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THE HUDUMA BILL, 2019

A Bill for

AN ACT of Parliament to establish the National Integrated Identity Management System; to promote efficient delivery of public services; to consolidate and harmonise the law on registration of persons; to facilitate assigning of Huduma Namba and issuance of identity documents; to facilitate registration of births and deaths; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

Short title	1. This Act may be cited as the Huduma Act, 2019
Interpretation	2. In this Act— “biometric data” includes fingerprint, hand geometry, earlobe geometry, retina and iris patterns, toe impression, voice waves, blood typing, photograph, or such other biological attributes of an individual obtained by way of biometrics; “birth” means the issuing forth from the mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead; “core biometric data” means finger print, Iris scan, or other specified biological attribute of an individual; “Cabinet Secretary” means cabinet secretary responsible for matters relating to registration of persons; “Committee” means the NIIMS coordination committee established under section 61; “death” means the permanent cessation of all evidence of life after a live birth but it does not include a still birth; “enrolment” means the process to collect specified data from an individual for the purpose of issuing the Huduma Namba; “foundational data” means the basic personal data of an individual for attesting the individual’s identity and includes biometric data and

	<p>biographical data;</p> <p>“functional data” means data for an individual created in response to a demand of a particular service or transaction;</p> <p>“NIIMS” means the National Integrated Identity Management System;</p> <p>“NIIMS database” means a centralised database containing information outlined under the first schedule for every enrolled person;</p> <p>“NIIMS registration officer” means a public officer appointed to carry out registration duties under this Act;</p> <p>“Huduma card” means a multipurpose identity digital card issued to an individual under this Act;</p> <p>“Huduma Namba” means a unique identification number issued to an individual under this Act;</p> <p>“Passport” means a passport issued under this Act or by any lawful authority or government recognized by the Government of Kenya to facilitate international travel;</p> <p>“Personal data” means foundational and functional data collected under this Act as specified under the First Schedule;</p> <p>“Principal Secretary” means the principal secretary in the State Department responsible for matters relating to registration of persons; and</p> <p>“resident individual” means a citizen of Kenya or a non-citizen who has been granted lawful residence in Kenya.</p>
Object of the Act	<p>3. The object of this Act is to—</p> <ul style="list-style-type: none"> (a) remove duplication from the processes and laws relating to registration of persons; (b) establish a digital national population database to be a single source of foundational and functional data for all resident individuals; (c) provide mechanisms for registration of births, deaths and issuance of identity documents; (d) facilitate transparent and efficient delivery of public services;

	<p>(e) provide for access and use of the information contained under the NIIMS database; and</p> <p>(f) maintain integrity, confidentiality and security of registration data collected.</p>
<p>PART II—THE NATIONAL INTEGRATED IDENTITY MANAGEMENT SYSTEM</p>	
Establishment of NIIMS	<p>4. (1) There is established the National Integrated Identity Management System (“NIIMS”).</p> <p>(2) The NIIMS shall operate as a single source of personal identification for citizens and persons resident in Kenya.</p>
Components of NIIMS	<p>5. The NIIMS has the following components—</p> <p>(a) NIIMS database;</p> <p>(b) Huduma Namba; and</p> <p>(c) Huduma card.</p>
NIIMS database	<p>6. (1) The NIIMS database is an integrated digital population register and a repository of foundational data and functional data of every resident individual.</p> <p>(2) The NIIMS database shall contain—</p> <p>(a) foundational data outlined under the First Schedule; and</p> <p>(b) other functional data generated by a public agency responsible for a function requiring use of the Huduma Namba.</p> <p>(3) The purpose of the NIIMS database is to –</p> <p>(a) serve a single source of both foundational and functional data for enrolled resident individual;</p> <p>(b) enable use of fingerprints and other biometric data to identify an enrolled person;</p> <p>(c) facilitate the use of the data in the database to assign the Huduma Namba and issue of the Huduma card;</p> <p>(d) support access and generation of downloadable copies of birth and death certificates or any other identity document; and</p> <p>(e) support access by an individual to their academic certificate issued under any education law in Kenya.</p> <p>(4) No government agency shall collect foundational data from an</p>

	individual who has enrolled under this Act.
Huduma Namba	<p>7. (1) The Huduma Namba is a unique and permanent personal identification number assigned to every resident individual to ensure such individual is distinctly identifiable.</p> <p>(2) The Huduma Namba shall be assigned to every resident individual at birth or upon enrolment under this Act.</p> <p>(3) The Huduma Namba shall serve as sufficient proof for identification in the country.</p>
Mandatory uses of Huduma Namba	<p>8. (1) Every resident individual shall have a mandatory obligation to present the Huduma Namba in order to—</p> <ul style="list-style-type: none"> (a) be issued with a passport; (b) apply for a driving licence; (c) register a mobile phone number; (d) register as a voter; (e) pay taxes; (f) transact in the financial markets; (g) open a bank account; (h) register a company or a public benefit organisation; (i) transfer or make any dealings in land; (j) register for electricity connection; (k) access universal health care services; (l) benefit from the government housing scheme; (m) register a marriage; (n) enrol into a public educational facility; (o) access social protection services; (p) register or transfer a motor vehicle; or (q) any other specified public service.
Design and uses of Huduma card	<p>9. (1) Subject to this Act, every resident individual who has enrolled into the NIIMS shall be issued with a Huduma card.</p> <p>(2) The types of Huduma card that may be issued include—</p> <ul style="list-style-type: none"> (a) Minors' Huduma card, for minors who have attained the age of six years; (b) Adults' Huduma card, for citizens who have attained the age of eighteen years; and (c) Foreign nationals Huduma card, for resident adult non-citizens.

