the rank of a Director or its  
20 equivalent of:

21 (i) the Independent National Electoral Commission;

22 (ii) the National Health Insurance Scheme;

23 (iii) the Federal Road Safety Commission;

24 (iv) the Federal Inland Revenue Service;

25 (v) the National Pension Commission;

26 (vi) the Nigeria Police Force;

27 (vii) the Nigeria Immigration Service;

28 (viii) the Office of the National Security Adviser;

29 (ix) the National Population Commission;

30 (x) the Central Bank of Nigeria;

- 1 (xi) the State Security Service;
- 2 (xii) the Economic and Financial Crime Commission;
- 3 (xiii) the Chief of Defence Staff; and
- 4 (xiv) the Corporate Affairs Commission;
- 5 (c) two persons who are knowledgeable in Information
- 6 Communication Technology or identity management to represent the public
- 7 interest; and
- 8 (d) the Director-General of the Commission, who shall be the
- 9 secretary to the Board.
- 10 (2) The Chairman and members of the Board undersubsection 1 (c)
- 11 shall;-
- 12 (a) be appointed by the President on the recommendation of the
- 13 Supervising Authority;
- 14 (b) be citizens of Nigeria;
- 15 (c) hold office on a part time basis.
- 16 (3) The Chairman of the Board shall have at least 15 years cognate
- 17 experience in any of the following fields: information communication
- 18 technology, engineering, management science, law, business
- 19 administration, economics or related fields.
- 20 (4) The provisions of the First Schedule to this Act shall apply with Firs Schedule
- 21 respect to the proceedings of the Board and the other matters mentioned
- 22 therein.
- 23 **5.-(1)** The Chairman and members of the Board, other than Ex- Tenure of Office
- 24 officio members, shall hold office for a term of 4 years in the first instance
- 25 and may be reappointed for a further term of 4 years and no more.
- 26 (2) Notwithstanding the provisions of subsection (1) of this
- 27 section, a member of the Board shall cease to hold office as a member if:
- 28 (a) he resigns his appointment as a member of the Board by a notice
- 29 under his hand, addressed to the President ;
- 30 (b) he becomes of unsound mind;

- 1 (c) becomes bankrupt or makes a compromise with his creditors;
- 2 (d) he is convicted of a felony or any of offence involving dishonesty
- 3 or corruption ;
- 4 (e) he becomes incapable of carrying on the functions of his office
- 5 arising from an infirmity of mind or body ;or
- 6 (f) the President is satisfied that it is not in the interest of the
- 7 Commission or in the interest of the public for the person to continue in office
- 8 and notifies the member in writing to that effect.

9 (3) If a member of the Board dies or resigns or otherwise vacates his

10 office before the expiration of the term for which he is appointed, a fit and

11 proper person shall be appointed for the remainder of the term of office of the

12 predecessor, so however that the successor shall represent the same interest.

Emolument,  
etc.

13 6. The Chairman and members of the Board shall be paid such

14 emoluments, allowances and incidental expenses as the President may, from

15 time to time, approve.

16 PART III - FUNCTIONS AND POWERS OF THE COMMISSION

Functions of the  
Commission

17 7. The Commission shall

18 (a) create, manage, maintain and operate the National Identity

19 Database established under this Act

20 (b) carry out the registration of registrable persons in accordance with

21 the provisions of this Act and any regulations, guidelines and other documents

22 issued thereunder;

23 (c) serve as the repository of all biometric data capture for the

24 management of identity in the country for proper coordination and

25 harmonization;

26 (d) assign a unique national identification number to any person

27 registered pursuant to paragraph (b) of this section;

28 (e) issue to any person registered pursuant to paragraph (b) of this

29 section, identity credentials it deems appropriate having given due

30 consideration to developments in applicable technology;

1 (f) ensure the preservation, protection, sanctity and security of any  
2 information or data collected, obtained, maintained, or stored in respect of  
3 the National Identity Database;

4 (g) provide a secure and reliable method to verify personal  
5 information in respect of registered persons, subject to such conditions and  
6 on payment of such fees and in such manner as may be specified by  
7 regulations;

8 (h) research and monitor development in the identity management  
9 sector;

10 (i) in collaboration with the relevant agency, carry out the  
11 registration of births and deaths in Nigeria for the effective and efficient  
12 management of the national identity database established under this Act;  
13 and

14 (j) perform such other duties which, in the opinion of the  
15 Commission, are necessary or expedient for the discharge of its functions  
16 under this Act.

