

NATIONAL IDENTITY REGISTER ACT, 2008 (ACT 750)

As Amended by

DATA PROTECTION ACT, 2012 (ACT 843)¹

NATIONAL IDENTITY REGISTER (AMENDMENT) ACT, 2017 (ACT 950)²

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SCHEDULE



REPUBLIC OF GHANA

**THE SEVEN HUNDRED AND FIFTIETH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED
NATIONAL IDENTITY REGISTER ACT, 2008**

AN ACT to provide for the capture of personal information of individuals by the National Identity Authority for the issue of national identity cards; for the protection of the personal information; for conditions for access, use, retention and disclosure of the information and for related matters.

DATE OF ASSENT: 28th January, 2008.

ENACTED by the President and Parliament:

PART ONE—DATA CAPTURE FOR THE NATIONAL IDENTITY REGISTER

National Identity Register

Section 1—Application of this Part

This Part applies to the following types of registration:

- (a) mass registration of individuals which includes the registration of the category of persons specified in subsections (1) and (2) of section 7; and
- (b) the update of the Register.

Section 2—Establishment of National Identity Register

- (1) There is established by this Act a register of individuals known as the National Identity Register.
- (2) The Register shall be maintained as an electronic database.
- (3) The purpose for which the Register is to be maintained is confined to matters of public interest.
- (4) The Executive Secretary of the National Identification Authority shall keep and maintain the Register.

Section 3—Functions of Authority as regards this Part

For the purpose of this Part, the National Identification Authority shall provide

- (a) an efficient method for an individual to furnish personal information about that individual to be recorded in the Register,
- (b) a secure and reliable method to verify personal information in respect of an individual when it is necessary in the public interest to do so, and
- (c) for dealing with any category of persons excluded from the requirements of registration.

Section 4—Content of Register

(1) Subject to subsection (2) and section 7, the electronic database of the Register shall contain the personal information collected by the Authority in respect of

- (a) each citizen resident in this country or outside this country, and
- (b) each foreign national with a residence permit and a foreign national who is permanently resident in this country.

(2) The personal information required to be recorded in the Register in respect of an individual who applies to be registered shall include

"(a) that person's

- (i) full name;
- (ii) sex;
- (iii) date of birth;
- (iv) place and country of birth;
- (v) nationality;
- (vi) residential address;
- (vii) postal address;
- (viii) marital status and where applicable the name of the spouse;
- (ix) level of education;
- (x) employment status;
- (xi) birth certificate number;
- (xii) street name;
- (xiii) electronic mail address;
- (xiv) telephone number;
- (xv) Tax Identification Number (TIN) and date of Issue;
- (xvi) social security number and date joined;

- (xvii) national health insurance number and date of Issue;
- (xviii) voter identity number and date of issue;
- (xix) passport number and date of issue;
- (xx) driver's licence number and date of issue;
- (xxi) digital address code;
- (xxii) languages spoken;
- (xxiii) occupation;
- (xxiv) height;
- (xxv) colour of eyes;
- (xxvi) colour of hair;
- (xxvii) person with disability code;
- (xxviii) zip or postal code;
- (xxix) existing personal identification number if any;
- (xxx) type of verification document, its number and date of issue; and
- (xxxi) challenge column".[As substituted by the National Identity Register (Amendment) Act, 2017 (Act 950) s.1]

(b) information on that individual's parentage;

(c) where applicable

(i) details of relevant dates and processes related to the naturalisation or registration obtained for the purpose of Ghanaian citizenship,

(ii) the date a foreigner entered the country and the country of which that foreigner is a citizen; and

(d) any other particulars that the Minister may by Regulations prescribe.

(3) Without limiting the provisions of subsection (2) the personal information of an individual who applies in accordance with section 7 shall include personal biometric information as follows:

(a) a recorded fingerprint or any other biometric information determined by the Board; and

(b) a photograph.

Section 5—Personal information that may be recorded in Register

Personal information may be recorded in the Register if that information

(a) is required to be recorded in accordance with this Part or any other enactment,

(b) is of a technical nature and required for an administrative purpose in respect of

- (i) the Register, and
- (ii) the issue or cancellation of a national identity card,
- (c) is in the opinion of the Executive Secretary, appropriate to be recorded in accordance with an applicant's request.

Section 6—Update and correction of Register

- (1) The Authority shall
 - (a) update, and
 - (b) rectify any error discovered in the Register.
- (2) The Authority may use the records of the Births and Deaths Registry or any other relevant agency to update the Register.

Registration

Section 7—Eligibility for registration

- (1) The following individuals who are aged zero and above are eligible to be registered under this Act [As substituted by the National Identity Register (Amendment) Act, 2017 (Act 950) s.2(a)]
 - (a) Ghanaian citizens resident in or outside this country,
 - (b) foreign nationals permanently resident in this country,
 - (c) foreign nationals with resident permits of at least twelve months in each case; and
 - (d) dual citizens, namely, individuals who hold Ghanaian citizenship in addition to any other citizenship.
- (2) Despite subsection (1), a foreign national who has been resident in this country for a continuous period of six years is eligible to apply to the Authority for the purpose of mass registration.
- (3) An individual who is eligible for registration may apply to the Authority for an entry to be made in the Register to record the personal information of that individual.
- (4) Despite subsection (3), an entry for an individual may be made in the Register if
 - (a) that individual is entitled to be entered in the Register by virtue of that individual's residence in Ghana,
 - (b) the personal information that can be recorded in the Register for the individual is otherwise available to be recorded, or
 - (c) the Authority considers that a particular entry in the Register is
 - (i) international obligations of the Republic in accordance with article 75 of the Constitution,[As substituted by the National Identity Register (Amendment) Act, 2017 (Act 950) s.2(b)]
 - (ii) required in the public interest.

