

LAWS OF GHANA



NATIONAL IDENTITY REGISTER ACT, 2008 ACT 750

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ACT 750

NATIONAL IDENTITY REGISTER ACT, 2008(1)

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.

PART I

Data Capture for the National Identity Register

National Identity Register

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.

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.

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.

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 individual'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, and

(x)

employment status,

(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.

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.

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

7. Eligibility for registration

(1) The following individuals who are of the age of six years and above are eligible to be registered

under this Act:

- (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) consistent with the provisions of any other enactment, or

(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.

8. Registration requirements

(1) The Authority shall require an individual who applies for an entry to be made in the Register to

produce any of the following:

(a) a birth certificate; or

(b) where applicable

(i) a voter's identity card,

(ii) a driver's licence,

(iii) a passport, or

(iv) a baptismal certificate; and

(c) any other information prescribed under this Act.

(2) Where an applicant is unable to produce any of the documents, the Authority shall require a

relative of that applicant to identify the applicant under oath.

(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.

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.

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.

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.

12. Period of registration

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

media.

Registration Centres

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.

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.

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.

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

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.

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.

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.

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.

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 sections 18 to 20.

Challenges and Registration Review Committees

22. Challenges

(1) A registration officer or a person authorised by the Authority to monitor a registration exercise,

may challenge an applicant if that applicant provides false information or does not satisfy the registration

requirements provided for in this Act.

(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) the Assembly member of the respective registration centre shall complete the form marked

'B1' specified in the Schedule, and

(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 than fifty penalty units or to a term of imprisonment of

not less than three months or to both.

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.

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.

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.

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.

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 Court of Appeal.

National Identity Cards and Related Provisions

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.

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.

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.

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 re-issue.

32. Expiry and re-issue 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 re-issue 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 re-issue 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.

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 re-issued 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.

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 re-issued due to a defect or other tangible reason.

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 re-issued, 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 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

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.

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.

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.

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 subsection (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.

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 re-issue 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.

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.

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 II

Protection of Personal Information held by the Authority

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

44.

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

The Authority may use, retain or disclose the following personal information of an individual:

(a) information which relates to nationality, age or the marital status of that individual,

(b) information which relates to the education or the medical, criminal or employment history of

an individual if that individual has given permission for the use, retention or disclosure, and

(c) identity data.

45. Limits on use of personal information held by the Authority

Where the Authority holds personal information which was collected in connection with a particular

purpose, it shall not use that information for any other purpose unless

(a) the Authority is of the opinion based on reasonable grounds that the use of the information

for that other purpose is necessary to prevent or lessen a serious and imminent threat to the

life or health of the individual concerned or any other individual or to public health or safety,

or

(b) the use of the information for that other purpose is necessary

(i) for the prevention, detection, investigation, prosecution or punishment for an offence,

or

(ii) for the preparation or conduct of proceedings before a court or the implementation of

the orders of a court.

Duties of the Authority with respect to Records of Personal Information

46. Accuracy and protection of personal information

(1) The Authority shall take reasonable steps to

(a) ensure that the record it makes of personal information is as accurate, complete and

up-to-date as is necessary for the purposes for which it collects the information, and

(b) ensure that the records which contain the personal information are protected against

unauthorised copying, modification or destruction.

(2) The Authority shall not update a record of personal information about an individual unless

(a) the update is necessary to fulfil the purpose for which the Authority collected the information,

(b) the individual consents to the update, or

(c) this Act or any other enactment requires the update.

47. Security of personal information held by the Authority

(1) The Authority shall take the necessary steps to prevent the possibility of misuse of personal

information to make a decision about the individual concerned.

(2) The Authority is responsible for the protection of personal information in its custody or under its

control including information that has been transferred to a third party for processing.

(3) Where the Authority contracts a third party to perform a function relating to information in its

custody it shall take reasonable steps to ensure that the information available to that third party is

protected.

(4) The Authority shall determine the degree of protection required, taking into

consideration the

circumstance, including

- (a) the sensitivity of the information,
- (b) the volume of the information, and
- (c) the format in which the information is stored.

(5) The Authority shall make available to a person the general description of the safeguards that the

Authority uses to protect personal information on request, and to comply with subsection (1).

48. Disclosure of personal information with consent

(1) The Authority may provide any person with personal information of an individual's entry

recorded in the Register if

- (a) that person obtains the prior consent of the individual, and
- (b) that person makes the application with the authority of that individual.

(2) The personal information that may be provided to a person under subsection (1) is

- (a) identity data;
- (b) a photograph of the individual concerned;
- (c) information that relates to residential status and personal reference numbers;
- (d) the signature of the individual concerned; and
- (e) information in respect of the questions and responses used to identify the individual who

made an application for an entry or a modification of an entry in the Register.

(3) Where a person is provided with personal information under subsection (1) in connection with a

particular purpose, that person shall not use that information for any other purpose unless

- (a) the individual to whom the information relates permits the use of the information for

that

other purpose,

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

(c) the purpose for which the information is used is directly related to the purpose for which the

information was collected, or

(d) the information is used

(i) in a form in which the individual concerned is not identified, or

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

49. Disclosure of personal information without consent

The Authority may disclose the personal information of on an individual record in the Register

without the consent of that individual if the information is required

(a) by a public authority for national security reasons;

(b) for a purpose connected with the prevention and detection of crime;

(c) for a purpose related to the prevention, detection or investigation of conduct in respect of

which a public authority has the power to impose penalties;

(d) for a matter related to national health insurance or immigration,

(e) to correct inaccurate or incomplete personal information recorded in the Register;
or

(f) for a purpose relevant to the functions of the Authority.