17 **8.** The Commission shall have the power to:

Powers of the  
Commission

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

20 (b) harmonize and integrate the existing identification databases in  
21 government agencies and integrate them into the national identity database;

22 (c) collate information obtained by the Commission in pursuance  
23 of its functions under this Act and reproduce such information as may be  
24 required from time to time subject to and in accordance with the provisions  
25 of this Act or regulations made thereunder;

26 (d) establish and maintain secured communication links with any  
27 relevant identity related database or agency;

28 (e) maintain secured communication links with end users;

29 (f) collaborate with relevant bodies and agencies in setting out  
30 standards and technical specifications for the communications links with

1 organizations and for the devices utilized for such communications established  
2 or maintained pursuant to this Act;

3 (g) Prescribe administrative sanctions for non-compliance with the  
4 standard operating procedures established by the Commission.

5 (h) fix the terms and conditions of service including remuneration of  
6 the employees of the Commission;

7 (i) establish and operate administrative and monitoring offices in the  
8 states, local government areas and area councils;

9 (j) monitor any matter that may affect the functions of the  
10 Commission;

11 (k) interface with all relevant agencies that perform biometric data  
12 capture for the purpose of identity management and administration;

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

16 (m) set up facilitation centres and grievance redressal mechanism for  
17 redressing the complaints and grievances of registered persons; and

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

20 PART IV - THE DIRECTOR GENERAL AND STAFF OF THE COMMISSION

The Director  
General

21 9.-(1) There shall be for the Commission, a Director-General, who  
22 shall—

23 (a) be appointed by the President on the recommendation of the  
24 Supervising Authority;

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

27 (c) subject to the general control of the Board, be responsible for:

28 (i) the execution of the policies and decisions of the Board and its day  
29 to day operations and administration;

30 (ii) keeping proper records of proceedings of the Board; and

- 1 (iii) the direction and control of all other employees.
- 2 (2) The Director-General shall possess professional skills and at  
3 least 15 years cognate experience in any of the following fields: information  
4 communication technology, engineering, management science, law,  
5 business administration, or economics.
- 6 (3) the Director-General shall hold office-
- 7 (a) for a term of 4 years in the first instance and may be reappointed  
8 for a further term of 4 years and no more ; and
- 9 (b) on such terms and conditions as may be specified in the letter of  
10 appointment.
- 11 (4) The Director General shall cease to hold office where:
- 12 (a) he resigns his appointment by a notice under his hand,  
13 addressed to the President ;
- 14 (b) he becomes of unsound mind;
- 15 (c) becomes bankrupt or makes a compromise with his creditors;
- 16 (d) he is convicted of a felony or any of offence involving  
17 dishonesty or corruption;
- 18 (e) he becomes incapable of carrying on the functions of his office  
19 arising from an infirmity of mind or body ; or
- 20 (f) the President is satisfied that it is not in the interest of the  
21 Commission or in the interest of the public for the person to continue in  
22 office and notifies the member in writing to that effect.
- 23 **10.-(1)** The Board shall:
- 24 (a) appoint for the Commission such other employees as it may  
25 deem necessary for the efficient performance of its functions under this Act;  
26 and
- 27 (b) pay persons so employed such remuneration (including  
28 allowances) as may be determined by the National Salaries, Income and  
29 Wages Commission.
- 30 (2) The Board may delegate to the Director-General, generally or

Appointment,  
Dismissal, etc.  
of other Staff  
of the Commission

1 specifically; the power to appoint such categories of staff of the Commission as  
2 may be prescribed by the Staff Regulations.

Staff Regulations

3 **11.**-(1) The Commission shall subject to the approval of the Board,  
4 issue staff regulations relating generally to the conditions of service of its  
5 employees , particularly to:

6 (a) the appointment, promotion, discipline and termination of  
7 employees of the Commission; and

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

10 **PART V - FINANCIAL PROVISIONS**

Fund of the  
Commission

11 **12.**-(1) The Commission shall establish and maintain a fund which  
12 shall consist of:

13 (a) annual subvention from the Federal Government;

14 (b) fees and other charges received by the Commission pursuant to  
15 this Act;

16 (c) subject to section 11 of this Act, all other sums accruing to the  
17 Commission by way of grants-in-aid, gifts, testamentary dispositions,  
18 endowments, bequests and donations made to the Commission; and

19 (d) such other sum as may accrue, from time to time, to the  
20 Commission.