(5) The Authority shall set aside an individual's entry in the Register if

(a) that individual's right to reside in this country is due to expire prior to the statutory period prescribed for residence, or

(b) that individual is not entitled to reside in the country.

Section 8—Registration requirements

(1) The Authority shall require an individual who applies for an entry to be made in the Register to submit any of the following identity documents:

(a) a birth certificate;

(b) a valid passport;

(c) a valid residence permit;

(d) a valid certificate of acquired citizenship; and

(e) any other information as may be required by the Authority. [As substituted by the National Identity Register (Amendment) Act, 2017 (Act 950) s.3(a)]

(2) Where an applicant is unable to submit any of the documents specified under subsection (1), the Authority shall require

(a) a relative of the applicant to identify the applicant under oath; or

(b) two persons determined by the Board to identify the applicant under oath, where the applicant has no known relatives.[As substituted by the National Identity Register (Amendment) Act, 2017 (Act 950) s.3(b)]

(3) Without limiting subsection (1), the Authority shall require an individual

(a) who has acquired dual citizenship status to produce the relevant certificate of the other citizenship, or

(b) who has acquired Ghanaian naturalisation status to produce the certificate of naturalisation.

Section 9—Recording of personal information

(1) An eligible individual may appear in person at the appropriate registration centre for the collection of that individual's personal information to be recorded in the Register.

(2) After the recording of the relevant personal information, the registration officer at the registration centre shall issue a card collection slip to the individual if the registration officer is satisfied that the individual qualifies for personal information to be entered in the Register.

(3) Without limiting the effect of subsections (1) and (2) the Authority may adopt other means it considers appropriate to access any person who may, for practical reasons, be unable to appear in person at a registration centre.

Section 10—Persons with disability

Where a person with a disability appears for recording of personal information in the Register, the registration officer concerned shall offer appropriate assistance to the individual throughout the registration process.

Section 11—Verification of particulars

(1) The Authority may

(a) request an individual applicant to furnish it with proof of the accuracy of any particulars that have been submitted in respect of the individual,

(b) investigate or direct a public officer to investigate a matter in respect of which particulars are required to be recorded in the Register, or

(c) request a person to furnish it with any information it may require to verify an entry in the Register.

(2) An investigation by the Authority may involve

(a) the attendance of an applicant at a specified time and place to verify through interrogation, the information entered in the Register,

(b) the taking of fingerprints and record of other biometric information of the applicant, and

(c) the taking of a photograph of the applicant.

Section 12—Period of registration

The Authority shall indicate the period for mass registration by publication in the Gazette and the mass media.

Registration centres

Section 13—Establishment of registration centres in Ghana

(1) The Authority shall with the approval of the Minister designate registration centres in the districts for the purpose of mass registration.

(2) A registration centre represents the official premises where applications may be lodged for registration purposes.

(3) The polling stations created by the Electoral Commission and used in the most recent general elections shall be used as registration centres as far as practicable.

(4) Despite subsection (3), the Board may direct that specific designated registration centres be used for the purpose of this Act.

(5) Without limiting the effect of subsections (1) to (4), the Authority may adopt other means that it considers appropriate to access persons to be registered.

Section 14—Registration centre premises

(1) In designating premises as a registration centre, the Authority shall ensure that

(a) the premises are located in a public building that is easily accessible to the general public including persons with disability,

(b) there are safe and secure areas for the installation of data capture workstations and safe storage for registration forms and supplies for the relevant period of registration, and

(c) there is adequate electrical power connected to the registration centre, or there is adequate source of power supply other than electricity to meet the security and storage requirements for the efficient operation of the registration centre.

(2) The Authority shall give notice of the name and location of a registration centre prior to the receipt and filing of applications at the registration centre by

(a) way of electronic and print media,

(b) publication in the Gazette and the mass media.

(3) For the purpose of this section "data capture workstation" means a computer used to capture large volumes and various forms of data and to store the data in database.

Section 15—Registration centres abroad

(1) The official premises of a Ghana Mission shall serve as a registration centre for the purpose of this Act.

(2) Despite subsection (1), the Board may direct that other designated locations outside this country be used as registration centres after consultation with the Minister for Foreign Affairs.

Section 16—Access to registration centre

(1) An individual shall not enter the premises of a registration centre unless that individual

(a) is an applicant,

(b) is in the process of submitting a complaint or an official document to a registration officer, or

(c) has been authorised by the Authority to enter the premises.

(2) Where

(a) the conduct of an individual disrupts the registration process, or

(b) there is failure to satisfy the registration officer of an individual's authorised presence,

the registration officer may order the individual to leave the registration centre.

(3) A registration officer and any other person the officer calls for assistance, may use reasonable force necessary to remove from the registration centre an individual who fails or refuses to leave the registration centre after having been ordered by the officer to do so.

