

**MANDATORY USE OF THE NATIONAL IDENTIFICATION NUMBER
REGULATION NO. _____, 2016**

**PURSUANT TO SECTION 31 OF THE NATIONAL IDENTITY
MANAGEMENT COMMISSION ACT 2007**

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NATIONAL IDENTITY MANAGEMENT COMMISSION ACT, 2007

SUBSIDIARY LEGISLATION

List of Subsidiary legislation

Mandatory Use of the National Identification Number
Regulation No. _____, 2016

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NATIONAL IDENTITY MANAGEMENT COMMISSION ACT, 2007

MANDATORY USE OF THE NATIONAL IDENTIFICATION NUMBER,

REGULATION NO. _____ 2016

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NATIONAL IDENTITY MANAGEMENT COMMISSION ACT CAP. N154 2007
SUPPLEMENTARY REGULATIONS RELATING TO THE MANDATORY USE OF THE
NATIONAL IDENTIFICATION NUMBER REGULATION NO. _____ 2016.

[Under Section 31]

,xxx 2016]

[Commencement]

In exercise of the powers conferred upon me by virtue of section 31 of the National Identity Management Commission Act 2007 and all other powers enabling me in that behalf, I Aliyu A. Aziz, Director General/Chief Executive Officer of the **National Identity Management Commission hereby make the following Regulations.**

PART 1- PRELIMINARY PROVISIONS

Citation

1. These Regulations may be cited as the Supplementary Provisions in relation to the Mandatory Use of the National Identification Number Regulation _____, 2016.

Application of the National Identification Number

2. (1) The National Identification Number (NIN) shall be used to verify, authenticate and confirm the identity of an individual in any transaction requiring the presentation of a means of identification or confirmation of an identity in accordance with Part II Regulation 7 of the Mandatory Use of National Identification Number, Regulations, 2015.

(2) The mandatory use of the National Identification number shall be applicable in transactions listed under Part III Regulation 9 of the Mandatory Use of National Identification Number, Regulations 2015 and such other transactions as may be specified by the Commission from time to time in pursuance of Section 31 of the Act and in relation to the provision of services to persons designated as 'Registrable Persons' as provided in the 2015 Regulations.

Additional Transactions requiring the Mandatory Use of the National Identification Number (NIN)

3. (1) In accordance with the provisions of Regulation 9 of Regulations 2015, the use of the National Identification Number (NIN) shall be mandatory for all such transactions as already outlined including the generality of but not limited to the following:
- (a) Registration for and provision and use of Hospitality Services;
 - (b) Registration and licensing for and use of Health/Medical Services;
 - (c) Application for the adoption of an infant, child or person under applicable laws;
 - (d) Purchase and registration of Aircrafts, Ships, Boats, Motor Vehicles and Motor Cycles;
 - (e) Change of ownership of Aircrafts, Ships, Boats, Motor Vehicles and Motor Cycles;
 - (f) Registration and use of Aviation services by Airline operations and customers;
 - (g) Boarding of aircrafts, trains, commercial vehicles, ships and boats;
 - (h) Registration for and Purchase of insurance;
 - (i) Acquisition, sale or transfer or transmission of shares (equities) and other financial instruments;
 - (j) Registration and licensing of cybercafé operators;
 - (k) Verification of users of cybercafé services;
 - (l) Recruitments for temporary and permanent employments;
 - (m) Educational and examination Boards for enrolment and/or registration for internal and external examinations;
 - (n) Enrolment into primary, secondary, tertiary schools and continuous professional studies in Nigeria;
 - (o) Registration and eligibility for bursary and other educational benefits;
 - (p) Registration and membership of professional bodies;
 - (q) Eligibility and documentation for provision of social and welfare services by government agencies and other non-governmental institutions;
 - (r) Registration of Companies, Business names, partnership and non-profit organizations with the Corporate Affairs Commission;
 - (s) Documentation of arrested and convicted persons;

