



LEGAL NOTICE NO.....

THE REGISTRATION OF PERSONS ACT
(Cap 107)

**THE REGISTRATION OF PERSONS (NATIONAL INTEGRATED
IDENTITY MANAGEMENT SYSTEM) REGULATIONS, 2020**

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FOR PUBLIC ENGAGEMENT

THE REGISTRATION OF PERSONS ACT
(Cap 107)

IN EXERCISE of the powers conferred by section 16 of the Registration of Persons Act, the Cabinet Secretary for Interior and Co-ordination of National Government makes the following Regulations—

THE REGISTRATION OF PERSONS (NATIONAL INTEGRATED IDENTITY MANAGEMENT SYSTEM) REGULATIONS, 2020

PART I – PRELIMINARY

- Citation. 1. These Regulations may be cited as the Registration of Persons (National Integrated Identity Management System) Regulations, 2020.
- Interpretation. 2. In these Regulations, unless the context otherwise requires—
- Cap 107. “Act” means the Registration of Persons Act;
- “enrolment” means the process of collecting specified particulars from an individual for the purpose of assigning the Huduma Namba;
- “Huduma card” means a digital multipurpose identity card issued to an individual under the Act;
- “Huduma Namba” means a unique identification number issued to an individual under the Act;
- “foundational data” means the basic personal data of an individual for attesting the individual’s identity and includes biometric data and biographical data;
- “functional data” means the data of a resident individual created in response to a demand of a particular service or transaction;
- “NIIMS” means the National Integrated Identity Management System established under section 9A (1) of the Act; and
- “resident individual” means a—
- (a) citizen of Kenya;
 - (b) foreign national who has been granted lawful residency in Kenya; or
 - (c) refugee permitted in Kenya.
- Object of the Regulations. 3. The object of these Regulations is to—
- (a) give effect to section 9A of the Act;
 - (b) provide mechanisms for operation and maintenance of the NIIMS; and

- (c) facilitate the assigning of the Huduma Namba and issuance of the Huduma card to a resident individual.

PART II—STRUCTURE AND COMPONENT OF NIIMS

NIIMS
Component.

- 4.** The National Integrated Identity Management Systems shall consist of the—

- (a) NIIMS database;
- (b) Huduma Namba; and
- (c) Huduma card.

NIIMS
Database.

- 5.** The NIIMS database—

- (a) is an integrated digital population register of resident individuals enrolled under the Act;
- (b) shall operate as the primary source of foundational data for every enrolled resident individual; and

(c) shall contain—

- (i) foundational data provided for under section 5 (1) of the Act; and
- (ii) functional data generated and linked by any agency responsible for a function requiring the use of the Huduma Namba.

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Functions of NIIMS database.

- 6.** Pursuant to section 9A(2) of the Act, the NIIMS database shall—
- (a) enable use of biometric data to identify an enrolled resident individual;
 - (b) facilitate use of data under the NIIMS database to—
 - (i) assign the Huduma Namba;
 - (ii) issue the Huduma card;
 - (iii) issue a passport; and
 - (iv) support access and issuance of electronically generated copies of identity documents.

Huduma Namba .

- 7.** (1) The Huduma Namba is a unique and permanent personal identification number randomly assigned to an enrolled resident individual.
- (2) The Huduma Namba is assigned to a resident individual upon enrolment into the NIIMS.

Huduma Card.

- 8.** (1) A resident individual who has enrolled into the NIIMS shall be issued with a Huduma card.
- (2) The Huduma card shall on its face contain the Huduma Namba and particulars provided for under section 9(2) of the Act.
- (3) The types of Huduma card that may be issued under these Regulations are the—
- (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;
 - (c) foreign national's Huduma card; or
 - (d) Refugees' Huduma card.

Primacy of Huduma Namba.

- 9.** For purposes of establishing proof of identity, the presentation of the Huduma card or Huduma Namba authenticated by biometrics shall constitute sufficient proof.

NIIMS as primary source of foundational data.

- 10.** A Government agency requiring personal particulars of an individual shall, at the first instance, rely on the NIIMS database to authenticate the foundational data of an enrolled resident individual.

PART III—ENROLMENT INTO NIIMS

Enrolment of adults.

- 11.** An adult resident individual enrolling into the NIIMS shall—

- (a) appear in person before a designated registration officer;
- (b) provide particulars under section 5 (1) of the Act;
- (c) avail any other specified documentary proof.

Enrolment of minors.

- 12.** (1) A minor may be enrolled into the NIIMS by appearing before a designated registration officer accompanied by a parent or a guardian.

- (2) The parent or guardian shall—

- (a) present documents in support of age and citizenship of a minor;
- (b) consent to the enrollment of the minor by embossing a thumb print or a signature on the enrolment form.

- (3) A newborn shall be enrolled into NIIMS immediately upon registration of a birth.

Assigning Huduma Namba.

- 13.** (1) The Principal Secretary shall, upon examining the information provided by the applicant, —

- (a) assign a Huduma Namba to the individual within thirty days of application; and
- (b) notify the individual of the successful enrolment.

(2) Where an applicant is not enrolled, the Principal Secretary shall communicate in writing to the applicant and provide—

(a) reasons for such decision; and

(b) right of review or appeal available to the applicant.

Issuance of Huduma card.

14. (1) The Huduma card shall be issued to an individual who has been assigned a Huduma Namba within thirty days from the date of such assignment.

(3) Despite paragraph (1), a minor is only eligible to be issued with a minors' Huduma card upon—

(a) attaining the age of six years, and

(b) taking of the required biometric data.

(4) The initial issue of the Huduma card to a citizen is free of charge.

(5) An individual whose Huduma card is lost, worn out, or tampered with shall apply for a replacement and pay a specified fee.

Update of particulars.

15. (1) An enrolled resident individual may update their particulars under NIIMS by notifying a designated registration officer of any change in the particulars.

(2) Upon the receipt of a notification of change of particulars under paragraph (1), the designated registration officer shall verify the information provided and update the NIIMS database.

Identity documents.

16. The production of any document outlined under section 9A 2(d) of the Act shall rely on foundation data under the NIIMS database.

Application
of Data
Protection
Act.
No. 24 of
2019

17. The provisions of the Data Protection Act, 2019 shall apply to the processing of personal data under the Act and these Regulations.

NIIMS
Linkages.

18. A government agency that relies on foundational data of resident individuals to deliver a public service may be linked to the NIIMS database in a manner that enables the agency to—

- (a) authenticate personal data in their possession with NIIMS database; and
- (b) transmit, access or retrieve foundational data necessary for proper discharge of the agency’s functions.

Made on the, 2020.

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