21 (2) the Commission shall from time to time apply the proceeds of the  
22 fund establish pursuant to subsection (1) of this section:

23 (a) to the cost administration of the Commission;

24 (b) to the payment of the salaries, fees or other remuneration or  
25 allowances, payable to the officers and employees of the Commission, so  
26 however that no payment of any kind under this paragraph(except) such as may  
27 be expressly authorised under any other enactment or regulation in force) shall  
28 be made to any person who is in receipt of emoluments from the Government of  
29 the Federation of Nigeria or of a State);

30 (c) to reimbursing members of the Board or of any committee set up

1 by the Board for such expenses as may be expressly authorised by the  
2 Commission in accordance with the rates approved by the Board ;

3 (d) for the maintenance of any property vested in the Commission  
4 ;and

5 (e) for and in connection with all or any of the functions of the  
6 Commission under this Act.

7 **13.**-(1) The Commission may accept any gift, grant or donation of  
8 land, money or other property from any person or organisation upon such  
9 terms and conditions (acceptable to the Commission),if any, as may be  
10 specified by the person or organisation making the gift or donation.

Power to accept  
gifts

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

14 **14.**-(1) The commission shall, not later than 30th September in  
15 each year, submit to the President an estimate of its expenditure and income  
16 (including estimates of expected payments into the fund of the commission)  
17 during the next succeeding year.

Annual, Estimates  
and Accounts

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

22 (3) The accounts of the commission shall be audited at the end of  
23 each calendar year by auditors appointed from the list and in accordance  
24 with the guidelines supplied by the Auditor-Generalfor the Federation and  
25 the fees of the auditors and the expenses for the audit generally shall be paid  
26 from the fund of the Commission.

27 **15.** The Commission shall, not later than six months after the end  
28 each year, submit to the President, a report on the activities of the  
29 Commission and its administration during the immediately preceding year  
30 and shall include in the report the audited accounts of the Commission and

Annual Reports

1 the auditors' comments thereon.

2 PART VI - ESTABLISHMENT OF THE NATIONAL IDENTITY DATABASE ,ETC

Establishment  
of the National  
Identity Database

3 **16.**-(1) There is established a National Identity Database (in this Act,  
4 referred to as the "Database")which shall contain registered information and  
5 other data relating to citizens of 'Nigeria and non-Nigerian Citizens who are  
6 registerable persons within the meaning of section 16 of this Act.

7 (2) The Data base established under (1) shall facilitate:

8 (i) the provision of a secured and a reliable method for ascertaining,  
9 obtaining, maintaining and preserving information and facts about registered  
10 persons, and the sharing of such information, in accordance with the provisions  
11 of this Act and data protection best practices and standards; and

12 (ii) the harmonisation of existing identity card schemes in Nigeria;

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

17 (4) The Commission, including its officers and agents shall ensure  
18 that every entry into the Database is accurate.

Registrable  
Persons

19 **17.** Every citizen and resident of the Federal Republic of Nigeria shall  
20 be entitled to obtain a National Identification Number by undergoing the  
21 process of enrolment in accordance with the provisions of this Act.

Registration of  
Registrable  
Persons

22 **18.**-(1) Every registrable person shall submit his demographic  
23 information, biometric information, and a government issued identification  
24 document at an enrolling agency.

25 (2) Any person having charge of any registrable persons shall cause  
26 such persons to be brought before the Commission or at such other place  
27 designated by the Commission, for enrolment.

28 (3) The Commission shall take special measures to enroll, and issue  
29 National Identity Numbers to such persons who do not have any permanent

1 place of residence and such other categories of individuals as may be  
2 specified by regulations.

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

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

9 (5) by regulation, prescribe the classes of persons who may  
10 identify the registrable person, where the registrable person has no known  
11 relatives.

12 (6) For the purposes of subsection 4 (a) and (b) of this section, a  
13 relative or class of persons who identifies a registrable person shall be  
14 known as an Identifier.

15 (7) It shall be duty of every registrable person and identifier to  
16 present accurate information to the Commission.