- (t) Filing and registration of criminal and civil actions in courts, tribunals, judicial bodies or other arbitration processes;
 - (u) Payment of emoluments;
 - (v) Import and export of products/commodities/goods;
 - (w) Purchase and registration of telephone SIM Card and other communication devices;
 - (x) Licensing of telecommunication vendors;
 - (y) Licensing and registration of clearing and forwarding agents;
 - (z) Identification and registration of Refugees and internally displaced persons;
 - (aa) Issuance of birth certificates;
 - (bb) Provision of consular services;
 - (cc) Issuance of Driver's License;
 - (dd) Registration for Pilgrimage or provision of Pilgrims services;
 - (ee) Registration/documentation of Pensioners;
 - (ff) Registration for the issuance documents;
 - (gg) Registration of Voters;
 - (hh) Purchase of insurance policies
 - (ii) Tax identification;
 - (jj) Operating a bank account and banking transactions;
 - (kk) Cashing in on financial instruments;
 - (ll) Purchase and sale of foreign currency in Banks and Bureau de Change;
 - (mm) Documentation for loans;
 - (nn) Registration and licensing of security service companies;
 - (oo) Executing any contracts or business agreements;
 - (pp) Tenancy Agreements registered or unregistered;
 - (qq) Obtaining and processing of probate documents;
 - (rr) Registration of any interest in Land;
 - (ss) Any transaction, contract or agreement for a valuable consideration and for the transfer of any interest, tangible or intangible; and
 - (tt) Application for/bidding in any Local, State or Federal Government created jobs and/or accessing any benefits from any intervention programme whether via a created portal or manual application.
- (2) The requirement for the NIN in the licensing/registration of corporate bodies shall be the National Identification Number of at least 3 Directors and 3 Shareholders of such entities.

The requirement for the presentation of NIN also applies to the appointment of an individual as Company Secretary at the time of Registration or post Registration.

- (3) It shall be mandatory for all institutions or authorities which offer services listed in Sub-Regulation (1) and the Schedule 1 of this Regulation to require any person transacting with them to produce his NIN or/ and request to verify and authenticate the person or NIN so provided in the National Identity Database using the following means of verification/authentication:
 - (i) Real time online verification from the NIMC Verification service platform;
 - (ii) By means of a Card Acceptance Device (CAD);
 - (iii) By a Card Reading Device; or
 - (iv) By a combination of the above stated means.

4. Supremacy of the National Identification Number (NIN)

- (1) The National Identification Number shall be the superior and more authentic means of identification of persons;
- (2) Notwithstanding any provision in any other law, it shall be unlawful to complete any official document for the purpose of issuing any form of identification or to complete any of the transactions listed in Regulation 9 of the 2015 Regulations and Regulation 3 above without requesting for and verifying the NIN;
- (3) In addition, an issuing Authority and the holder of a license or service/identity token shall be jointly and severally liable where a document issued does not rely on the production /verification of the NIN of the receiving party.

**PART 2 - GENERAL PROCESSES AND PROCEDURES FOR EXERCISING
MONITORING AND ENFORCEMENT POWERS**

5. Power of the National Identification Management Commission (NIMC) to enforce compliance

The processes or procedures for the exercise by the Commission of its monitoring and enforcement powers shall be in accordance with the provisions of the NIMC Act, Regulations 2015 and these Regulations.

6. The Commission shall, in exercising its monitoring and enforcement powers, be guided by the following principles and considerations, that is:

- (1) transparency, fairness and non-discrimination;
- (2) the need to promote the policy of harmonization of the national identification database and the creation of centralized national identity database;
- (3) Elimination of duplicate identity through the Regulation on Nigerian Biometric Standards;
- (4) the proportionality of the enforcement sanctions with the contravention taking into account the principle behind the harmonization policy, guidelines for Biometric standards of Nigeria and factors specified in regulation 3(2) of these Regulations ; and
- (5) such other principles and considerations as the Commission may, from time to time, consider necessary in the national interest.

7. Creation of the Inspectorate and Enforcement Unit NIMC-IEU

- (1) An Inspectorate and Enforcement Unit of the NIMC to be known as NIMC-IEU shall be constituted with the powers of monitoring and enforcement and for the purposes specified in Regulation 6 of this Regulation.
- (2) The NIMC-IEU above shall be known as enforcement officers for the supplementary Regulation and the Biometric Standards of the NIMC.
- (3) The members of the NIMC-IEU shall be constituted by the Director General of the NIMC and shall be delegated with the inspectorate, enforcement and compliance powers of the NIMC and tasked to liaise with the various Government/non-Governmental agencies

whose statutory duties/mandates require the creation of identification database or the issuing of identity tokens.