	<p>(3) A Huduma card shall on its face include details of enrolled individual's—</p> <ul style="list-style-type: none"> (a) full name; (b) sex; (c) date of birth; (d) Huduma Namba; (e) nationality or residence status; (f) place of birth; (g) front facing photograph; and (h) date of issue. <p>(4) The design of the Huduma card shall continually consider advances in technology, and subject to appropriate guidelines, a non-physical mobile Huduma card may be issued.</p> <p>(5) The Huduma card shall serve as the official government issued document for identification and conduct of transactions.</p> <p>(6) The Huduma Namba, where authenticated by the NIIMS database through fingerprints or any other specified biometric data, shall be accepted in absence or in non-presentation of the Huduma card.</p>
NIIMS general design	<p>10. The Cabinet Secretary shall ensure the structure and design of the NIIMS is output oriented, technology neutral, flexible, and has no technology lock-ins by any vendor.</p>
<p>PART III- ENROLMENT INTO NIIMS</p>	
<p><i>Initial and continuous enrolment</i></p>	
Initial enrolment	<p>11. (1) Upon the commencement of this Act, every resident individual shall personally attend before a designated NIIMS registration officer at a specified location to enrol into the NIIMS.</p> <p>(2) An individual seeking to enrol shall –</p> <ul style="list-style-type: none"> (a) provide particulars outlined under the First Schedule; and (b) permit their fingerprints and other biometric data to be taken. <p>(3) A citizen residing out of the country shall enrol into NIIMS at the</p>

	<p>Kenyan Embassy in their country of residence or any other designated centre.</p> <p>(4) The Principal Secretary shall make special arrangements, including availing mobile registration, for the enrolment of minors, persons with disability, persons incapacitated by illness, elderly citizens, or individuals in institutional households.</p> <p>(5) An individual seeking to enrol shall furnish the designated NIIMS registration officer with such documentary proof of identification as may be required.</p> <p>(6) At the time of enrolment, the NIIMS registration officer shall inform a person enrolling –</p> <ul style="list-style-type: none"> (a) the purpose for collecting their personal data; (b) the manner in which personal data collected shall be used; (c) how personal data collected shall be protected; and (d) right of access to their personal data.
Assigning Huduma Namba	<p>12. The Principal Secretary, upon examining of the information provided, shall enrol the applicant into the NIIMS and assign the applicant a Huduma Namba.</p>
Issue of Huduma card	<p>13. (1) The Principal Secretary shall issue a Huduma card to an individual who has been assigned a Huduma Namba within sixty days from date of such assignment.</p> <p>(2) Despite subsection (1), a minor shall be issued with minors’ Huduma card only upon attaining the age of six years and after capturing the required biometric data.</p> <p>(3) The initial issue of Huduma card to citizens shall be free of charge.</p>
Transition of minors Huduma card	<p>14. (1) Within ninety days upon attaining the age of eighteen years, an individual shall surrender the Minors’ Huduma card to a designated NIIMS registration officer.</p> <p>(2) The designated NIIMS registration officer shall verify and update the individual’s detail under the First Schedule and issue the Adults’ Huduma card.</p>

Replacement of Huduma card	<p>15. (1) An individual whose Huduma card is lost, worn out, tampered with or otherwise rendered unserviceable shall apply for replacement and pay a prescribed fee.</p> <p>(2) A person who finds, or comes into possession of a Huduma card not belonging to them shall, without charging any fee, return it either to its owner or to the nearest NIIMS registration officer or police station.</p>
Continuous update of personal data	<p>16. Every enrolled individual has a duty to notify the designated NIIMS registration officer to update the individual's particulars under the First Schedule wherever there is any change in any particular.</p>
Supply of functional data into NIIMS	<p>17. (1) Upon set-up of the NIIMS database, every government agency shall authenticate foundational data they hold of an individual with the NIIMS database.</p> <p>(2) Every government agency delivering a public service shall be linked to the NIIMS database in such manner as to enable such agency to—</p> <p>(a) authenticate personal data in their possession with NIIMS; and</p> <p>(b) transmit, access or retrieve information necessary for the proper discharge of agency's functions.</p>
<i>Procedures for enrolling a new-born</i>	
Registration of the event of birth.	<p>18. (1) Every birth occurring after the commencement of this Act shall be registered through NIIMS within ninety days of its occurrence.</p> <p>(2) A person giving notice of the birth shall submit the particulars of record of birth and shall certify to the correctness of such particulars.</p> <p>(3) A person giving notice of birth of a citizen that has occurred outside Kenya shall produce a documentary proof issued by appropriate authority from a country in which birth occurred.</p> <p>(4) For the purpose of sub-section (2), the particulars of record of birth include—</p> <p>(a) in regard to a birth, name of the new-born, sex, date, type of delivery, any disability, weight at birth, and place of birth;</p> <p>(b) in regard to the mother, name, age, marital status, usual residence, nationality, Huduma Namba, and previous births;</p>