Registration Officers

Section 17—Registration Officers

(1) For the purpose of a mass registration, the following officers shall be appointed for the Authority:

(a) a Chief Registration Officer who shall be the Executive Secretary;

- (b) a Chief Registration Supervisor;
 - (c) two Deputy Registration Supervisors for each district;
 - (d) one Regional Registration Officer for each Region;
 - (e) one District Registration Officer for each district; and
 - (f) one Registration Officer and two Assistant Registration Officers for each registration centre.
- (2) The Chief Registration Officer may delegate a function of that office to a Registration Officer or any public officer during a mass registration.

Section 18—Duties of Registration Officers

A registration officer assigned to a registration centre shall, subject to the directives of the Executive Secretary,

- (a) ensure the accurate recording of personal information of an applicant,
- (b) exercise control over the registration processes at the respective registration centre,
- (c) have custody of registration forms, equipment and other materials assigned to the registration centre,
- (d) promptly and in the most practicable manner report any difficulty that is encountered at the registration centre to
 - (i) the relevant Regional or District Registration Officer, or
 - (ii) a Registration Supervisor, and
- (e) at the conclusion of each registration exercise personally return to the Executive Secretary each registration form in addition to registration materials in the custody of that registration officer.

Section 19—Duties of Registration Assistants

(1) A Registration Assistant shall act as

- (a) a recorder of text data, or
- (b) a biometric data clerk.

(2) A recorder of text data shall capture the personal information of an applicant onto a prescribed form.

(3) A biometric data capture clerk shall take the fingerprints, photograph and signature of an applicant in a prescribed manner.

Section 20—Duties of Registration Supervisors

A Registration Supervisor shall during the period of mass registration

- (a) make frequent visits to each registration centre in the district for which the Registration Supervisor is responsible,
- (b) ensure that the essential registration materials are available,

- (c) ensure that prescribed registration procedures are complied with, and
- (d) promptly submit to the Executive Secretary written reports in respect of any lapses in the discharge of a duty by an official responsible for the registration.

Section 21—Registration officials outside this country

- (1) The Authority shall in consultation with the Minister for Foreign Affairs designate officers of a Ghana Mission outside this country as registration officers.
- (2) The duties and responsibilities of the registration officers outside this country shall be the same as those provided in section 18 to 20.

Challenges and Registration Review Committees

Section 22—Challenges

- (1) A registration officer or any other person may challenge an applicant if that applicant provides false information or does not satisfy the registration requirements provided for in this Act.[As substituted by the National Identity Register (Amendment) Act, 2017 (Act 950) s.4(a)]
- (2) Where an applicant who is challenged, insists on eligibility to be registered,
 - (a) that applicant shall complete the form marked 'A' specified in the Schedule,
 - (b) by the insertion[sic] at the beginning of paragraph (b) of subsection (2) of "member of the Unit Committee or[As substituted by the National Identity Register (Amendment) Act, 2017 (Act 950) s.4(b)]
 - (c) the applicant shall submit to the chief of the hometown to which the applicant belongs the form marked 'B2' specified in the Schedule for completion.
- (3) On completion of the forms, the registration officer shall send the completed forms to the District Registration Review Committee provided for under section 23.
- (4) An applicant who wilfully provides false information in an application commits an offence and is liable on summary conviction to a fine of not less fifty penalty units or to a term of imprisonment of not less than three months or to both.

Section 23—District Registration Review Committee

- (1) The Authority shall appoint in each district a District Registration Review Committee.
- (2) A District Registration Review Committee consists of
 - (a) a chairperson who shall be the Circuit Court Judge of the district or where there is no Circuit Court Judge, the District Magistrate,
 - (b) a representative of the traditional authority within the district elected by the traditional council,
 - (c) the district Social Welfare Officer,
 - (d) a legal practitioner resident in the region nominated by the Regional Ghana Bar Association,

- (e) an education officer nominated by the District Education Office,
 - (f) a local pastor, an imam or any other religious leader determined by the Board, and
 - (g) the District Police Commander.
- (3) The members of a District Registration Review Committee shall be appointed by the Board.
- (4) The members shall hold office for a period of not more than two years and are eligible for re-appointment.

Section 24—Functions of a District Registration Review Committee

- (1) A District Registration Review Committee shall examine any challenge connected with registration under this Part.
- (2) A District Registration Review Committee shall in considering a challenge
- (a) examine the grounds of the challenge as far as the inclusion in the Register of the name of the applicant is concerned, and
 - (b) submit its decision in writing to the Executive Secretary and the applicant.
- (3) In furtherance of its functions, a District Registration Review Committee
- (a) shall
 - (i) take evidence from the persons concerned, and
 - (ii) examine relevant documents, and
 - (b) may call a witness to testify and carry out an investigation relevant to the matter.
- (4) A District Registration Review Committee shall exercise the same powers as those vested in a District Court for the purpose of taking evidence.
- (5) A District Registration Review Committee shall regulate the procedure for its meetings.
- (6) The quorum at a meeting of the District Registration Review Committee shall be the majority of the total membership and shall include the chairperson.
- (7) The Board shall designate an officer of the Authority in the district as secretary to the District Registration Review Committee.

Section 25—Appeal from decision of District Registration Review Committee

An applicant who is dissatisfied with a decision of a District Registration Review Committee may lodge an appeal with the Chief Registration Review Officer of the region provided for under section 27, within fourteen days of receipt of the decision.

Section 26—Confirmation of decision of District Registration Review Committee

If an applicant does not appeal against the decision of a District Registration Review Committee, the Authority shall endorse the decision of that District Registration Review Committee within twenty-one days after the Committee has informed the applicant of its finding.