17 (8) The Commission shall maintain a register of all Identifiers, and  
18 may by regulations prescribe the information required to be maintained in  
19 the register.

20 (9) The Commission shall, at the time of enrolment, inform the  
21 individual undergoing registration of the following details in such manner as  
22 may be specified by regulations, namely-

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

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

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

29 (10) On receipt of the demographic information and biometric  
30 information, the Commission shall, after verifying the information, in such

1 manner as may be specified by regulations, issue a National identity Number to  
2 such individual, in a format the Commission deems appropriate.

3 (11) A National Identity Number, issued to an individual shall:

4 (a) bear no relation to the attributes or identity of the holder

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

6 (c) be accepted as proof of identity of the holder of the National  
7 Identity Number for any purpose.

Contents of the  
Database

8 **19.**-(1) The information to be entered in the Database shall include:

9 (a) the following information relating to the personal details of the  
10 registered person-

11 (i) full name;

12 (ii) other names by which the person is or has been known;

13 (iii) date of birth ;

14 (iv) place of birth;

15 (v) gender;

16 (vi) the address of the individual's principal place of residence in  
17 Nigeria;

18 (vii) the address of every other place in Nigeria where the individual  
19 has a place of residence;

20 (viii) and such other information as may be specified in the Second  
21 Schedule.

22 (b) information of a technical nature for use in connection with the  
23 administration of the Database including the issuance, cancellation of Identity  
24 credentials; and

25 (c) such other information as the Commission considers necessary for  
26 the collection of information under this Section.

Issuance pf  
Identity Credentials

27 **20.** The identity credentials assigned to a registered person shall  
28 convey essential information about the registered person's identity and shall, in  
29 addition, consist of a reproduction, in figure codes, of the following particulars,

1 and no other particulars, of the registered person to whom it is assigned,  
2 namely:

- 3 (a) National Identity Number;
- 4 (b) the date of birth and gender of the registered person;
- 5 (c) whether or not the registered person is a citizen of Nigeria;
- 6 (d) serial, index and control number, where applicable; and
- 7 (e) such features as are necessary to safeguard data privacy and  
8 security.

9 **21.**-(1) A registered person shall notify the Commission about-

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

13 (2) The notification referred to in subsection(1)of this section shall  
14 be made in the manner as may be prescribed in Guidelines issued by the  
15 Commission.

16 (3) Where a registered person has given a notification for the  
17 purposes of subsection (1) of this section, the Commission may, for the  
18 purpose of verifying the information or data, require the registered person to  
19 attend at a specified place and time, to:

- 20 (a) provide biometric information;
- 21 (b) capture a photograph; and
- 22 (c) provide such other information as may be required by the  
23 Commission.

24 **22.**-(1) A person to whom an identity credential has been issued  
25 shall notify the Commission, if he knows or has reason to suspect that the  
26 identity credential has been;

- 27 (a) lost;
- 28 (b) stolen;
- 29 (c) damaged;
- 30 (d) tampered with; or

Modification of  
information and  
update of Database

Safety and  
presentation of  
Identity Credentials

	1	(e) destroyed.
Cancellation and withdrawal of Identity Credentials	2	<b>23.</b> -(1) The Commission shall cancel an identity credential where:
	3	(a) the identity credential was issued based on inaccurate or false
	4	information;
	5	(b) the identity credential has been tampered with, or illegally altered;
	6	(2) The Commission may require any person to surrender, within such
	7	period as it may specify, an identity credential in the possession of such a
	8	person which in the opinion of the Commission-
	9	(a) has expired or been cancelled or is otherwise invalid;
	10	(b) the identity credential bears or contains wrong information; or
	11	(c) is in that person's possession in consequence of a contravention of
	12	a law.
	Disclosure of registered information	13
14		Nigeria Data Protection Act and best practices in data protection and privacy in
15		its operation and management of the Database.
16		(2) Without prejudice to the provisions of subsection (1) of this
17		section, a person shall not have access to the data or information contained in
18		the Database with respect to a registered person except where:
19		(a) the registered person has given and not withdrawn consent for the
20		disclosure of the information; or
21		(b) disclosure is necessary for-
22		(i) compliance with a legal obligation to which the requesting person
23		or body corporate is subject,
24		(ii) the performance of a task carried out in the public interest or in the
25	exercise of official authority vested in the requesting person or body corporate;	
26	(iii) the prevention, detection, investigation, prosecution, or	
27	punishment for an offence, or	
28	(iv) the preparation or conduct of proceedings before a court.	
29	(3) Notwithstanding any other provisions of this Act, the Commission	
30	may, pursuant to an order of a High Court, without a registered person's consent	