	<p>(c) in regard to the father, name, age, usual residence, nationality, and Huduma Namba; and</p> <p>(d) in regard to any informant, name, capacity, and date of notification.</p> <p>(5) Registration of a birth is compulsory and free of any charge.</p>
Enrolment of a new-born into NIIMS	<p>19. (1) Upon receipt of the notice of birth, a NIIMS registration officer shall enter the particulars of record of notified birth into the NIIMS database.</p> <p>(2) The Principal Secretary shall upon examining the information provided, enrol the new-born into NIIMS and consequently assign them a Huduma Namba.</p>
Late enrolment of a new-born	<p>20. An applicant seeking to enroll into NIIMS a child whose birth was not registered within ninety days shall be required to –</p> <p>(a) furnish the NIIMS registration officer with such further information as the Cabinet Secretary may specify;</p> <p>(b) pay a prescribed penalty, which shall be graduated with number the period of delay after expiry of stipulated period.</p>
Agents for registration of births	<p>21. (1) Where a birth occurs in a health facility, prison, orphanage, barrack or quarantine station, the duty to give notice of the birth shall lie on the officer in charge of the establishment in which the birth takes place.</p> <p>(2) To achieve a universal registration of births, the Principal Secretary may designate and facilitate any other person to be responsible for making notifications of births to a NIIMS registration officer in a specified region.</p>
Children under special circumstances	<p>22. (1) Where any living new-born is found exposed, it shall be the duty of any person finding such child, and of any person in whose charge such child may be placed, to provide particulars required to register such birth as the informant may possess.</p> <p>(2) The parental details of a birth resulting from a gestational surrogacy arrangement shall be in accordance with a surrogacy contract approved by the State Department responsible for matters relating to health services or any other competent authority.</p>
Certificate of birth.	<p>23. (1) After enrolment of a child, a certificate of birth shall be electronically generated from the NIIMS database in such as a manner that it is</p>

	<p>downloadable, retrievable or otherwise made available.</p> <p>(2) A certificate of birth shall contain the following information concerning the child —</p> <ul style="list-style-type: none"> (a) name; (b) place of birth; (c) date of birth; (d) sex; (e) nationality; (f) Huduma Namba; and (g) name and Huduma Namba of the parents or guardian.
<p>Continuous update of child's details</p>	<p>24. (1) The details of the child captured at birth shall be updated on a continuing basis to recognise child's qualifications or other attainments.</p> <p>(2) A parent or guardian of a child shall notify the NIIMS registration officer of any change or error in the information recorded about the child in the database.</p> <p>(3) The notification shall be given within thirty days after the change in circumstances or when a parent or a guardian becomes aware of the error.</p> <p>(4) Upon the child attaining the age of six years, a parent or a guardian shall present the child before a designated NIIMS registration officer for taking of fingerprints and other required biometric data of child for inputting into the NIIMS database.</p> <p>(5) Where an adoption order is granted for the child, the particulars of the child under the NIIMS shall be updated and adoption certificate availed under NIIMS in such a manner that it is downloadable or otherwise accessible.</p>
<p>Cancellation on enrolment</p>	<p>25. (1) The Principal Secretary shall cancel the enrolment into NIIMS of any individual where it was done through—</p> <ul style="list-style-type: none"> (a) fraud, false representation, bribery or deceit; (b) concealment of material facts; or (c) any other justifiable cause. <p>(2) Before cancellation of the enrolment, the Principal Secretary shall provide the individual, or in case of a child their parent or guardian,</p>

	<p>with reasonable opportunity and forum to show cause as to why their enrolment should not be cancelled.</p> <p>(3) The Huduma Namba and the Huduma card of a person whose enrolment has been cancelled shall be revoked.</p>
<p><i>Deregistration upon death</i></p>	
<p>Compulsory registration of deaths.</p>	<p>26. (1) Every death occurring within Kenya shall be registered through the NIIMS as soon as practicable on its occurrence but not later than thirty days.</p> <p>(2) A death shall not be registered after the expiration of thirty days except upon the applicant complying with such requirements as may be provided.</p> <p>(3) A person giving notice of death may be required to certify in writing to the designated NIIMS registration officer as to the correctness and authenticity of the notice or any evidence produced to such effect.</p> <p>(4) A person giving notice of the death of a citizen that occurred out of the country shall produce a documentary proof issued by an appropriate authority in the country in which death occurred.</p> <p>(5) Upon receiving the information required, the NIIMS registration officer shall enter the required particulars of death in the NIIMS database in the prescribed manner.</p>
<p>Huduma Namba and Huduma card of dead person</p>	<p>27. The designated NIIMS registration officer shall, immediately after entering the particulars of death in the NIIMS—</p> <p>(a) retire the Huduma Namba of the deceased; and</p> <p>(b) revoke the Huduma card.</p>
<p>Agents for notifying death</p>	<p>28. (1) Where a death occurs in a health facility, prison, orphanage, barrack or quarantine station, the duty to give notice of such death shall lie on any officer in charge of the establishment in which the death occurs.</p> <p>(2) The Principal secretary may designate and facilitate other persons who shall serve as agents for notifying occurrence of death, or presumed death, to the NIIMS registration officers.</p>

