

CAYMAN ISLANDS



**CAYMAN ISLANDS IDENTIFICATION
CARD BILL, 2022**

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**A BILL FOR AN ACT TO PROVIDE FOR THE ISSUANCE AND USE OF AN OFFICIAL
IDENTIFICATION DOCUMENT IN THE CAYMAN ISLANDS; AND FOR INCIDENTAL
AND CONNECTED PURPOSES**

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Investment, Innovation and Social Development (IISD)



Memorandum of
OBJECTS AND REASONS

This Bill provides for the issuance and use of an official identification document in the Cayman Islands and for incidental and connected purposes.

The Bill contains seven Parts and thirty-seven clauses.

PART 1 – PRELIMINARY

Part 1 contains clauses 1 and 2 and provides for preliminary matters.

Clause 1 provides the short title and commencement of the legislation.

Clause 2 contains definitions of certain terms that are used in the Bill.

PART 2 - CAYMAN ISLANDS IDENTIFICATION CARD

Part 2 contains clauses 3 to 13 and deals with the issuance of an official identification document known as the Cayman Islands Identification Card (“identification card”).

Clause 3 provides for the use of an identification card.

Clause 4 specifies the eligibility criteria for the issuance of an identification card.

Clause 5 provides for the application for the issuance of an identification card.

Clause 6 requires the Registrar to verify the identity of an individual who applies for the issuance of an identification card.

Clause 7 sets out the conditions under which the Registrar may issue an identification card.

Clause 8 sets out the grounds on which the Registrar may refuse to issue an identification card.

Clause 9 enables the Registrar to issue an identification card to an individual who is incapacitated or is in the care and custody of a public institution.

Clause 10 sets out the information that would be contained on the identification card.

Clause 11 prescribed the circumstances under which an identification card is valid.

Clause 12 requires the Registrar to rectify errors that are discovered, in order to ensure that data in the identification card are accurate.

Clause 13 prohibits the transfer of a person’s identification card to another person.



PART 3 - OBLIGATIONS OF THE HOLDER

Part 3 contains clauses 14 to 15 and provides for the obligations of the holder.

Clause 14 requires the holder of an identification card to notify the Registrar of any inaccuracy in the data entered in the identification card and of any malfunction of any feature of the identification card.

Clause 15 requires the holder of an identification card to notify the Registrar as soon as practicable where the individual has reasonable cause to suspect that the identification card is lost, stolen, damaged, tampered with, used by another person's without permission or destroyed.

PART 4 - SURRENDER, CANCELLATION AND DESTRUCTION OF CAYMAN ISLANDS IDENTIFICATION CARD

Part 4 contains clauses 16 to 20 and provides for the surrender, cancellation and destruction of the identification card.

Clause 16 requires that a person who is knowingly in possession of an identification card without having the lawful authority of the holder or the permission of the Registrar must notify the Registrar of the person's possession of the identification card and comply with any directions the Registrar may issue in respect of the identification card. In these circumstances, the Registrar may require the person to surrender the identification card, provide further instructions to the person regarding the identification card, or suspend or cancel the identification card. A person may also voluntarily surrender an identification card by notifying the Registrar of the person's intention to do so in the manner specified by the Registrar.

Clause 17 empowers the Registrar to suspend an identification card upon being satisfied that, among other things, the identification card was based on inaccurate or incomplete information, the identification card was issued in error or the identification card has been lost, stolen, tampered with or destroyed.

Clause 18 provides for the circumstances in which the Registrar may cancel an identification card such as where the application for the identification card contained false or misleading information or there has been an unauthorized modification of the information in the register in respect of the holder.

Clause 19 gives the Registrar the power to restore an identification card where the Registrar is satisfied that the issue in relation to the suspension, cancellation or such other limitation has been resolved or there is an existing legitimate interest for doing so.

Clause 20 sets out the circumstances in which the Registrar may destroy an identification card and the procedures to be followed in relation to notifying the holder of the proposed destruction of the identification card.



PART 5 - PROTECTION AND CONFIDENTIALITY OF INFORMATION

Part 5 contains clauses 21 to 25 and provides the requirements for the protection and confidentiality of information.

Clause 21 provides that the identification card may be used to authenticate the identity of its holder.

Clause 22 empowers the Registrar or law enforcement to demand that a person having possession or control of an identification card (including a document purporting to be identification card) to surrender it to the those authorities where there is reasonable grounds to suspect that it has been obtained by means of any false or misleading information, used in the commission of an offence under the legislation or is a falsified or forged.

Clause 23 requires the Registrar to take necessary technical and organisational measures and implement necessary safeguards to ensure that the information in the possession or control of the Registrar, including information stored in the register and the card database, is secured and protected against access, use or disclosure not permitted under the legislation or the regulations made under the legislation, or accidental or intentional destruction, loss or damage.