Section 27—Chief Registration Review Officer

- (1) There shall be in each region a Chief Registration Review Officer.
- (2) The Chief Justice shall designate a High Court Judge in the respective region to be the Chief Registration Review Officer.
- (3) A Chief Registration Review Officer shall determine appeals from the decisions of District Registration Review Committees in the region.
- (4) A Chief Registration Review Officer shall within one month after a decision submit the decision in writing to the Board and the applicant concerned.
- (5) An applicant dissatisfied with the decision may pursue the matter in the High Court.[As substituted by the National Identity Register (Amendment) Act, 2017 (Act 950) s.5]

National identity cards and related provisions

Section 28—National identity card

- (1) A national identity card is a card which represents a record of personal information
 - (a) in respect of an individual, and
 - (b) entered in the Register as the required identity particulars of the individual to whom the card is issued.
- (2) A national identity card is in the absence of evidence to the contrary prima facie proof of the particulars contained in it.
- (3) The Authority shall determine the
 - (a) size,
 - (b) description, and
 - (c) content of a national identity card.
- (4) A holder of a national identity card shall ensure the safety and preservation of the card.

Section 29—Uses of national identity card

A national identity card may be used to facilitate

- (a) the process of an application for personal information that has been recorded as an entry in a specified part of the Register for an individual, and
- (b) the provision of personal information to a person entitled to receive the information.

Section 30—Issue of national identity cards

- (1) A national identity card shall be issued by the Authority to
 - (a) an individual whose personal information has been entered in the Register, and
 - (b) an individual who is registered following directives of the Executive Secretary on the presentation by that individual of the card collection slip.

(2) Despite subsection (1), a national identity card may be issued to an individual who has not applied for an entry to be made in the Register but is an individual about whom specified personal information has been recorded in the Register in accordance with subsection (4) of section 7.

(3) An issued national identity card remains the property of the Republic.

(4) A national identity card issued to an individual shall

(a) indicate only specified information, and

(b) have parts of it in an encrypted form.

Section 31—Period of validity of national identity card

The validity of a national identity card is ten years from the date of issue subject to reissue.

Section 32—Expiry and reissue of national identity card

(1) A holder of a national identity card shall within one month before the expiration of the card, apply to the Authority to reissue a new card.

(2) On an application under subsection (1), the Authority may require the holder to provide it with information to

(a) verify the accuracy of records, and

(b) update information contained in the Register that concerns the holder.

(3) The Authority shall reissue a national identity card if satisfied with the particulars of personal information of the applicant.

(4) A reissued card shall include updated information regarding any change of personal and biometric information.

Section 33—Replacement of national identity card

(1) Where the holder of a national identity card has reasonable cause to suspect that the card

(a) is lost,

(b) has been stolen,

(c) has been damaged,

(d) has been tampered with, or

(e) has been destroyed,

the holder shall as soon as practicable notify the Authority and the police.

(2) On receipt of the notification, the Authority shall direct the relevant district registration officer to make recommendations for the replacement of the card.

(3) The Authority or the police officer responsible shall require the holder to depose to an affidavit to certify the veracity of the loss, theft, damage, interference or destruction of the identity card.

(4) The Authority shall determine the prescribed form of the affidavit required to be executed and the date for its submission to the Authority.

(5) The Authority, on receipt of the recommendation of the district registration officer and the affidavit of the holder of the national identity card, shall if satisfied with the recommendations and affidavit, inform the registration officer to replace the national identity card.

(6) When a national identity card is reissued for the purpose of its replacement, the Authority shall inform each district registration officer and any other agency concerned, of the replacement.

(7) For the purpose of this section

(a) a national identity card is damaged where the damage affects anything in or on the card and renders it unusable or unreadable, and

(b) an identity card has been tampered with where information in or on the card has been modified, copied, or extracted for an unlawful purpose.

Section 34—Invalidity of national identity card

The Authority shall cancel a national identity card if it determines that

(a) the card was issued based on inaccurate or incomplete information;

(b) there has been an unauthorised modification of the information recorded in the Register in respect of the holder of the card;

(c) the card has been stolen, damaged, destroyed or is lost; or

(d) the card needs to be reissued due to a defect or other tangible reason.

Section 35—Surrender of national identity card

(1) Where a person

(a) finds a national identity card that does not belong to that person or comes into possession of one without the authority of the holder or the Authority,

(b) to whom a new national identity card is reissued, regains possession of the original card, or

(c) comes into possession of a national identity card

(i) that has expired,

(ii) that has been cancelled,

(iii) that is of a description that the Authority requires to be re-issued,

(iv) in contravention of the requirements of this Act or any other enactment, or

(v) that is otherwise invalid,

that person shall surrender the card to the Authority or to the nearest police station as soon as practicable.

(2) The Authority shall at quarterly intervals request the Births and Deaths Registry to furnish the Authority with records of deaths which occur in a particular year to enable the Authority to invalidate the national identity cards issued to deceased persons.

(3) The Births and Deaths Registry shall comply with the request of the Authority.

General provisions and miscellaneous offences relating to registration and national identity cards

Section 36—Logistical support for registration exercises

(1) The Board shall ensure the acquisition and provision of the logistical support and equipment that will facilitate the performance of the functions of the Authority under this Part.

(2) For the purposes of this section "logistical support" includes resources and equipment required to access and register individuals under this Part.

Section 37—Non-liability for acts or omissions

The members of the Board and employees of the Authority are not personally liable for any act done or omission made in good faith in the performance of a function under this Act.