Certificate of death.	<p>29. (1) Upon registration of death, a certificate of death shall be electronically generated from the NIIMS in such a manner as it is downloadable, retrievable or otherwise available.</p> <p>(2) A certificate of death shall include the following particulars of a deceased person—</p> <ul style="list-style-type: none"> (a) name; (b) sex; (c) age; (d) date and place of death; (e) Huduma Namba; (f) nationality; and (g) cause of death, where known.
<p>PART IV— ISSUANCE OF PASSPORTS</p>	
Right to a passport	<p>30. (1) Every citizen is entitled upon application to be issued with a Passport.</p> <p>(2) The design of a passport issued under this Act shall contain—</p> <ul style="list-style-type: none"> (a) features provided for under any international treaty effective in Kenya; and (b) any other prescribed detail. <p>(3) A passport issued shall, on the face of it, serve as evidence of the citizenship or domicile of the holder, as the case may be, and of the holder's entitlement to state protection.</p>
Issuance and replacement of a passport	<p>31. (1) A person who wishes to have a passport shall apply to the Principal Secretary through NIIMS.</p> <p>(2) The requirements for applying or replacing a Passport are—</p> <ul style="list-style-type: none"> (a) Huduma Namba; and (b) prescribed fee. <p>(3) A NIIMS registration officer shall utilise the particulars provided under the NIIMS database to issue or replace a Passport to the applicant.</p> <p>(4) Where the applicant has not updated any particular under the First</p>

	<p>Schedule, the NIIMS registration officer may require the applicant to update such particular before processing their application for a Passport.</p> <p>(5) Where the applicant is a minor, the NIIMS registration officer shall require a written consent of the minor's parent or a legal guardian.</p>
<p>Types of passports</p> <p>No. 13 of 2006</p>	<p>32. (1) The types of passports that may be issued under this Act include—</p> <ul style="list-style-type: none"> (a) Ordinary passport, issued on application to any citizen of Kenya; (b) Diplomatic passport, issued to such persons as may be prescribed; (c) East African Passport, issued to a citizen of Kenya who intends to travel within the Partner States in East African Community; (d) Temporary passport, issued to any citizen of Kenya who for special circumstances cannot travel on an ordinary passport; (e) Emergency passport, issued to a citizen of Kenya who is stranded outside Kenya or is being deported; (f) Foreign Nationals passport, issued to a foreign national who cannot obtain a passport from the country of citizenship for the purpose of traveling outside Kenya; and (g) Any travel document issued under the Refugee Act or any humanitarian convention.
<p>Validity of passports</p>	<p>33. (1) An Ordinary or Diplomatic passport shall be valid for—</p> <ul style="list-style-type: none"> (a) use in all countries in the world, except for any country specified in the passport; and (b) a period not exceeding ten years from the date of issue, and in the case of children, for a period not exceeding five years. <p>(2) An East African passport shall be valid for—</p> <ul style="list-style-type: none"> (a) use in all Partner States in the East African Community or for any other country as may be prescribed; (b) a period not exceeding ten years from the date of issue, and in the case of children for a period not exceeding five years. <p>(3) A temporary passport shall be valid for—</p> <ul style="list-style-type: none"> (a) use in all countries in the world, except for any country specified in the temporary passport; and (b) a period not exceeding one year from the date of issue. <p>(4) An emergency passport shall be valid for—</p>

	<p>(a) travel to Kenya and other countries of transit; and</p> <p>(b) a single journey for a stated period;</p> <p>(5) A Foreign National passport is valid for travel to all countries stated and shall be valid for a period not exceeding two years from the date of issue.</p> <p>(6) A travel document issued to a refugee or for other humanitarian purposes shall be valid for travel to all countries except the country of the holder's nationality and shall be valid for a period of five years.</p>
Lost mutilated or damaged passport	<p>34. (1) Where a Passport is lost, the holder shall report the loss to the nearest police station and notify the State Department responsible for Immigration matters.</p> <p>(2) The NIIMS registration officer shall upon receiving information of the loss of the passport notify the immigration offices, Kenya missions abroad and other relevant authorities.</p> <p>(3) Any person whose passport or travel document is lost, mutilated or damaged may apply for replacement in accordance with section 32.</p>
Rejection of a passport application	<p>35. (1) A designated NIIMS registration officer shall reject an application for a passport where the applicant—</p> <p>(a) has not updated the required particulars under the NIIMS database;</p> <p>(b) does not qualify for the type of passport the applicant has applied; or</p> <p>(c) gives false or misleading material information.</p> <p>(2) Where an application for Passport or other travel document has been rejected, the designated NIIMS registration officer shall within fourteen days give the reasons for rejection in writing to an applicant.</p>
<p>PART IV –DATA PROTECTION SAFEGOURDS</p>	
Rights of enrolled person	<p>36. An individual enrolled under the NIIMS has a right to —</p> <p>(a) be informed of the use to which their personal data collected is to be put;</p> <p>(b) access their personal data in the NIIMS database;</p> <p>(c) object to any sharing of all or part of their personal data; and</p>