Clause 24 stipulates that, except under certain prescribed conditions, the identification information collected under the legislation may be disclosed only in accordance with the provisions of the legislation, any regulations made under the legislation or the Identification Register Act, 2022.

Clause 25 imposes a duty of confidentiality on a person who has an official duty or is employed in the administration of the legislation, is a current or former agent or consultant of the Registrar, and creates an offence for the breach of the duty.

PART 6 - OFFENCES

Part 6 contains clauses 26 to 33 and provides for offences under the legislation.

Clause 26 provides for the offence of personation of a holder of an identification card.

Clause 27 makes it an offence for a person to not collect or attempt to collect identification information without authorization.

Clause 28 criminalizes the wilful obstruction of or impeding the Registrar in the exercise of the Registrar's functions under the legislation.

Clause 29 prohibits the making, production, manufacture, printing, binding, designing, copying or distribution of any document or digital feature, purporting that the document is an identification card or the digital feature is that of an identification card. A person who contravenes this provision commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of two years, or to both.

Clause 30 provides for the offence of providing false information in relation to any application, request, notification or submission under the legislation.

Clause 31 provides for certain offences in relation to the identification card such as the wilful destruction, mutilation, tampering, misuse, alteration or deprivation of a holder's identification card.

Clause 32 creates an offence for a person to corrupt, damage, disrupt, modify or interfere with the functioning and contents of the card database.

Clause 33 provides that a reference to the identification card includes a reference to any data or digital feature entered, inserted or encoded on or in the identification card.

PART 7 - GENERAL

Part 7 contains clauses 34 to 37 and provides for general matters.

Clause 34 provides for the liability of a director, secretary or similar officer of the body corporate or a person who was purporting to act in any such capacity where an offence has been committed by a body corporate.

Clause 35 specifies, among other things, that no suit or other proceedings may be brought or instituted personally against the Registrar or any officer appointed by the Registrar in respect of any lawful act done, or omission made, in good faith, in the course of carrying out the respective person's duties under the legislation.

Clause 36 enables a person aggrieved by a decision of the Registrar to appeal the decision by submitting a written notice of the person's intention to appeal to the Chief Officer of the Ministry in accordance with the procedure prescribed by regulations.

Clause 37 enables the Cabinet to make regulations for the better carrying out of the objects and purposes of the legislation.



CAYMAN ISLANDS



CAYMAN ISLANDS IDENTIFICATION CARD BILL, 2022

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CAYMAN ISLANDS**CAYMAN ISLANDS IDENTIFICATION CARD
BILL, 2022**

A BILL FOR AN ACT TO PROVIDE FOR THE ISSUANCE AND USE OF AN OFFICIAL IDENTIFICATION DOCUMENT IN THE CAYMAN ISLANDS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

PART 1 - PRELIMINARY**Short title and commencement**

1. (1) This Act may be cited as the Cayman Islands Identification Card Act, 2022.
- (2) This Act comes into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Act and in relation to different matters.

Interpretation

2. In this Act —

“**authentication**” has the meaning assigned by section 2 of the *Identification Register Act, 2022*;

“**card database**” means —

- (a) a record of each Cayman Islands Identification Card that is —
 - (i) produced;

- (ii) issued;
- (iii) suspended;
- (iv) cancelled; or
- (v) destroyed; and

(b) the data associated with each card;

“Cayman Islands Identification Card” means the document referred to under section 3(1) and issued under section 7;

“Cayman Islands Identification Card customer centre” means a place specified by the Registrar for the collection and issuance of the Cayman Islands Identification Card;

“Cayman Islands Identification Card System” includes the card database and —

- (a) processes;
- (b) automated retrieval and storage;
- (c) procedures;
- (d) networks;
- (e) services;
- (f) software;
- (g) measures; and
- (h) interconnected and associated elements,

required for the generation and issue of the Cayman Islands Identification Card and the verification of the identity of an applicant for or holder of a Cayman Islands Identification Card;

“Caymanian” has the meaning assigned by section 2 of the *Immigration (Transition) Act (2022 Revision)*;

“Chief Officer” means the Chief Officer for the Ministry responsible for the register and the Cayman Islands Identification Card;

“communication technology” means any electronic device or process that facilitates communication of visual images and audio in real time between the Registrar and a remotely located individual and includes video conferencing;

“digital features” means the electronic functions and features of a Cayman Islands Identification Card including the facility for the provision of the authentication of the identity of the holder and the digital signature of the holder;

“digital signature” means information stored in an electronic format and attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record;



“**document**” includes an article in, or on, which information is or may be recorded;

“**electronic**” has the meaning assigned by section 2 of the *Electronic Transactions Act (2003 Revision)*;

“**electronic record**” has the meaning assigned by section 2 of the *Electronic Transactions Act (2003 Revision)*;

“**eligible individual**” means an individual who is eligible under section 4 to apply for the issuance of a Cayman Islands Identification Card;

“**entry**” means an entry of any particular or information on or in the Cayman Islands Identification Card and includes an entry that is made electronically or digitally;