Section 38—Power to require information for validating Register

(1) The Authority may require a person to provide information that

(a) that person is in possession of or has knowledge of, and

(b) can be used to verify

(i) an entry in the Register,

(ii) information provided to the Authority or a registration official to be recorded in the Register,

(iii) information that is available to the Minister to be recorded in the Register concerning an individual, and

(c) is relevant for the purpose of this Part.

(2) Where a person without reasonable cause refuses or declines to provide the information, that person commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than two years or to both.

Section 39—Notification of changes that affect the accuracy of the Register

(1) A holder of a national identity card shall notify the Authority of

(a) any change of circumstances that affects the personal information recorded about that holder in the Register, or

(b) any error in respect of the information recorded that concerns that holder.

(2) The notification shall be given within thirty days

(a) after the change in circumstance occurs; or

(b) when the holder becomes aware of the error.

(3) Where a holder gives notification, the provisions of section 11 shall apply.

(4) A holder who without reasonable cause fails to comply with subsections (1) or (2), commits an offence and is liable on summary conviction to a fine of not more than twenty-five penalty units or to a term of imprisonment of not more than thirty days or to both.

Section 40—Registration offences

(1) An individual who for the purposes of this Part,

(a) provides false information or makes a false statement when

(i) providing information for an entry,

(ii) making a modification to an entry,

(iii) making a confirmation of the content of an entry, or

(iv) obtaining the issue or reissue of a national identity card,

(b) fraudulently obtains for the use of that individual or for the use of another individual, a national identity card,

(c) forges an identity document for the purpose of registration,

(d) illegally influences the decision of a registration officer,

(e) engages in multiple registration,

(f) falsely alleges the loss or destruction of that individual's national identity card and applies for a new card while in possession of an identity card,

(g) tampers with the Register by

(i) causing an unauthorised modification of information to be made to an entry recorded in the Register, or

(ii) preventing or delaying the retrieval of relevant information in a legible form from a computer used for the purposes of this Act,

commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than two years or to both.

(2) For the purpose of this section, an individual provides false information if at the time of the provision of the information the individual

(a) knew or believed the information to be false, or

(b) was reckless as to the veracity of the information.

Section 41—Offences relating to national identity card

(1) A person who

(a) wilfully

- (i) destroys or attempts to destroy, or
- (ii) mutilates or attempts to mutilate, a national identity card,
- (b) without authority deprives or dispossesses a holder of that holder's national identity card,
- (c) uses a national identity card other than the national identity card issued for that individual's use,
- (d) takes or keeps possession of
 - (i) a national identity card in respect of which an alteration or erasure has been made,
 - (ii) a national identity card that was improperly obtained,
- (e) is in possession of more than one national identity card that is intended to show the individual's identity, or
- (f) permits another person to use a national identity card issued to another individual

commits an offence and is liable on summary conviction to a fine of not more than four hundred and fifty penalty units or to a term of imprisonment of not more than three years or to both.

(2) A person shall not without reasonable cause take or keep possession of a national identity card

- (a) which is false or which that person knows to be false,
- (b) which that person knows has been improperly obtained, or
- (c) that belongs to another person.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than four years or to both.

(4) For the purpose of this section,

- (a) A national identity card is false if it
 - (i) is counterfeit,
 - (ii) is a duplication of the original document, or
 - (iii) has not been certified by the Authority as a replacement of the original document or a re-issue of the original document,
- (b) a national identity card is improperly obtained if false information was provided in relation to
 - (i) the application for its issue, or
 - (ii) an application for its modification to the person who issued it or effected the modification.

Section 42—Prohibition to use equipment or apparatus to produce national identity cards

(1) A person shall not use any equipment or apparatus to produce a national identity card without the approval of the Authority.

(2) A person shall not use an equipment or apparatus for the purpose of producing a false national identity card.

(3) Where a person contravenes a provision of this section that person commits an offence and is liable on summary conviction to a term of imprisonment of not more than five years.

PART TWO—PROTECTION OF PERSONAL INFORMATION HELD BY THE AUTHORITY

Section 43—Application of this Part

This Part applies to personal information which

(a) the Authority may retain, use or disclose, and

(b) a user agency may access from the database of the Authority and may retain, use or disclose in the performance of a function under this Act or any other enactment.

Use, retention and disclosure of personal information by the Authority

Section 44—Power of the Authority to retain, use and disclose personal information

[As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (1)]

Section 45—Limits on use of personal information held by the Authority

[As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (1)]

Duties of the Authority with respect to records of personal information

Section 46—Accuracy and protection of personal information

[As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (1)]

Section 47—Security of personal information held by the Authority

[As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (1)]

Section 48—Disclosure of personal information with consent

[As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (1)]

Section 49—Disclosure of personal information without consent

[As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (1)]

Section 50—Unauthorised disclosure of information

[As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (1)]

Access to personal information

Section 51—Right of access to personal information by an individual

[As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (1)]

Section 52—Correction of personal information held by the Authority

[As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (1)]

Use, retention and disclosure of personal information by User Agencies

Section 53—Right of user agency to access, use, retain and disclose personal information

(1) Subject to subsection (2) a user agency may access, use, retain and disclose personal information in the database of the Authority

(2) A user agency that accesses, uses, retains or discloses personal information from the Authority shall comply with the applicable provisions of this Part and guidelines issued by the Authority.