	(d) correction of any false or misleading data about them without delay.
Access to information	<p>37. (1) Every enrolled individual shall have the right to obtain a copy of the particulars of their personal data in the NIIMS database.</p> <p>(2) The Permanent Secretary shall facilitate technologically efficient means to ensure proactive access to personal data to enrolled individual provided in NIIMS database.</p>
Restriction on data sharing	<p>38. (1) Personal data collected under this Act shall not be—</p> <p>(a) used for unlawful purpose; or</p> <p>(b) disclosed further, except with the prior consent of the individual to whom such personal data relates.</p> <p>(2) The Huduma Namba and any core biometric data collected or created under this Act shall not be published, displayed or posted publicly.</p>
Technical security measures	<p>39. The Principal Secretary shall implement reasonable and appropriate organisational, technical and physical security measures to ensure that data under the NIIMS database is protected against –</p> <p>(a) unauthorised access, use, disclosure; and</p> <p>(b) accidental or intentional loss, destruction or damage.</p>
Rectification	<p>40. (1) Every individual has a right to verify their personal data belonging in the NIIMS database, and upon finding any error, to request for a rectification.</p> <p>(2) A designated NIIMS registration officer shall rectify an entry of any foundational data in the NIIMS database after an appropriate verification.</p> <p>(3) Where erroneous functional data is recorded in the NIIMS Registry, the Principal Secretary shall cause the relevant agency to rectify the entry without delay and to submit a rectified particular.</p>
Confidentiality	<p>41. A NIIMS registration officer or any other person who processes information under NIIMS shall treat the information that comes to their knowledge as confidential.</p>
Right of data portability	<p>42. (1) Every enrolled person has a right to receive personal data concerning them available under the NIIMS database in a structured, commonly used electronic format.</p>

	<p>(2) Where technically possible, the enrolled person has a right to request that their personal data be ported from the NIIMS database to any other specified person.</p> <p>(3) The Principal Secretary shall comply with a data portability request at reasonable cost and within a reasonable period.</p>
Communication of data breach	<p>43. (1) Where personal data in the NIIMS database has been accessed or acquired by an unauthorised person, and there is a real risk of harm to the enrolled person whose personal data has been subjected to the unauthorised access, the Principal Secretary shall communicate to the enrolled person in writing within a reasonably practicable period of becoming aware of such breach.</p> <p>(2) A NIIMS registration shall without delay notify the Principal Secretary upon becoming aware of any personal data breach.</p> <p>(3) The Principal Secretary may delay or restrict communication to the enrolled person, as necessary and proportionate for purposes of prevention, detection or investigation of an offence by any relevant agency.</p> <p>(4) The communication to enrolled person shall provide sufficient information to allow the enrolled person to take protective measures against the potential consequences of the data breach, including —</p> <ul style="list-style-type: none"> (a) description of the nature of the data breach; (b) description of the measures that the Principal Secretary intends to take or has taken to address the data breach; (c) recommendation on the measures to be taken by the enrolled person to mitigate the adverse effects of the breach; (d) where applicable, the identity of the unauthorised person who may have accessed or acquired the personal data; and (e) the name and contact details of the data protection officer or other contact point where more information could be obtained. <p>(5) The communication of a breach to the data subject may not be required where appropriate security safeguards such as encryption of affected personal data have been implemented.</p>
Location of data	<p>44. Any processing of data under NIIMS shall be done through a server or a data centre located in Kenya.</p>

servers	
Designation of data protection officer	<p>45. (1) The Principle Secretary shall, on recommendation by the Public Service Commission, appoint a data protection officer for the NIIMS.</p> <p>(2) A person is qualified to be appointed as a data protection officer if the person has relevant academic or professional qualifications including experience and technical skills in matters relating to data protection.</p> <p>(3) The data protection officer shall—</p> <ul style="list-style-type: none"> (a) advise on data protection requirements in processing data under this Act; (b) receive and act on complains from enrolled persons on the use of their personal data; (c) facilitate capacity building of staff involved in data processing operations; (d) cooperate with the relevant authority on matters relating to data protection; and (e) perform any other task assigned by the Principal Secretary.
Written Data Protection law	<p>46. The provisions of any specific written law relating to matters of data protection shall apply with necessary modifications in processing of personal data under this Act.</p>
<p>PART V—OFFENCES AND PENALTIES</p>	
Penalties under No. 5 of 2018	<p>47. (1) For avoidance of doubt, the NIIMS is a protected computer system within the meaning of section 20 (2) of the Computer Misuse and Cybercrimes Act</p> <p>(2) A penalty for offences relating to a protected computer system provided for under section 20, as read with sections 14, 15, 16, 17, of the Computer Misuse and Cybercrimes Act, apply under this Act.</p>
Huduma Namba related offences	<p>48. A person who carries out or permits the carrying out of any transaction specified in section 8 without a Huduma Namba commits an offence.</p>
Enrolment offences.	<p>49. A person who—</p> <ul style="list-style-type: none"> (a) gives false information or makes a false statement when providing information for an entry into the NIIMS database; (b) forges an identity document to enrol into NIIMS; or

	(c) Illegally influences the decision of a NIIMS registration officer, commits an offence.
Offences relating Huduma card	50. A person who— (a) wilfully destroys or attempts to destroy, or mutilates or attempts to mutilate a Huduma card; (b) unlawfully alters or modifies information on a Huduma card; or (c) permits a use of their Huduma Card by another person, commits an offence.
Unauthorised production of Huduma card.	51. (1) A person who unlawfully makes, produces, prints, binds, designs, or distributes a Huduma card commits an offence.
Unauthorised disclosure of data	52. A NIIMS registration officer or any other authorised officer, who without authority discloses, submits or transfers data from the NIIMS database to any other person, commits an offence.
Failure to register a birth	53. A parent, guardian, or any other person ceased with the affairs of a child, who wilfully and without a justifiable cause, fails to notify the occurrence of a birth or cause a new-born to be enrolled into NIIMS, commits an offence.
Failure to register death	54. Any person who buries, cremates, otherwise disposes, or oversees supervises any disposal of the body of a deceased person, whose death has not been notified and registered under this Act, commits an offence.
General violation of the Act	55. Where a person contravenes any provision of this Act, which has not been specifically outlined as an offence under this part, commits an offence.
Penalties under the Second Schedule	56. A person convicted of an offence under this Act shall be liable to a term of imprisonment specified in the second row, or an alternative fine specified in the third row, or to both such term of imprisonment and fine, as provided under the Second Schedule
PART VI—ADMINISTRATION	
Mandate of the Principal Secretary	57. Subject to the directions of the Cabinet Secretary, the Principal Secretary is responsible for the administration of this Act.

