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NATIONAL IDENTITY MANAGEMENT COMMISSION ACT, 2007
MANDATORY USE OF THE NATIONAL IDENTIFICATION
NUMBER, REGULATIONS, 2017



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S. I. No. 15 of 2017

NATIONAL IDENTITY MANAGEMENT COMMISSION ACT, 2007**MANDATORY USE OF THE NATIONAL IDENTIFICATION
NUMBER REGULATIONS, 2017**

[26th Day of October, 2017]

Commence-
ment.

In exercise of the powers conferred on it by sections 27 (1) (l) and 31 of the National Identity Management Commission Act, 2007 and all other powers enabling it in that behalf, the National Identity Management Commission (“the Commission”) makes the following Regulations —

PART I—PRELIMINARY PROVISIONS

1.—(1) In accordance with the provisions of section 27(1)(l) of the Act, the use of the National Identification Number (NIN) shall be mandatory for the following additional transactions—

Additional
Transactions
requiring the
use of the
National
Identification
Number
(NIN).

- (a) registration for and provision and use of hospitality services ;
- (b) registration and licensing for and use of health or 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 operators and customers ;
- (g) purchase of travel tickets or tokens for air, rail, road and water transportation ;
- (h) boarding of aircrafts, trains, commercial vehicles, ships and boats ;
- (i) registration for and purchase of insurance policies ;
- (j) acquisition, sale or transfer or transmission of shares or equities and other financial instruments ;
- (k) registration and licensing of cybercafé operators ;
- (l) verification of users of cybercafé services ;
- (m) recruitments for temporary and permanent employment ;
- (n) enrolment or registration for internal and external examinations with educational and examination boards ;
- (o) enrolment into primary, secondary and tertiary schools and continuous professional studies in Nigeria ;
- (p) registration and eligibility for bursary and other social benefits ;
- (q) registration and membership of professional bodies ;
- (r) eligibility and documentation for provision of welfare services by government agencies and other non-governmental institutions ;

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(s) registration of companies, sole proprietorships, partnerships and non-profit organizations and other post-incorporation documentation with the Corporate Affairs Commission ;

(t) documentation of arrested and convicted persons ;

(u) filing and registration of criminal and civil actions in courts or other arbitration processes ;

(v) payment of emoluments ;

(w) import and export of products, commodities or goods ;

(x) purchase and registration of telephone SIM Card and other communication devices ;

(y) licensing of telecommunication vendors ;

(z) licensing and registration of clearing and forwarding agents ;

(aa) identification and registration of refugees and internally displaced persons ;

(bb) issuance of birth certificates ;

(cc) provision of consular services ;

(dd) issuance of driver's license ;

(ee) registration for pilgrims or provision of pilgrims services ;

(ff) registration or documentation of pensioners ;

(gg) registration for the issuance of travelling documents ;

(hh) registration of voters ;

(ii) tax identification ;

(jj) operating a bank account ;

(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 companies ;

(oo) executing any contract or business agreement ;

(pp) tenancy agreements ;

(qq) obtaining and processing of probate documents ;

(rr) all transactions involving the acquisition, use or transfer of parcel of land or landed properties ;

(ss) any transaction, contract or agreement for a valuable consideration and for the transfer of any interest, tangible or intangible ; and

(tt) application for or bidding for any Local, State or Federal Government jobs or contracts or accessing any benefits from any intervention programme whether via a created portal or manual application.

(2) It shall be mandatory for government agencies listed in the First Schedule to these Regulations which offer services listed in sub-regulation (1) of this regulation to—

(a) require any person transacting with them to produce his NIN ; and
 (b) verify and authenticate the person or NIN so provided in the National Identity Database using the following means of verification or authentication—

- (i) real time online verification from the NIMC Verification Service Platform,
- (ii) Card Acceptance Device (CAD),
- (iii) Card Reading Device, or
- (iv) a combination of the means stated in this paragraph.

PART II—PROCESS AND PROCEDURE FOR EXERCISING MONITORING AND ENFORCEMENT POWERS

2. The processes or procedures for the exercise of the Commission’s monitoring and enforcement powers shall be in accordance with the provisions of the Act, the Mandatory Use of the NIN Regulations, 2015 and these Regulations.

Power of the Commission to enforce compliance.