Section 54—Notification to the individual by user agency

(1) Where a user agency intends to access the personal information of an individual from the database of the Authority, the user agency shall take reasonable steps to ensure that the individual is aware of the

(a) authority for the access,

(b) purpose for which the personal information is required; and

(c) intended recipient of the personal information before accessing the personal information from the Authority.

(2) A user agency may access or collect personal information other than from the Authority where,

(a) the personal information is publicly available,

(b) the individual concerned authorises the access or collection of the information; or

(c) the access or collection of the information is not prejudicial to the interest of the individual.

Section 55—Power of Authority to issue guidelines

(1) The Authority shall in addition to the provisions of this Part issue guidelines on the access, use, retention and disclosure of personal information by user agencies.

(2) Guidelines issued under subsection (1) shall be under the signature of the Executive Secretary and shall provide sanctions for breach of the guidelines.

Section 56—Limits on use of personal information by user agency

[As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (1)]

Section 57—Limits on disclosure by a user agency of personal information

[As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (1)]

Section 58—Non invasion of privacy

(1) A user agency may only use or disclose personal information where the use or disclosure of the information does not invade the privacy of the individual concerned.

(2) Where a user agency uses or discloses personal information, it shall take into account the specific nature of the information and the specific purpose for which it is to be used or disclosed.

(3) The privacy of the individual is guaranteed under this Act.

Section 59—Storage and security of personal information by a user agency

Where a user agency holds personal information it shall secure and store the information in accordance with guidelines issued by the Authority.

Section 60—Sharing of personal information among user agencies

(1) A user agency that obtains personal information from the national database held by the Authority or an agent of the Authority, may share the information with other user agencies.

(2) Each request made by a user agency for access to personal information shall state

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

(b) the period of retention of the information,

(c) the recipient of the information, and

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

Section 61—Retention and disposal of personal information by a user agency

Where a user agency uses personal information for an administrative purpose, it shall retain the information after its use for the period contained in guidelines issued by the Authority.

Commission on Human Rights and Administrative Justice

Section 62—Reference to the Commission by an aggrieved person

An individual aggrieved by

(a) a decision of the Authority in relation to the use, retention or disclosure of that individual's personal information; or

(b) the access, use, retention or disclosure of that individual's personal information by a user agency, under this Part may refer the matter to the Commission on Human Rights and Administrative Justice for redress.

Section 63—Power of the Commission and further redress

(1) The Commission shall on a reference under section 62 investigate the matter and determine it as the Commission considers just.

(2) A person dissatisfied with a decision of the Commission may seek further redress in the High Court.

Investigation of complaints

Section 64—Application of Act 456 and C.I. 7

The provisions of the Commission on Human Rights and Administrative Justice Act 1993 (Act 456) and the Commission on Human Rights and Administrative Justice (Complaint Procedure) Regulations, 1994 (C.I. 7) shall apply for the purposes of section 62 with the necessary modifications.

Section 65—Obstruction

(1) A person shall not obstruct the Authority or a person who acts on behalf of or by the direction of the Authority in the discharge of a duty or performance of a function of the Authority under this Act.

(2) A person who contravenes a provision of this section commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than two years or to both.

Section 66—Unauthorised access to Authority's computer resources and data

(1) An unauthorised person who

(a) causes a computer or any other electronic device of the Authority to perform a function with the intent to obtain access to any programme or data held in that computer by the Authority, or

(b) attempts to access personal information held by the Authority contrary to this Act,

commits an offence and is liable on summary conviction to a fine of not more than five thousand penalty units or to a term of imprisonment of not more than ten years or to both.

(2) A person who aids or abets another person to commit an offence under subsection (1) is liable on summary conviction to a fine of not more than five thousand penalty units or to a term of imprisonment of not more than ten years or to both.

(3) A person who has custody or control of a programme, data or other information which is held in or retrieved from a computer or any other electronic device that belongs to the Authority and which that person is not authorised to have custody of or control, shall be treated as having obtained unauthorised access to the programme, data or information unless otherwise proved.

Section 67—Unauthorised modification of the content of a computer system held by the Authority

(1) A person shall not

(a) without the approval of the Authority, modify the content of a computer system held by the Authority, or

(b) act in a manner which causes the unauthorised modification of the contents of a computer system held by the Authority.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than four thousand penalty units or to a term of imprisonment of not less than seven years or to both.

(3) For the purposes of this section, a "modification" includes a temporary or permanent modification.

Section 68—Unlawful communication

(1) A person shall not communicate to any other person directly or indirectly a number, code, password or other means to access personal information contained in a computer of the Authority other than the person to whom that person is duly authorised to communicate to.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not more than two thousand five hundred penalty units or to a term of imprisonment of not more than five years or to both.

Section 69—Unauthorised disclosure, submission or transfer of personal information from the Register

An officer of the Authority who without authority discloses, submits or transfers data from the Register to any other person, commits an offence and is liable on summary conviction to a fine of not more than two thousand five hundred penalty units or to a term of imprisonment of not more than five years.

Section 70—Other offences

(1) A person who commits an offence under this Act for which a penalty has not been specified, is liable on summary conviction to a fine of not more than two hundred and fifty penalty units, or to a term of imprisonment of not more than two years or to both.

(2) Where an offence is committed by a body corporate under this Act, every director, manager, partner, secretary or officer of that body corporate or a person purporting to act in that capacity is liable on summary conviction to the penalty provided in respect of that offence.