1 disclose the information referred to in subsection 2(b)

2 (4) Disclosure of registered information pursuant to paragraphs (b)  
3 of subsection 2 of this section or subsection 3 shall be made in accordance  
4 with written law and in the interest of national security, public safety or the  
5 economic well-being of the country, for the prevention of disorder or crime,  
6 for the protection of health or morals, or for the protection of the rights and  
7 freedoms of others.

8 (5) The registered information that may be disclosed under  
9 subsection (2) is-

10 (i) identity data;

11 (ii) a photograph of the registered person;

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

14 (iv) (iv) the signature of the individual concerned; or

15 (v) (v) information in respect of the questions and responses used  
16 to identify the registered person.

17 (6) Where a person is provided with registered information  
18 contained in the Database in connection with a particular purpose, such  
19 person shall not use that information for any other purpose unless the-

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

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

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

26 (d) information is used-

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

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

1 (7) Where any person uses or discloses registered information  
2 contained in the Database, it shall implement appropriate technical and  
3 organizational measures to ensure that such use or disclosure does not harm the  
4 rights and freedom of the relevant registered person.

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

8 (9) Each request made for access to registered information on the  
9 Database shall state the-

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

11 (b) period of retention of the information,

12 (c) recipient of the information, and

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

Authentication  
and Verification

15 **25.**-(1) The Commission shall have the power to license agents to  
16 carry out authentication and verification on its behalf, provided such agents  
17 shall store any registered information securely and shall only perform such  
18 services pursuant to the provisions of this Act and any directions provided by  
19 the Commission.

20 (2) Every registered person shall be entitled to obtain his  
21 authentication records in such manner as may be specified by regulations.

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

Use of the  
National  
Identification  
Number

25 **26.**-(1) The NATIONAL IDENTIFICATION NUMBER shall be  
26 presented for verifying the identity of the registered person for the purposes of  
27 the following transactions-

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

30 (b) enrollment in any government-endorsed or mandated program,

- 1 services, subsidy or benefits;
- 2 (c) financial transactions;
- 3 (d) opening of bank accounts;
- 4 (e) purchase of insurance policies;
- 5 (f) registration for telecommunications services;
- 6 (g) subject to the provisions of the Land Use Act, the purchase,
- 7 transfer and registration of land by any individual or any transaction
- 8 connected therewith;
- 9 (h) such transactions pertaining to individuals as may be
- 10 prescribed and regulated by the Pensions Reform Act, 2004;
- 11 (i) such transactions specified under the Contributory Health
- 12 Insurance Scheme;
- 13 (j) such transactions that have social security implications;
- 14 (k) all consumer credit transactions;
- 15 (l) payment of taxes;
- 16 (m) such relevant government services; and
- 17 (n) any additional transaction that requires the verification of the
- 18 identity of the individuals involved.

19 (2) Proof of identity shall not necessarily be construed as proof of

20 eligibility to avail certain benefits and services which will be determined

21 based on the applicable rules and regulations of the relevant entity or

22 authority. The issuance of a National Identity Number or an identity

23 credential under this Act shall not be construed as incontrovertible proof of

24 citizenship.

25 (3) For the purposes of subsection (1), a person facilitating any of

26 the transactions listed or providing the service herein shall verify the identity