3.—(1) The Commission shall, in exercising its monitoring and enforcement powers, be guided by the following principles and considerations—

Principles for monitoring and enforcement powers.

- (a) transparency, fairness and non-discrimination ;
- (b) the need to promote the policy of harmonization of existing identity databases and the creation of a centralized National Identity Database ;
- (c) elimination of duplicate identity through the Nigerian Biometric Standards ;
- (d) the proportionality of the enforcement sanctions with the contravention ; and
- (e) such other principles and considerations as the Commission may, from time to time, consider necessary in the national interest.

(2) The Commission shall have the powers of monitoring and enforcement for the purposes specified in regulation 4 of these Regulations.

4.—(1) The Commission shall ensure strict compliance with the NIN requirement under the Act, the Mandatory Use of the NIN Regulations, 2015, these Regulations and the Nigeria Biometrics Standards Regulations, 2017.

Enforcement of strict compliance with the National Identification Number requirement.

(2) The Commission 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 Mandatory Use of the NIN Regulations 2015, these Regulations and the Nigeria Biometrics Standards Regulations 2017 ;

(b) provide a standard reporting format for all agencies to log in compliance reports to be submitted to the Commission monthly and the content of the report shall include—

(i) the number of identifications added to or renewed on the identity database of the agency,

(ii) specific compliance with the requirements of the Mandatory Use of the NIN Regulations 2015, these Regulations and the Nigeria Biometrics Standards Regulations 2017,

(iii) areas of non-compliance, reasons for non-compliance and a mandatory undertaking to comply before the due date for the next report, and

(iv) such other information the Commission may consider necessary ;

(c) prior to exercising its monitoring and enforcement powers pursuant to any compliance report made by any agency under these Regulation, satisfy itself in the manner and on the issues specified in section 27 of the Act, regulation 9 of the Mandatory Use of the NIN Regulations, 2015, regulation 1 of these Regulations and the Nigeria Biometric Standards Regulations, 2017; and

(d) Publish on its website, on a quarterly basis, the details of its monitoring and enforcement activities pursuant to these Regulations and other relevant Regulations.

Procedure for exercising power to seize and shutdown identity databases.

5. In exercising its powers of enforcement and compliance, the Commission shall have power to—

(a) demand for evidence of compliance from persons, public or private institutions and organizations ;

(b) caution a non-compliant person or entity in writing ;

(c) sanction a non-compliant person or entity by the imposition of administrative fines ;

(d) institute criminal proceedings against a non-compliant person or entity through the Office of the Honourable Attorney-General of the Federation or by instituting civil actions against the defaulting person or entity ; and

(e) obtain a Court warrant or order to seize and detain 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 Act, these Regulations and other relevant Regulations made pursuant to the Act, for such period and on such terms as the Court may consider expedient or necessary to carry out the monitoring and enforcement procedure.

PART III—ENFORCEMENT

6. The Commission may, in ensuring compliance with the provisions of these Regulations— Steps for enforcement.

(a) upon giving written notice of not less than 24 hours, have the right to conduct an audit on the state of affairs and operations of transactions or services carried out by applicable persons and entities ;

(b) obtain an order of the Court to seal-off the premises or business place or shut down the identity database or stop further services by the defaulting person or entity ;

(c) demand payment of a penalty as provided in the Act ; and

(d) request the assistance of any law enforcement agency to enforce compliance with any directives issued under these Regulations.

7. Failure to comply with the provisions of these Regulations and other relevant Regulations made pursuant to the Act, shall be punishable by the imposition of administrative fines and sanctions by the Commission, in addition to the penalties provided under the Act. Non-compliance.

PART IV—MISCELLANEOUS

8. In these Regulations, unless the context otherwise requires— Interpretations.

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

“*Airline operators*” means airline companies licensed to operate locally within Nigeria ;

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

“*Commission*” means the National Identity Management Commission established by Act No. 23 of 2007 ;

“*Court*” means Federal High Court ;

“*Entity*” includes organization, institutions, agencies, industries and authorities ;

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

“*MDA*” means Ministries, Departments and Agencies of the Federal, State or Local Governments of Nigeria ;

“*NIN*” means National Identification Number ; and

“*Person*” means a natural individual and legal entity.

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Citation.

9. These Regulations may be cited as the Mandatory Use of the National Identification Number Regulations, 2017.

MADE at Abuja this 26th day of October, 2017.

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National Identity Management Commission