NIIMS staff	<p>58. (1) The Public Service Commission shall appoint such NIIMS registration officers as may be necessary for the implementation of this Act.</p> <p>(2) The Principal Secretary, on recommendation from the Public Service Commission, may designate any person from amongst the staff appointed under subsection (1) to serve as a director, or exercise any supervisory duty in the implementation of this Act as may be provided in the instrument of appointment.</p>
Dispute resolution mechanisms	<p>59. The Principal Secretary shall establish mechanisms for lodging complains and facilitating amicable and expeditious settlement of dispute by any person aggrieved by any decision under this Act.</p>
Mitigation against discrimination	<p>60. In implementing this Act, the Cabinet Secretary shall develop measures to mitigate on any legal, procedural, and social barriers that may limit the enrolment, with special attention being paid to any group of persons at risk of exclusion for cultural, political or any other reason.</p>
Establishment of the NIIMS Committee	<p>61. (1) There is established the NIIMS coordination Committee.</p> <p>(2) The Committee comprises of the—</p> <ul style="list-style-type: none"> (a) Principal Secretary, who shall be the chairperson; (b) Principal Secretary for the State Department responsible for information, communication and technology, or a representative appointed in writing; (c) Principal Secretary for the National Treasury, or a representative appointed in writing (d) Principal Secretary for the State Department responsible for basic education or a representative appointed in writing; (e) Principal Secretary for the State Department responsible for labour and social services or a representative appointed in writing; (f) Solicitor General or a representative appointed in writing; (g) Inspector General of Police or a representative appointed in writing; (h) chief executive officer of the Independent Electoral and Boundaries Commission; (i) Commissioner General for the Kenya Revenue Authority; (j) chief executive officer of National Hospital Insurance Fund; <p>and</p>

	(k) chief executive officer of the Kenya National Bureau of Statistics.
Functions of the Committee	<p>62. (1) The function of the Committee is to—</p> <ul style="list-style-type: none"> (a) formulate policies and guidelines to ensure effective coordination and implementation of the NIIMS; (b) set standards and develop guidelines for data collection and dissemination to ensure consistency and accuracy of information; (c) ensure compatibility of technology infrastructure of different government agencies to comply with the requirements of NIIMS; (d) formulate a framework for coordinating the agencies accessing the NIIMS database; (e) setting up of monitoring and evaluation mechanism; and (f) any other function assigned to the Committee by the Cabinet Secretary. <p>(2) The Committee shall submit a report to the Cabinet at the end of every quarter of the year in respect of its activities and operations.</p>
Sub-Committees of the Committee	<p>63. (1) The Committee may, from time to time, establish sub-committees and such other inter-agency units as it may consider necessary for the better carrying out of its functions under this Act.</p> <p>(2) The Committee may co-opt into the sub-committees established under subsection (1) public officers whose participation is necessary for the proper performance of the functions of the Committee.</p>
PART VI—PROVISIONS ON DELEGATED POWERS	
Regulations	<p>64. (1) The Cabinet Secretary may make regulations generally for the better carrying into effect of any provision under this Act.</p> <p>(2) The regulations made under this section may provide for —</p> <ul style="list-style-type: none"> (a) further information required to be recorded in the NIIMS database; (b) procedure for registration of birth and death; (c) issuance of Huduma card, Passport, or any other identity

	<p>document;</p> <p>(d) any alterations in the particulars recorded in the NIIMS database; and</p> <p>(e) imposition of fees.</p>
<p>PART VI – GENERAL PROVISIONS</p>	
Financial provision	<p>65. The implementation of this Act shall be funded by funds appropriated by Parliament in the annual estimates.</p>
Mandatory verification of selected databases	<p>66. Upon the completion of initial enrolment under this Act, an agency responsible for matters outlined shall validate and update functional data of individuals under their possession with the NIIMS—</p> <ul style="list-style-type: none"> (a) registration of adoptions; (b) registration of marriages; (c) public pension; (d) registration of tax payers; (e) licensing and registration of drivers; (f) national health insurance; (g) provision of social security; (h) registration of refugees; (i) maintenance of public labour records; and (j) land registration;
Repeals and transitional provisions	<p>67. (1) The following Acts of Parliament are repealed</p> <ul style="list-style-type: none"> (a) The Births and Deaths Registration Act (CAP 149); (b) The Registration of persons Act (CAP 107); and (c) The Kenya Citizens and Foreign Nationals Management Service Act (No 31 of 2011). <p>(2) Any action validly taken under any of the repealed Acts shall be deemed to have been validly carried out under this Act.</p> <p>(3) A public officer who, immediately before the commencement of this Act, was a member of staff of entities commonly known as the National Registration Bureau, the Civil Registration Services, and Integrated Population Registration System Bureau, shall be transitioned to carry out duties of implementing this Act.</p>