8. Civil Enforcement Proceedings

- (1) The NIMC-IEU shall ensure strict compliance with the NIN requirement under this Regulation and the Biometrics Standard Regulation
- (2) In this regards, NIMC-IEU shall:
 - a. Ensure that every Agency with statutory functions that requires identity management maintains a NIN and Biometrics Standards Compliance Register within its Agency, which shall record the compliance with the Commission's Regulations on mandatory use of NIN and Regulation on Biometric and Demographic standard in each Agency
 - b. Provide a standard Reporting format for all Agencies to log in compliance reports to be submitted to NIMC Monthly. The Report shall amongst other things state the number of identifications added to or renewed on the identity database of the agency and report specific compliance with the requirements of this supplementary Regulation and the Biometric Standards requirement. The Report shall also specify areas of non-compliance, reasons for non-compliance and a mandatory undertaking to comply before the due date for the next Report;
 - c. The NIMC-IEU shall, prior to exercising its monitoring and enforcement powers pursuant to any Compliance report made by any Agency under paragraph 8 (b) of this Supplementary regulation, satisfy itself in the manner and on the issues specified in section 27 of NIMC Act, paragraph 9 the 2015 Regulation, paragraph 3 of The supplementary Regulation and the Regulation on Biometric Standards
 - d. The Commission shall publish on its website, on a quarterly basis, the details of its monitoring and enforcement activities pursuant to paragraph (6) (7) and (8) of these Regulations and such publication shall include sufficient details on the

actions taken by the Commission in regard to Compliance reports made to it pursuant to regulation (7)(b)

9. In exercising its powers of enforcement and compliance, the NIMC-IEU shall have the power to:
- (1) Demand for evidence of compliance from individuals, public or private institutions and organizations;
 - (2) Caution a non-compliant person(s) or entity(ies) orally or in writing;
 - (3) Sanction a non-compliant person(s) or entity(ies). This shall be by imposition of administrative fines and /or imprisonment
 - (4) Prosecute a non-compliant person(s) or entity(ies) by instituting civil or criminal action against the defaulting person or entity
 - (5) obtain a court warrant to seize and detain in the custody of the Commission for such period and on such terms as the Commission may consider expedient or necessary to carry out and conclude the relevant monitoring and enforcement procedure any book, record, document or other information storage system used for the creation of identity or used as an identity database which does not conform with the NIMC Act and the Regulations made hereunder including the Regulation on Biometric Standards.

PART III – ENFORCEMENT

10. The NIMC-IEU in ensuring compliance and adherence to the provisions of these Regulations, which include the power of enforcement or as may be specified or prescribed by the Commission in a Federal Government Gazette, from time to time may:
- (1) Upon giving written notice of not less than 24 hours have the right of audit to conduct or cause an inquest to be conducted on the state of affairs and operations of transactions and or services carried out by applicable individuals, organizations, institutions or industries;
 - (2) Make an Exparte Interim and/or Interlocutory application for an Order of Court to seal-off the premises or business place or shut down the identification database or stop further services by the

agency or organization where expedient, of a defaulting individual, organisation, institution or/and industry;

- (3) Demand payment of a penalty as provided in the Act, the 2015 Regulation and this supplementary Regulation
11. Institute criminal prosecution and/or civil action against such individuals, organisations, institutions or industries as applicable:
- (1) Without prejudice to any specific provision of the NIMC Act and the Mandatory use of the National identification Number Regulations 2015, the Commission may, in the exercise of its enforcement powers, institute civil proceedings in Court against any person for any remedy including injunctive relief, recovery of administrative fines, specific performance or pecuniary awards or damages.
 - (2) The Commission may seek the assistance of any law enforcement agency to enforce compliance with any directions issued under Regulations 11 and 12.

PART IV- CONTRAVENTIONS, OFFENCES AND PENALTIES

12. Without prejudice to such other enforcement measures as are or may be contained in the NIMC Act and the 2015 Regulations made thereunder, any of the following acts or conducts by any Agency or person shall constitute a contravention and hence an offence under these Regulations:
- (1) any act or inaction occasioning interference with the right of the Commission through the NIMC-IEU to enforce compliance of these Regulations;
 - (2) a breach or violation howsoever of any guidelines and standards as may be specified or issued by the Commission, from time to time, on elimination of duplicate identity, biometric standards, creation of centralized national identity database, mandatory request for the use of unique national identification number at inception and

completion of all transactions pursuant to Regulation 9 of Regulations 2015 and Regulation 3 of these Regulations; or