50. Unauthorised disclosure of information

(1) The Authority, members of the Board and staff of the Authority shall not disclose or provide any

personal information in connection with

(a) an application,

(b) an enquiry, or

(c) an investigation

related to a registration or application process in this Part without lawful authority.

(2) A person who is employed or contracted to give effect to the provisions of this Part, shall

(a) keep in strict confidence, and

(b) assist to keep in strict confidence

any personal information that comes to the knowledge of the person in the course of duty.

(3) A person shall not make available any record of personal information received by a registration

official to

(a) an unauthorised person, or

(b) a person not entitled to receive the information.

(4) 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.

Access to Personal Information

51. Right of access to personal information by an individual

(1) Subject to this Part an individual may access personal information about that

individual, which is

in the custody or under the control of the Authority including information on its use and disclosure.

(2) Despite subsection (1), an individual cannot have access to personal information if

(a) the information relates to the requirement of an investigative body to enforce a law or to

carry out an investigation relating to the enforcement of that law or to gather information or

intelligence for the enforcement of that law,

(b) the Authority has reasonable grounds to believe that the information relates to a breach of or

a contravention of a law that has been, is being or is about to be committed,

(c) the process of granting the access is likely to reveal confidential or organisational information that is likely to adversely affect the interests of the Authority, or

(d) that access is contrary to the public interest.

(3) An individual shall not have access to personal information in the custody of the Authority where

granting the access is likely to reveal the personal information of another individual who does not consent

to granting the access and it is not possible to sever the requested information from the personal

information of that other individual.

52. Correction of personal information held by the Authority

(1) Where the record of the Authority to which access has been granted under this Part contains

personal information of an individual and that individual claims that the information is incomplete,

incorrect or misleading or not relevant for the purpose for which the record is held, the Authority may, on

the application of that individual, correct the information on satisfaction of that claim.

(2) The application shall be in writing and shall specify

(a) the record of personal information that is claimed to require correction,

(b) the information that is claimed to be incomplete, incorrect or misleading,

(c) the applicant's reasons for the claim, and

(d) the correction required by the applicant.

(3) When effecting correction to personal information in a record, the Authority shall ensure that it

does not obliterate the text of the record as it existed prior to the correction.

(4) Where the Authority is not satisfied with the reasons for an application, the Authority may refuse

to effect the correction to the information and inform the applicant of its refusal and the reasons.

(5) Where the Authority refuses to correct personal information given to the Authority by an

individual, that individual may refer the matter to the Commission on Human Rights and Administrative

Justice.

Use, Retention and Disclosure of Personal Information by User Agencies

53. Right of user 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.

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.

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.

56. Limits on use of personal information by user agency

Subject to section 58 which relates to the non-invasion of the privacy of an individual, where a user

agency holds personal information obtained from the Authority in connection with a particular purpose, it

shall not use the personal information for any other purpose unless

(a) the individual concerned authorises the use of the information for that other purpose,

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

(c) the purpose for which the information is used is directly related to the purpose for which it

was collected,

(d) the information is used

(i) in a form in which the individual concerned is not identified, or

(ii) for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned, or

(e) the use of the information for that other purpose is necessary

(i) for the prevention, detection, investigation, prosecution or punishment for an offence,

(ii) for the preparation or conduct of proceedings before a court or the implementation of

an order of a court,

(iii) for the protection of public revenue, or

(iv) in the interests of national security or defence.

57. Limits on disclosure by a user agency of personal information

(1) Subject to section 58, where a user agency holds personal information, it shall not disclose the

personal information to any other person unless

(a) the individual concerned has consented to the disclosure,

(b) the disclosure of the personal information is required or authorised by law,

(c) the disclosure of the personal information is one of the purposes in connection with which

the information was collected or is directly connected to that purpose,

(d) the individual concerned is made aware that personal information of that kind is normally

passed on to that other person,

(e) the personal information is to be disclosed

(i) in a form in which the individual concerned is not identified, or

(ii) for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned, or

(f) the user agency determines that the disclosure of the personal information is necessary

(i) for the prevention, detection, investigation, prosecution or punishment for an offence,

(ii)

for the preparation for or conduct of proceedings before a court or implementation of an order of a court,

(iii)

for the enforcement of a law,

(iv) for the protection of public revenue, or

(v) in the interests of national security or defence.

(2) A person to whom personal information is disclosed shall not disclose the information for a

purpose other than the purpose for which the information was provided.

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.

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.

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.

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

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.

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

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.

Offences and Miscellaneous Provisions

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.

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.

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.

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.

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.

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.

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.

72. Collaboration with user agencies

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

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.

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”.

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 database” 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” includes the following

- (a) birth certificate,
- (b) baptismal certificate,
- (c) birth weighing card,
- (d) a voter’s identity card,
- (e) a national health insurance card,
- (f) an immigration document,
- (g) a valid Ghanaian or foreign passport,
- (h) a document that may be used in place of a passport,
- (i) a valid driving licence,
- (j) a valid resident permit,
- (k) a certificate of acquired citizenship;

“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.

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.

SCHEDULES

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 of 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 by
.....

(Name of person making the challenge)

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 challenge is illiterate)

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

in the language by
.....

(Name of Assembly member)

and 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/Queenmother)]

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.....

.....

8. District 9. Region

.....

9. Address

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

(Name of the challenged applicant)

I

Known to me

I

Not known to me

I

Known in this community

I

Not known in this community

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

11. The challenged applicant is a member of
..... family

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 the language by
.....

(Name of Traditional Authority)

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

Full Name

.....

Address

.....

.....

Signature

Date

Endnotes

1 (Popup - Footnote)

1. This Act was assented to on 28th January, 2008 and notified in the Gazette on 15th February, 2008.