	<p>(4) The validity of the identification card issued under the Registration of Persons Act shall cease upon issuance of the Huduma Card under this Act.</p> <p>(5) The Permanent Secretary shall take charge of the assets, liabilities, and any contracts in possession or entered by the entities referred to under subsection (3) and may deploy such assets for the performance of activities under this Act.</p>
Consequential amendments	<p>68. The laws specified in the first column of the Third Schedule are amended, in the provisions specified in the second column thereof, in the manner respectively specified in the third column.</p>

For public consultations

FIRST SCHEDULE (S. 6)
NIIMS DATABASE ENTRIES

The following particulars may be recorded in a registered individual's entry in the NIIMS database-

1. Foundational data

- (a) full name;
- (b) other names by which an individual is or has been known;
- (c) date of birth;
- (d) place of birth;
- (e) sex;
- (f) photograph of the individual's head and shoulders;
- (g) signature;
- (h) fingerprints and any other biometric data; and
- (i) nationality

2. Contacts details

- (a) Primary phone number;
- (b) email address; and
- (c) address of principal place of residence

3. Personal reference numbers

- (a) Huduma Namba;
- (b) birth entry number;
- (c) Kenyan Passport number, if any;
- (d) tax payer PIN details;
- (e) Number of a driving license issued, if any;
- (f) National Hospital Insurance Fund number, if any;
- (g) National Social Security Fund number, if any;
- (h) National Education Management Information System number, where applicable;
- (i) Number of any immigration document issued to an individual;
- (j) Number of any identity detail issued by any authority outside Kenya;

4. Record history

- (a) particulars of changes affecting that information and of changes made to the individual's entry in the database;
- (b) date of the individual's death, where death occurs.

5. Registration history

- (a) date of every application made;
- (b) date of every application by the individual for a modification of any individual's entry;
- (c) date of every application by the individual confirming the contents of the entry or entries made in the database;
- (d) reason for any omission from the information recorded in the individual's entry;
- (e) particulars of every Huduma card issued;
- (f) Any revocation of Huduma card; and
- (g) particulars of every person who has countersigned an application by the individual so far as those particulars were included on the application; and

6. Validation information

- (a) a password or other code to be used for that purpose or particulars of a method of generating such password or code;
- (b) questions and answers to be used for identifying a person seeking to make such an application or to apply for or to make a modification of that entry.

For public consultations

SECOND SCHEDULE (S. 56)

PENALTIES FOR OFFENCES

Narration	Section	Period of imprisonment (Not exceeding)	Monetary fine (in Kenya shillings) (Not exceeding)
Transaction without Huduma Namba	48	1 year	1 million
Enrolment offences	49	5 years	5 million
Tampering with Huduma card	50	3 years	3 million
Unlawful production of Huduma card	51	3 years	3 million
Offence for failure to register a birth	52	1 year	1 million
Unauthorised disclosure of data	53	5 years	5 million
Offence for failure to register a death	54	2 years	2 million
General penalty	55	6 months	500,000

THIRD SCHEDULE (S. 68)

CONSEQUENTIAL AMENDMENTS

Written law	Section	Amendment
Tax Procedures Act (No. 29 of 2015)	8	<p>Insert the following new subsections immediately after subsection (9) –</p> <p style="padding-left: 40px;">(10) Every resident individual who has enrolled into the NIIMS established under the Huduma Act shall by default be registered as a taxpayer upon attaining the age of eighteen years.</p> <p style="padding-left: 40px;">(11) After the initial enrolment of resident individuals under the Huduma Act, the Commissioner shall activate a tax obligation of any resident individual above the age of eighteen years not registered as a taxpayer.</p>
	11	<p>Renumber the section as subsection (1)</p> <p>Insert the following new subsection immediately after subsection (1)—</p> <p style="padding-left: 40px;">(2) The Huduma Namba assigned to an individual under the Huduma Act 2019 shall serve as PIN for the purpose of tax law.</p>
Kenya citizenship and Immigration Act (No 12 of 2011)	2	<p>Delete the definition of the word “passport” and substitute therefor following new definition—</p> <p>“Passport” has the meaning assigned to it under the Huduma Act, 2019”</p>
	24	Repeal
	25	Repeal
	26	Repeal
	27	Repeal
	28	Repeal
	29	Repeal
	30	Repeal

	32	Repeal
Refugees Act (No 13 of 2006)	14(a)	Delete and substitute therefor with the following paragraph— (a) Huduma Namba
	15 (1) (a)	Delete and substitute therefor with the following paragraph— (a) Huduma Namba and the relevant Huduma card
	15 (1) (b)	Delete
National Hospital Insurance Fund Act (No 9 of 1988)	21(1)	Delete and substitute therefor the following subsection— (1) The Huduma Namba issued to an individual under the Huduma Act shall be used to access any service under the fund.
	21(2)	Delete
Elections Act (No 24 of 2011)	4	Insert the following new subsection immediately after subsection (3)— (4) The Commission shall use the information contained under the NIIMS database to compile, maintain, revise and update the voters register
	5(3)	Delete and substitute therefor the following subsection – (3) The Commission shall by default register as a voter every citizen who has attained the age of eighteen years and has been issued with the Huduma Namba. Insert the following new subsection immediately