27 of the parties involved in the transaction, using the National Identity

28 Number provided.

29 PART VII - OFFENCES AND PENALTIES

30 27.-(1) a person commits an offence where the person without

- 1 lawful authorisation by the Commission, intentionally:
- 2 (a) accesses or secures access to the National Identity Database;
- 3 (b) downloads, copies, or extracts any data from the National Identity  
4 Database or stores the data from the database in any removable storage  
5 medium;
- 6 (c) introduces or causes to be introduced any virus or other computer  
7 contaminant in the National Identity Database;
- 8 (d) damages or causes to be damaged the data in the National Identity  
9 Database;
- 10 (e) disrupts or causes disruption of the access to the National Identity  
11 Database;
- 12 (f) denies or causes a denial of access to any person who is authorised  
13 to access the National Identity Database;
- 14 (g) reveals any information or shares, uses, or displays information  
15 contained within the database;
- 16 (h) destroys, deletes, or alters any information stored in any  
17 removable storage media or in the database or diminishes its value or utility or  
18 affects it injuriously by any means;
- 19 (i) steals, conceals, destroys, or alters or causes any person to steal,  
20 conceal, destroy or alter any computer source code used by the Commission  
21 with an intention to cause damage; or
- 22 (j) uses or tampers with the data in the database or in any removable  
23 storage medium with the intent of modifying information relating to registered  
24 person or discovering any information thereof.
- 25 (2) A person who contravenes subsection (1) of this section is liable  
26 on conviction-
- 27 (a) in the case of natural person, imprisonment for a term not less than  
28 five (5) years or to a fine of not less than N10,000,000.00; or
- 29 (b) in the case of a body corporate-
- 30 (i) to a fine of not less than N20,000,000.00, and

1 (ii) imprisonment for a term not less than five (5) years or to a fine of not less  
2 than N10,000,000.00 for every principal officer of the body corporate.

3 **28.**-(1) A person who knowingly or recklessly makes a statement or  
4 provides information to the Commission, which is false in any material  
5 particular commits an offence and is liable on conviction to-

Giving false  
information

6 (a) in the case of natural person, imprisonment for a term not less  
7 than two (2) years or to a fine of not less than N2,000,000.00; or

8 (b) in the case of a body corporate-

9 (i) to a fine of not less than N10,000,000.00, and

10 (ii) imprisonment for a term not less than two (2) years or to a fine  
11 of not less than N2,000,000.00 for every principal officer of the body  
12 corporate.

13 **29.** A person who-

Multiple  
Registration

14 (a) engages in multiple registration;

15 (b) makes use of a national identity number issued to any other  
16 person under this Act; and

17 (c) forges or fabricates a National Identity Number or identity  
18 credential,

19 (d) commits an offence and is liable on conviction to

20 (i) in the case of natural person, imprisonment for a term not less  
21 than five (5) years or to a fine of not less than N10,000,000.00; or

22 (ii) in the case of a body corporate-

23 (i) to a fine of not less than N20,000,000.00, and

24 (ii) imprisonment for a term not less than five (5) years or to a fine  
25 of not less than N10,000,000.00 for every principal officer of the body  
26 corporate.

27 (2) a person who, being an officer or agent of the Commission,  
28 unlawfully-

29 (a) makes a false entry into the database;

30 (b) alters or modifies an entry in the database; or

1 (c) facilitates the issuance of a National Identification Number or  
2 identity credential,

3 (d) commits an offence and is liable on conviction to -

4 (i) imprisonment for a term not less than five (5) years or to a fine of  
5 not less than N10,000,000.00; and

6 (ii) in the case of an officer of the Commission, be dismissed from the  
7 service of the Commission

8 (iii) in the case of a body corporate-

9 (i) to a fine of not less than N20,000,000.00, and

10 (ii) imprisonment for a term not less than five (5) years or to a fine of  
11 not less than N10,000,000.00 for every principal officer of the body corporate.

Impression of  
an Officer or  
Agent of the  
Commission

12 **30.** Any person who impersonates, or passes off as an officer or agent  
13 of the Commission, commits an offence and is liable on conviction to -

14 (i) imprisonment for a term not less than five (5) years or to a fine of  
15 not less than N10,000,000.00; and

16 (ii) in the case of a body corporate-

17 (i) to a fine of not less than N20,000,000.00, and

18 (ii) imprisonment for a term not less than five (5) years or to a fine of  
19 not less than N10,000,000.00 for every principal officer of the body corporate.

General  
Offences

20 **31.**-(1) Any person who-

21 (a) willfully obstructs any employee of the Commission in the due  
22 execution of his duties;

23 (b) charges a fee for services for which the Commission has not  
24 prescribed a fee;

25 (c) charges a fee above the fee prescribed by the Commission for  
26 services; or

27 (d) commits an offence and is liable on conviction to -

28 (i) imprisonment for a term not less than one (1) year or to a fine of not  
29 less than N500,000.00; and

30 (ii) in the case of an officer of the Commission, be dismissed from the

1 service of the Commission

2 (iii) in the case of a body corporate-

3 (i) to a fine of not less than N2,000,000.00, and

4 (ii) imprisonment for a term not less than one (1) year or to a fine of  
5 not less than N500,000.00 for every principal officer of the body corporate.

