

NATIONAL IDENTIFICATION AUTHORITY ACT, 2006 (ACT 707)

As amended by

DATA PROTECTION ACT, 2012 (ACT 843)1

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National Identification Authority

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REPUBLIC OF GHANA

**THE SEVEN HUNDRED AND SEVENTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA
ENTITLED**

NATIONAL IDENTIFICATION AUTHORITY ACT, 2006

AN ACT to establish an Authority responsible for the issue of national identity cards and to provide for related matters.

DATE OF ASSENT: 18th April, 2006.

ENACTED by the President and Parliament:

National Identification Authority

Section 1—Establishment of National Identification Authority

- (1) There is established by this Act a National Identification Authority.
- (2) The Authority is a body corporate, with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The Authority may for the performance of its functions acquire and hold movable and immovable property, and may enter into any contract or any other transaction.
- (4) Where there is hindrance to the acquisition of property, the property may be acquired for the Authority under the State Property and Contracts Act, 1960 (C.A.6) or the State Lands Act, 1962 (Act 125) and the costs shall be borne by the Authority.

Section 2—Object and functions of the Authority

- (1) The object of the Authority is to create, maintain, provide and promote the use of national identity cards in order to advance economic, political and social activities in the country.
- (2) To achieve its object, the Authority shall
 - (a) collect personal data;

- (i) on citizens resident in the Republic and abroad, and
 - (ii) on foreign nationals permanently resident in the country,
 - (b) ensure the accuracy, integrity, confidentiality and security of data collected by the Authority,
 - (c) issue national identity cards to
 - (i) citizens, and
 - (ii) foreign nationals permanently resident in the country,
 - (d) make data in its custody available to persons or institutions authorised by law to access the data, and
 - (e) perform other functions ancillary to or related to the functions specified in this subsection or assigned to it under this Act or any other enactment.
- (3) National identity cards issued under this Act, shall be used in transactions which require identification.
- (4) The Authority shall publish periodically in the Gazette as prescribed in the regulations, a list of the state institutions which utilise data generated by the Authority.

Section 3—Governing body of the Authority

- (1) The governing body of the Authority is a Board consisting of
- (a) the chairperson,
 - (b) one representative from each of the following:
 - (i) the Ghana Statistical Service,
 - (ii) the Social Security and National Insurance Trust,
 - (iii) the Births and Deaths Registry,
 - (iv) the Ghana Immigration Service, and
 - (v) the National Health Insurance Commission,
 - (c) the Executive Secretary of the Revenue Agencies Board,
 - (d) the Executive Secretary of the Authority appointed under section 11 and
 - (e) two other persons nominated by the President one of whom is a woman.
- (2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

Section 4—Tenure of office of members of the Board

- (1) A member of the Board other than the Executive Secretary of the Authority shall hold office for a period not exceeding three years and is eligible for re-appointment.

(2) Where a member of the Board resigns, dies, is removed from office or is for a sufficient reason unable to act as a member, the Minister shall notify the President of the vacancy and the President shall, acting on the advice of the nominating authority and in consultation with the Council of State appoint another person to hold office for the unexpired portion of the member's term of office.

(3) A member of the Board may resign from office in writing addressed to the President through the Minister.

(4) A member of the Board who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board and the Minister shall notify the President of the vacancy accordingly.

Section 5—Meetings of the Board

(1) The Board shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one third of the membership of the Board convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is six members of the Board or a greater number determined by the Board in respect of an important matter.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(5) The Board may co-opt a person to attend Board meetings but that person shall not vote on a matter for decision at the meeting.

(6) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(7) Subject to this section, the Board may determine the procedure for its meetings.

Section 6—Disclosure of interest

(1) A member of the Board who has an interest in a matter for consideration by the Board shall disclose in writing the nature of that interest and is disqualified from participating in the deliberations of the Board in respect of that matter.

(2) A member who contravenes subsection (1) ceases to be a member of the Board.

Section 7—Appointment of committees

The Board may appoint committees consisting of members of the Board or non-members or both to perform a function.

Section 8—Allowances

Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Section 9—Regional and district offices of the Authority

(1) The Board shall establish regional and district offices of the Authority in each regional capital and in the districts determined by the Board.

(2) A regional or district office of the Authority shall be provided with the public officers that the President shall appoint in accordance with article 195 of the Constitution.