(3) A person shall not be treated as having committed an offence under subsection (2) where that person proves that the offence was committed without that person's consent or connivance and that due diligence was exercised to prevent the commission of the offence having regard to the circumstances.

Section 71—Access to national identity cards by law enforcement officers

(1) A law enforcement officer may request to see an identity card of an individual but shall return the card to the individual immediately unless the officer suspects the commission of an offence

(a) by the individual, or

(b) in relation to the card.

(2) Failure by an individual to produce that individual's national identity card on demand is not a ground for arrest by a law enforcement officer.

Section 72—Collaboration with user agencies

The Authority shall collaborate with user agencies for the purpose of this Act.

Section 73—Regulations

(1) The Minister may on the advice of the Board by legislative instrument make regulations to

(a) prescribe the form for the application for registration;

(b) provide procedures required to be followed in respect of issuing national identity cards;

- (c) prescribe conditions and requirements for registration;
 - (d) provide for further information required
 - (i) to be recorded in the Register;
 - (ii) to be indicated on the national identity card; and
 - (iii) to verify information entered in the Register;
 - (e) amend the schedule;
 - (f) provide that every public office should demand the presentation of an identity card as a condition precedent to the provision of its service;
 - (g) provide for further restrictions on personal information that may be provided under sections 48 and 49;
 - (h) provide for how authority or consent may be given for the provision of personal information under subsection (1) of section 48;
 - (i) provide procedures required to be followed for the collection of personal information without the consent of the individual concerned;
 - (j) prescribe guidelines for access, retention, use and disclosure of personal information by user agencies; and
 - (k) provide for any other matter that is necessary for the effective implementation of the provisions of this Act.
- (2) Despite the Statutory Instruments Act 1959 (No. 52) as amended, the penalty for the contravention of regulations shall be a fine of not more than two thousand, five hundred penalty units or imprisonment for a term of not more than five years.

Section 74—Consequential amendment

The National Identification Authority Act, 2006 (Act 707) is amended in section 3 by the insertion of a new subsection (3):

"(3) The Board shall ensure the performance of the functions of the Authority".

Section 75—Interpretation

In this Act unless the context otherwise requires

"administrative purpose" means the use of personal information about an individual in a decision-making process that directly affects that individual;

"apparatus" means instruments used for the purpose of producing a national identity card;

"applicant" means an individual who makes an application for an entry to be made in the Register or for the issue or re-issue of a national identity card;

"Authority" means the National Identification Authority;

"authorised person" means a person who is required under this Act to perform a specific function;

"authorised user" means a person who has been authorised by the Authority to use any of its application or system software to perform, a specified function;

"biometric information" means the electronic template derived from the measurement and analysis of unique human body characteristics including fingerprints, facial patterns, eye retinas and irises, voice patterns and palm measurements, for authentication purposes;

"Board" means the governing body of the National Identification Authority;

"card collection slip" means the card issued to a registered individual and required for presentation for collection of the national identity card;

"citizen" means a citizen of Ghana;

"collect" means to gather, acquire or obtain information;

"Commission" means the Commission established under the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456);

"complainant" includes a person authorised by a complainant to act on behalf of that complainant;

"computer resources" means a physical device, internal system component, file network connection and memory area connected to a computer system which is of limited availability;

"computer system" means the set of computer hardware, computer software and peripheral equipment for use by the Authority;

"data" means facts or information which may be

(a) recorded with the intention that it may be processed; or

(b) recorded as part of a relevant filing system or with the intention that they form part of a relevant filing system;

"document" includes any medium in which information is recorded, whether printed or on tape or film or by electronic means or otherwise and a map, diagram, photograph, film, microfilm, video-tape, sound recording, machine-readable record, or any record which is capable of being produced from a machine-readable record by means of equipment or a programme or a combination of both and which is used for that purpose by the authority which holds the record;

"electronic data base" means a collection of electronic records organised for ease and speed of search and retrieval using specific data management software;

"encrypted" means an irreversible transformation of data from the original to a format that is difficult to interpret as a mechanism for the protection of the confidentiality, integrity and authenticity;

"Executive Secretary" means the Executive Secretary of the National Identification Authority;

"fingerprint" means a record of the unique pattern of curves formed by the ridges and valleys and other characteristics of the fingers of an individual;

"head" means the person responsible for the overall management of a user agency including its policies and practices and the Executive Secretary of the Authority;

"holder" means an individual to whom the lawful possession of a national identity card has been granted to use for the purpose of this Act;

"identity data" means the physiographic characteristics of an individual including the biometric information of an individual required for the purpose of establishing that individual's identity;

"identity document"[As deleted by the National Identity Register (Amendment) Act, 2017 (Act 950) s.6]

"individual" means a human being with respect to whom information is or was collected, used or disclosed;

"mass registration" means a registration exercise carried out to cover the registration of the total populace for the issuing of national identity cards;

"Minister" means the Minister assigned responsibility for the National Identification System;

"national identity card" means an identity card with a personal identification number issued by the Authority for purpose of identification of an individual to whom the card is issued;

"permanently resident" means residing in the country indefinitely on a permit granted under the Immigration Act, 2000 (Act 573);

"person with disability" means an individual with a physical, mental or sensory impairment including a visual, hearing or speech functional disability which gives rise to physical, cultural or social barriers that substantially limits one or more of the major life activities of that individual;

"personal information" means information or data about an identifiable individual that is recorded in any form including