6 (2) Notwithstanding the provisions of Section 28, a person who  
7 contravenes paragraphs (b) and (c) of this section, shall be liable to a further  
8 fine of-

9 (a) in the case of a natural person, N50,000 for every contravention  
10 reported; or

11 (b) in the case of a body corporate, N200,000 for every  
12 contravention reported.

13 PART VIII - ENFORCEMENT PROVISIONS

14 **32.**-(1) The Commission may investigate any complaint referred to  
15 it.

Power to  
Investigate

16 (2) The Commission may conduct investigations on its own  
17 motion in the absence of complaints to ascertain compliance with this Act  
18 where it has reasonable cause to believe that there might have been instances  
19 of non-compliance with the provisions of this Act.

20 (3) The Commission may request a person in writing to provide  
21 information or to attend at a time and place specified to provide information  
22 which the Commission considers reasonably necessary for the purposes of  
23 investigating a complaint referred to it.

24 (4) For the purposes of this Section, the Commission may exercise  
25 its powers through an authorized officer of the Commission.

26 **33.** -(1) The Commission shall apply ex-parte to a Judge in  
27 Chambers for the issuance of a search warrant for the purpose of obtaining  
28 evidence in relation to an investigation.

Power of search,  
arrest and seizure

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

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

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

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

7 (d) the warrant is for the purpose of investigating security breaches of  
8 the National Identity Database, or obtaining electronic evidence; or

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

11 (3) A warrant issued under subsection (2) may authorise the  
12 Commission to-

13 (a) enter and search any premises, where -

14 (i) an offence under this Act is being or about to be committed;

15 (ii) there is evidence of the commission of an offence under this Act or  
16 other relevant law, or

17 (iii) there is an urgent need to prevent the commission of an offence  
18 under this Act or other relevant law,

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

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

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

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

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

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

1 (h) arrest any person suspected of committing an offence under this  
2 Act.

3 (4) For the purpose of carrying out the mandate under subsection  
4 (3) of this Section, the Commission shall collaborate with the relevant law  
5 enforcement agency.

6 PART IX - MISCELLANEOUS PROVISIONS

7 34.-(1) A suit shall not be instituted against the Commission, a  
8 member of the Board, or staff of the Commission for an act done under or in  
9 execution of this Act, or any public duty of the Commission, unless -

Legal processing -  
Limitation of suits  
against the  
Commission

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

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

14 (2) A suit shall not be commenced under subsection (1) before the  
15 expiration of one month after written notice of intention to commence the  
16 suit is served on the Commission, a Board member, or staff of the  
17 Commission by the intending plaintiff or plaintiff's agent.

18 (3) The notice referred to in subsection (2) shall clearly state the-

19 (i) cause of action; (ii) particulars of the claim; (iii) name and place  
20 of abode of the intending plaintiff; and (iv) relief sought.

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

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

29 (6) An execution or attachment process shall not be levied against

	1	the property of the Commission, in respect of an action or suit against the
	2	Commission.
Power to make regulations	3	<b>35.</b> -(1) The Commission with the approval of the Board may make
	4	such regulations as are necessary for giving full effect to the provisions of this
	5	Act, particularly to -
	6	(a) provide for the contents of the Database;
	7	(b) provide for the collection, collation, processing and alteration of
	8	relevant information in the Database;
	9	(c) impose fees for-
	10	(i) the issue, or replacement of the identity credentials
	11	(ii) the update of entries made in the Database;
	12	(iii) applications for the provision of information contained in the
	13	Database;
	14	(iv) applications for verification of information; and
	15	(v)licensing of agents.
Power to issue guidelines	16	<b>36.</b> The Commission with the approval of the Board may issue such
	17	guidelines for giving full effect to the regulations made under this Act.
Priority of the Act	18	<b>37.</b> Where the provisions of any other law or enactment, in so far as
	19	they provide or relate directly or indirectly to the registration of registrable
	20	persons and management of the National Identity Database, are inconsistent
	21	with any of the provisions of this Act, the provisions of this Act shall prevail.
Repeal	22	<b>38.</b> -(1) The National Identity Management Commission Act no. 23,
	23	2007, is repealed.
	24	(2) The repeal of the Act mentioned in subsection (1) of this section
	25	shall not affect anything done or purported to have been done under the
	26	repealed enactment.
Savings and Transitional Provisions	27	<b>39.</b> -(1) Anything made or done or having effect under the repealed act
	28	and having any resulting effect, shall be treated as from the commencement of
	29	this Act, as if it were made or done by the Commission established under this
	30	Act.