		<p>after subsection (3)—</p> <p>(3A) A citizen who has been registered as a voter by default shall be required to update any other detail as may be required under this Act or any other election law.</p>
	8	<p>Insert the following new subsection immediately after subsection (3)—</p> <p>(4) For purposes of paragraph 2(b), the Commission shall utilise the NIIMS database as established under the Huduma Act</p>
	8A (2)	<p>Delete and substitute therefor the following subsection—</p> <p>(2) The Commission shall utilise the information held in the NIIMS database for the purpose of conducting an audit under subsection (1).</p>
Marriage Act, 2014	New provision	<p>Insert the following new section immediately after section 93—</p>
		<p>Defining a marriage into NIIMS database</p> <p>93A. (1) The Registrar shall cause the following actions to be defined into the National Integrated Identity System database—</p> <p>(a) registration of a marriage; and</p> <p>(b) annulment of a marriage.</p> <p>(2) Upon receipt of information under subsection (1), a designated NIIMS officer shall –</p> <p>(a) update the particulars of parties under the NIIMS database to reflect the new status; and</p> <p>(b) cause the certificate of</p>

			marriage or decree of annulment of marriage to be downloadable or otherwise accessible by parties under the NIIMS database.
Children Act, No 8 of 2001	170	<p>Insert the following new subsection immediately after subsection (5)</p> <p>“(6) The Registrar shall communicate to a designated NIIMS officer a successful completion of adoption and cause the particulars of the parties to be updated in accordance with the Huduma Act, 2019.”</p>	

For public consultations

MEMORANDUM OF REASONS AND OBJECTS

BACKGROUND

One of the observed shortcomings on Kenya's identity ecosystem is the fact that the two identity modes—the foundational and functional systems—have little interoperability. Foundational systems are civil registrations meant to provide general identification for official purposes, such as a national ID, birth certificate and refugee registrations while functional systems are registrations for a particular service or transaction such as health cards, passports and driving licences, each relating to a particular agency.

The national Identity Card card, despite having all the personal data details, including biometrics, has very little utility in functional areas. The failure to have linkage between foundational and functional systems has led to duplication in registrations of persons, wastage of resources and diminution of trust in the identity ecosystem

This Bill seeks to reform the identity ecosystem. It adopts the foundational Identity system model. It establishes the National Integrated Identity Management System (NIIMS) that will be a primary database for both foundational and functional data, from which every other database with personal data of residents in Kenya, such as databases of voters, taxes, and social services, will be built. This will create an efficient identity system that will present opportunities for fiscal savings, development of the digital economy and enhanced public and private sector service delivery.

OVERVIEW OF THE BILL

PART I contains preliminaries and sets out the objects of the Act.

PART II establishes NIIMS, which will operate as a single source of personal data for all citizens and resident individuals in Kenya. The set up of NIIMS is guided by the principles of Digital Object Architecture. It includes three components namely: NIIMS database, Huduma Namba, and Huduma Card.

PART III sets out procedure on the enrolment into NIIMS. The first enrolment is for mass registration of stock population, with the other being continuous enrolment of newborns to be done immediately after registration of a birth. The part further offers guidance on continuous update of personal data, assignment of Huduma Namba and issuance of Huduma card. Upon death, the Huduma Namba of a deceased person is retired and Huduma card revoked.

PART IV contains provisions on issuance of passports. The part provides that only Huduma Namba and data contained under the NIIMS database would be utilized to issue a passport and consequently scraps other onerous requirements.

PART V sets out data protection safeguards accorded to NIIMS. The part adopts international best principles of data protections, including those provided for under the EU General Data Protection Regulations (GDPR). The Principal Secretary is designated as the data controller for the NIIMS, with a mandate to ensure data privacy rights of enrolled persons is observed. The part provides the provisions of any written law specific on matters on data protection would apply in addition.

PART VI outlines offences for various acts of contravening the Act. The part designates NIIMS as a protected computer system within the meaning of section 20(2) of the Computer Misuse and Cybercrimes Act, 2018. For clarity, the penalties for offences are provided for under the schedule.

PART VI provides for the administration of the Act. It designates the constitutional office of the Principal Secretary to be responsible for proper administration of the Act. It further establishes a coordination committee to provide a seamless collaboration between various government agencies.

PART VI has provisions empowering the Cabinet Secretary to further make regulations to implement the Act.

PART VII contain general provisions, which include repeal of various laws dealing with activities collapsed under NIIMS and transition of staff conducting activities under those laws.

SCHEDULES. The First Schedule of foundational and functional data to be contained under the NIIMS database. The Second Schedule enumerates penalties for offences. The Third Schedule sets out consequential amendments on various laws to align them with this Act.

Statement on the delegation of legislative powers

The Bill confers on the Cabinet Secretary the powers to make regulations under the Act in order to implement its objectives.

Statement on limitation of fundamental rights and freedoms

The Bill does not limit any fundamental right or freedoms.

Statement on whether the Bill concerns County Governments

The Bill does not deal with a matter concerning the County Governments in terms of Article 110(1) (a) and does not contain any matter affecting the functions of county governments as contained in the Fourth Schedule to the Constitution.

Statement on whether the Bill is a money bill

The Bill is a money bill within the meaning of Article 114 of the Constitution. Its enactment may occasion additional expenditure of public funds.

Dated.....2019

Dr. FRED MATIANG'I

Cabinet Secretary, Ministry of Interior and Coordination of National Government

For public consultations