- (a) information that relates to the nationality, age or marital status of the individual,
- (b) information that relates to the educational level, or occupation of the individual or information that relates to a financial transaction in which the individual has been involved,
- (c) an identification number, symbol or other particulars assigned to the individual, and
- (d) identity data;

"prescribed information" means data that the Board may from time to time direct to be printed on the national identity card;

"process" means to carry out an operation on an information or data including the

- (a) organisation, adaptation or alteration,
- (b) retrieval, consultation or use,
- (c) disclosure by transmission, dissemination or other means available, and
- (d) alignment, combination, blocking, erasure or destruction of the information or data;

"public interest" includes any right or advantage which enures or is intended to enure to the benefit generally of the whole of the people of the Republic;

"record" includes information that is recorded in any form or in any medium of writing, print, photographic, electronic or otherwise, but does not include a computer programme or other mechanism that can produce a record;

"relevant filing system" means information that relates to an individual which, although not processed by means of equipment operating automatically in response to instructions given for processing the information, is structured either by reference to an individual or by reference to a criteria that relates to the individual, in a manner that specific information which relates to a particular individual is readily accessible;

"Register" means the National Identity Register established under section 2;

"residence permit" means a permit granted to a foreign national who intends to remain in the country for a substantial period which in the first instance does not exceed four years and may be extended;

"safe storage" means a protected, enclosed and secure holding place for the storage of registration forms and other materials;

"text data" means data that has been captured in text format;

"user" means an individual, expert or novice who uses a computer; and

"user agency" includes the Social Security and National Insurance Trust, the National Health Insurance Service, the Revenue Agencies, Governing Board, the Ghana Immigration Service and any other public or private organisation approved of by the Minister which requires identity data from the Authority.

Section 76—Transitional provisions

(1) A national identity card issued and valid at the commencement of this Act under any enactment shall remain in force until the card where applicable is replaced by a national identity card issued under this Act.

(2) Any act lawfully made or done under any enactment that makes provision for the collection, holding, use, correction or disclosure of personal information shall continue to have effect until reviewed or terminated under this Act.

SCHEDULE

FORM A

(Section 22 (2) (a))

NATIONAL IDENTIFICATION AUTHORITY

REGISTRATION CHALLENGE FORM

1. Town
2. District..... 3 Region.....
4. Name of Registration Centre
5. Serial Number 6. Date of challenge.....

7. Name and address of the person who has been challenged:

.....

(Name of person challenged)

.....

.....

(Address of person challenged)

8. Reason for the challenge (Tick where applicable)

Wrong population classification

Not the person he or she claims to be (impersonation)

Previously registered

Other(s)

9. Name and address of the person making the challenge

.....

(Name of the person making the challenge.)

.....

.....

(Address of the person making the challenge)

10. Declaration:

I declare that the information I have provided on this form is true and correct to the best of my knowledge.

.....

Signature of person making challenge

.....

Date

[To be completed by Registration Officer]

11. Please write below any fact concerning the challenge you think is important:

.....

.

.....

.

.....

.

.....
.
.....
.
.....
.....
.....

Name of Registration Officer

.....
Signature a/Registration Officer

.....
Date

12. (If the person making the challenge is illiterate)

The contents of this have been read over and interpreted to in the
..... language

(Name of person making the challenge)

by..... and he/she appeared to understand the contents before fixing
his/her mark/thumbprint.

Full Name.....

Address

.....

Signature Date

FORM: B1

(Section 22(2) (b))

NATIONAL IDENTIFICATION AUTHORITY

IDENTITY CONFIRMATION FORM

1. Name of Registration Centre.....

2. Serial Number of Registration Centre

.....

3. Name of
Chairperson.....

4. Electoral Area:

5. Town
.....

6. District 7.
Region.....

8. Address:
.....
.....

9. I testify that the applicant being challenged,
..... is

(Name of challenged applicant)

Known by me

Not known by me

Known in this community

Not known in this community

.....

Signature of Assemblyman or woman/thumbprint

.....

Date

10. (If the person making the confirmation is illiterate)

The contents of this..... have been read over and interpreted

to in thelanguage

(Name of Assembly member)

byand he/she appeared to understand the

contents before fixing his/her mark/thumbprint.

Full Name.....

Address.....

.....

Signature

Date

FORM B2

(Section 22(2) (c))

NATIONAL IDENTIFICATION AUTHORITY IDENTITY CONFIRMATION FORM

[To be completed by Traditional Authority (Chief/Queen mother)]

- 1. Name of Registration Centre
- 2. Serial Number of Registration Centre
- 3.

(Name of Traditional Authority)

4.

(Title of Traditional Authority)

- 5. Name of Traditional Area:.....
- 6. Town
- 7. District..... 8. Region.....
- 9. Address

10. I testify that the applicant being challenged,
.....is

(Name of the challenged applicant)

- Known to me
- Not known to me
- Known in this community
- Not known in this community

If the challenged applicant is known, kindly provide information on the following:

- 11. The challenged applicant is a member offamily
- 12. Name of mother
- 13. Name of father
- 14. Declaration:.....

.....Signature/Left thumbprint of
Traditional authority

Date

15. (If the person making the confirmation is illiterate)

The contents of this have been read over and interpreted
to in thelanguage

(Name of Traditional Authority)

byand he/she appeared to understand the contents before fixing
his/her mark/thumb print.

Full Name

Address

.....

Signature

Date

Date of Gazette Notification: 15th February, 2008.