(3) A regional or district office of the Authority shall perform the functions of the Board in the region or district that the Board may direct.

Section 10—Ministerial directives

The Minister may give directives to the Board of a general character relating to the performance of the functions of the Authority that appear to the Minister to be required in the public interest.

Miscellaneous provisions

Section 11—Executive Secretary

(1) The President shall in accordance with article 195 of the Constitution appoint for the Authority an Executive Secretary.

(2) The Executive Secretary shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Executive Secretary shall be the Chief Executive of the Authority and also the secretary to the Board.

Section 12—Appointment of other staff

(1) The President shall in accordance with article 195 of the Constitution appoint for the Authority other officers and staff that are necessary for the proper and effective performance of its functions.

(2) Public officers may be transferred or seconded to the Authority or may otherwise give assistance to the Authority.

(3) The Board may engage the services of consultants or other experts on terms and conditions determined by the Board.

Section 13—Delegation of appointment

The President may in accordance with article 195(2) of the Constitution delegate the power of appointment of public officers under this Act.

Section 14—Funds of the Authority

The funds of the Authority include,

(a) moneys provided by Parliament,

(b) loans granted to the Authority by the Government or obtained from any other source approved by the Government, and

(c) grants, aid and moneys that are approved by the Minister responsible for Finance.

Section 15—Accounts and audit

- (1) The Board shall keep books of account and proper records in relation to them in the form approved by the Auditor General.
- (2) The Board shall submit the accounts of the Authority to the Auditor-General for audit within three months after the end of each financial year.
- (3) The Auditor-General shall, not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.
- (4) The financial year of the Authority shall be the same as the financial year of Government.

Section 16—Annual report and other reports of the Authority

- (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Authority for the year to which the report relates.
- (2) The annual report shall include
 - (a) the report of the Auditor-General; and
 - (b) a report of the status of implementation of the national identity issuance policy.
- (3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.
- (4) The Board shall also submit to the Minister other reports which the Minister may in writing require.

Section 17—Request for information

- (1) The Executive Secretary or an officer of the Authority authorised by the Executive Secretary may request a person in writing to provide information or to attend at a time and place specified to provide information which the Executive Secretary considers reasonably necessary for the purposes of this Act.
- (2) A person who
 - (a) without reasonable excuse fails to provide the information requested,
 - (b) without reasonable excuse refuses or fails to attend at a time and place to provide information,
 - (c) knowingly provides false information or any information which that person has no reason to believe to be true; or
 - (d) obstructs a public officer in the lawful execution of powers under this Act;commits an offence and is liable on summary conviction to a fine not exceeding five hundred penalty units or to imprisonment for a term not exceeding two years or to both.

Section 18—Regulations

- (1) [As repealed by the Data Protection Act, 2012 (Act 843), s. 98 (2)]
 - (a) to prescribe the mode of application for identity cards;

- (b) to provide for the issue of identity cards to foreign nationals resident in Ghana;
- (c) to prescribe the method for collecting data;
- (d) to provide for securing and controlling data in the custody of the Authority;
- (e) to prescribe information to be supplied by persons to whom national identity cards are to be provided;
- (f) to prescribe conditions under which data in the custody of the Authority may be accessed;
- (g) [As repealed by the Data Protection Act, 2012 (Act 843) s.98(2)]
- (h) [As repealed by the Data Protection Act, 2012 (Act 843) s.98(2)]
- (i) to provide for the uses to which identity cards shall be put;
- (j) to prescribe user inter-face rules;
- (k) for the loss or damage to identity cards;
- (l) to prescribe for the period of validity of identity cards;
- (m) for the renewal of identity cards;
- (n) to prescribe circumstances where identity cards shall be surrendered;
- (o) to prescribe fees payable under this Act;
- (p) to provide for offences and penalties; and
- (q) to provide generally for the provisions of this Act.

(2) Despite the Statutory Instruments Act, the penalty for contravention of Regulations may be a fine not exceeding one thousand penalty units or imprisonment for a term not exceeding three years or both.

Section 19—Interpretation

In this Act unless the context otherwise requires,

"data" means any personal details relevant to the national identification system;

"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 purposes of identification of a person to whom the card is issued;

"public agency" means a body set up by the Government in the public interest with or without an Act of Parliament; and

"subvented agency" is a public agency which receives public funds.

Date of Gazette Notification: 21st April, 2006.