1 (2) Any proceeding or cause of action, pending or existing  
2 immediately before the commencement of this Act shall be regarded as  
3 having been commenced or existing under this Act.

4 (3) All assets, rights, liabilities and obligations of the Commission  
5 under the repealed act shall, by virtue of this Act, be deemed to be that of the  
6 Commission established under this Act.

7 **40.-(1)** In this Act:

Interpretation

8 "agent" means a person, including a body corporate and agency of  
9 government appointed designated, or contracted by the Commission, to  
10 enroll registrable persons into the database;

11 "biometric information" includes finger print, facial scan, iris scan, or the  
12 capturing of such other biological attribute of an individual as may be  
13 specified by regulations;

14 "Board" means the governing Board of the Commission;

15 "Chairman" means the Chairman of the Board;

16 "Commission" means the National Identity Management Commission;

17 "Database" means the National Identity Database established under this Act;

18 "demographic information" includes information relating to the name, date  
19 of birth, address, religion, tribe, ethnicity, language, income or medical  
20 history and other relevant information of a registrable person, and such other  
21 information specified in a regulation for the purpose of issuing a National  
22 Identification Number

23 "government issued identification document" means (a) a valid passport; or  
24 (b) a valid driver's license; or (c) a valid residence permit; or (d) a valid  
25 certificate of acquired citizenship; or (e) any other document recognized by  
26 the government evidencing the identity of a person;

27 "Identity credential" means the approved form established by the  
28 Commission for registerable persons to furnish evidence of the information  
29 recorded about themselves in the Database, and includes card, paper, token,  
30 identity credential in a digital format, and such other forms as may be

1 determined by the Commission;  
2 "member" means a member of the Board;  
3 "National Identification Number" means the National Identification  
4 Number assigned pursuant to this Act; and  
5 "subsidy" means any form of aid, support, grant, subvention, or appropriation,  
6 in cash or kind, to an individual or a group of individuals and includes such  
7 other subsidies as may be notified by the Federal Government of Nigeria.

Citation

8 **41.** This Bill may be cited as the National Identity Management  
9 Commission Bill, 2024.

10 SCHEDULES

11 FIRST SCHEDULE

12 *Section 2 (4)*

13 SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

14 *Proceedings of the Board of the Commission*

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

20 2. Every meeting of the Board shall be presided over by the chairman  
21 and if the chairman is unable to attend a particular meeting, the members  
22 present at the meeting shall elect one of their members to preside at the  
23 meeting.

24 3. The quorum at a meeting of the Board shall be the chairman, or the  
25 person presiding at the meeting pursuant to paragraph 2 of this schedule, and  
26 nine (9) members.

27 4. Where upon any special occasion, the Board desires to obtain the  
28 advice of any person on any particular matter, the Board may co-opt that person  
29 to attend for as many meetings as may be necessary.

1 *Committees*

2 5.-(1) Subject to its standing orders, the Board may appoint such  
3 number of standing or ad-hoc committees as it thinks fit to consider and  
4 report on any matter with which the Commission is concerned.

5 6. The decision of the Committee shall have no effect until it is  
6 confirmed by the Board.

7 *Miscellaneous*

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

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

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

21 10.-(1) The validity of any proceedings of the Commission or a  
22 committee thereof; shall not be adversely affected.

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

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

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

28 11. Any member of the Board or committee thereof, who has a  
29 personal interest in any contract or arrangement entered into or proposed to  
30 be considered by the Commission, shall forthwith disclose such interest to

- 1 the Commission or committee and shall not vote on any question relating to the
- 2 contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the National Identity Management Commission Act, No. 23,2007 and re-establishes a National Identity Database for the country and the National Identity Management Commission as the statutory body charged with the responsibility of maintenance of the National Identity Database, registration of registrable persons, and issuance of identity credentials.