- (3) a breach or violation howsoever of any regulations issued by the Commission from time to time; or
 - (4) Obstruction by any Agency whose employee, officer, or agents assaults, obstructs or resists or aids any other person to assault, obstruct or resist any official or appointed inspector of the Commission in the performance of his monitoring and enforcement duties under the Act or these Regulations;
 - (5) a failure to make prompt quarterly report required pursuant to regulation 8(b) requirements in the Act, any Regulations made there under;
 - (6) Failure to demand for the unique national Identification Number before commencing or completing any of the transactions listed in Regulation 9 of the 2015 Regulation and regulation 3 of these Regulations;
 - (7) Failure to emboss the unique identification number on any means of identification issued by any MDA in fulfillment of its statutory functions;
13. Administrative sanctions for contravention of the requirement for mandatory use of National Identification Number and Nigerian Biometrics Standards
- (1) An Agency, MDA, Corporate or statutory Body, Executive body created by a Local, State or Federal Government which contravenes the provisions of Regulation 12 commits an offence and:
 - (a) shall be liable on conviction on each instance to a fine of a minimum of N10,000,000.00 or imprisonment of the contravening Director, officer or employee of the Institution for a term not exceeding 1 year or to both such fine and imprisonment.

- (b) May be liable to an Order permitting the Commission to seize and detain the materials, record book and an injunction to shut down the identity creation database of such an Agency pending an undertaking by the said Agency, MDA, Corporate or statutory Body.
 - (c) The Commission may publish a Public Notice detailing the contravention and the continued failure of the Agency, MDA, Corporate or statutory Body to comply and the sanctions thereof.
- (2) Any person who does not fall within the provisions of Regulation 13 (1) above, but who carries out or permits the carrying out of any of the following acts commits an offence and shall be liable on conviction on each instance to a fine of not less than N50,000.00 (Fifty Thousand Naira only) and/or imprisonment for not less than 6 months or both, and the illegal gains or fraudulent gains, if any from such acts or omission, shall be confiscated by the Commission:
 - (a) Using another person's National Identity Card as his own or a National Identity card obtained by fraudulent means; or
 - (b) Buying, Selling or completing any of the transactions listed in Regulation 9 of Regulations 2015 and Regulation 3 of these supplementary Regulations using fraudulently procured or forged National Identity card or National Identity Number (NIN);
 - (c) Fraudulently procuring any National Identity Card or National Identification Number (NIN) or fraudulently embossing the National Identification Number on an identity card issued by any Agency, MDA with regards to its statutory functions
- (3) If Any staff of any MDA of the Federal, State or Local Government, member of the Nigerian Police Force, member of the Armed forces, Para-military or law enforcement agencies commits any of the following acts, the respective individual shall be given administrative sanctions commensurate to the actions; and if a crime is constituted, he shall be investigated for criminal responsibility and prosecuted accordingly in accordance with criminal laws:
 - (a) taking advantage of making, issuing or examining National Identity cards, by seeking, demanding, accepting or receiving any form of financial, physical, or material inducement and/or other personal benefits;
 - (b) Illegally changing or attempting to change or amend a person's identification number on the Commission's database or any other database created in conformity with the NIMC

Act, the 2015 Regulation and these Regulations;

- (c) Divulging a person's personal information accessed through, issuing, examining or seizing the person's National Identity card
- (4) The fees that have been paid in respect of an identity card or identification number revoked pursuant to the Act or Regulation 13 of this Regulation shall not be refunded whether in part or whole consequent upon such revocation.
- (5) The original copy of any Identity card/document or identification number that is revoked pursuant to the Act or any Regulations made there under shall be returned to the Commission by the bearer within 14 days of the effective date of the revocation.

PART V — MISCELLANEOUS PROVISIONS

14. Interpretations

In these regulations, unless the context otherwise requires –

“Act” means the National Identity Management Commission Act No. 23, 2007

“Commission or NIMC” refers to the National Identity Management Commission established by Act No. 23 of 2007

“Hospitality Services” means any business operating within the service industry that includes lodging, hotel, event planning, and transportation

“Airline Operations” means

“MDA” in this regulation means Ministries, Departments and Agencies of the Federal, State or Local Governments of Nigeria.

“Regulations 2015” or **“2015 Regulations”** means the Mandatory Use of the National Identification Number Regulations, 2015;

“NIMC-IEU” means the NIMC Inspectorate and Enforcement Unit;

“**NIN**” means - National Identification Number;

“**Card**” means and includes a document or other article, or a combination of a document and an article, in or which information is or may be recorded;

15. **Schedules**

SCHEDULE 1.

List of relevant Institutions and or Authorities

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