“**holder**” means an individual who has been issued a Cayman Islands Identification Card under this Act;

“**identification code**” has the meaning assigned by section 2 of the *Identification Register Act, 2022*;

“**identification information**” has the meaning assigned by section 2 of the *Identification Register Act, 2022*;

“**identity facts**” has the meaning assigned by section 2 of the *Identification Register Act, 2022*;

“**issue**” includes renewal, replacement or re-issue, with or without modification, of a Cayman Islands Identification Card;

“**legal and ordinary residence**” has the meaning assigned by section 2 of the *Immigration (Transition) Act (2022 Revision)*;

“**legally and ordinarily resident**” means a person who has legal and ordinary residence in the Islands;

“**modification**” includes omission, addition or alteration, and cognate expressions shall be construed accordingly;

“**register**” means the Identification Register established under section 3 of the *Identification Register Act, 2022*;

“**registered person**” has the meaning assigned under section 2 of the *Identification Register Act, 2022*;

“**registering officer**” means a person authorized by the Registrar to enrol an individual in the register and to issue a Cayman Islands Identification Card;

“**Registrar**” has the meaning assigned by section 2 of the *Identification Register Act, 2022* and includes any person delegated by the Registrar to perform any of the Registrar’s functions under this Act;

“**related facts**” has the meaning assigned by section 2 of the *Identification Register Act, 2022*;

“**reliable document**” means an identification document or source of data used to verify identity a subject’s information and that is generally recognized among entities as reliable;

“**principal contact information**” has the meaning assigned by section 2 of the *Identification Register Act, 2022*;

“**public authority**” has the meaning assigned by section 2 of the *Data Protection Act (2021 Revision)*; and

“**verification**” means the process by which the accuracy of information received by the Registrar is established by comparing the information received with reliable documents and other information.

PART 2 - CAYMAN ISLANDS IDENTIFICATION CARD

Cayman Islands Identification Card

3. (1) A Cayman Islands Identification Card is an official Government identification document for use within the Islands.
- (2) A Cayman Islands Identification Card may be used by an individual as a means of —
- (a) authenticating the individual’s identity, physically or digitally, as the individual or another person may require;
 - (b) accessing the identification information related to the individual held in the register;
 - (c) accessing information related to the individual by reference to the individual’s identification code; and
 - (d) enabling the digital signing of the individual.
- (3) Notwithstanding the generality of subsection (2), a Cayman Islands Identification Card may be used for any of the following purposes —
- (a) to record certain identity facts and related facts about the individual that are recorded as part of that individual’s entry in the register or the card database;
 - (b) to facilitate the making of an application for identification information recorded in an individual’s entry in the register or otherwise facilitating the provision of the identification information to a person or entity;
 - (c) to enable an individual to authenticate or verify information recorded in an individual’s entry in the register or otherwise facilitating the provision of that information or connected information from other systems to a person;
 - (d) to provide a secure and reliable means by which an individual’s identity can be digitally authenticated;



- (e) to facilitate the authentication of documents or other electronic records of transactions by means of the individual's electronic signature; and
 - (f) allowing a registered person to share identification information with another party.
- (4) A Cayman Islands Identification Card may contain mechanisms to reference, retrieve and share information on the individual specified in subsection (2).

Eligibility for issuance of a Cayman Islands Identification Card

4. (1) An individual is eligible for the issue of a Cayman Islands Identification Card if the Registrar is satisfied that the individual has been entered in the register or is an individual who falls within a category of persons who are eligible individuals under regulations prescribed by the Cabinet.
- (2) Notwithstanding subsection (1), the Registrar may issue a Cayman Islands Identification Card, subject to such terms and conditions as the Registrar shall specify, to an individual who is under eighteen years where a parent or legal guardian of the individual has applied for the issuance of a Cayman Islands Identification Card on behalf of the person.

Application for the issuance, renewal or replacement of Cayman Islands Identification Card

5. (1) An eligible individual may apply to the Registrar for the issuance of a Cayman Islands Identification Card by submitting an application which shall be —
- (a) in the form and manner determined by the Registrar, whether in person or online, or both; and
 - (b) accompanied by the relevant fee as may be prescribed.
- (2) For the purposes of subsection (1), the Registrar may require an individual who applies for the issuance of a Cayman Islands Identification Card (“the applicant”) to —
- (a) appear in person before the Registrar;
 - (b) be photographed;
 - (c) provide the individual's signature; or
 - (d) provide such further information as may be requested by the Registrar.
- (3) An individual who wishes to withdraw an application submitted under subsection (1) may notify the Registrar of the individual's intention in such manner as the Registrar may determine.

Identification of person and verification of identity

6. (1) The Registrar shall, upon receiving an application for the issuance of a Cayman Islands Identification Card, verify —

- (a) the existence of an individual with the identity corresponding to the application; and
 - (b) that the applicant is the same individual referred to in paragraph (a).
- (2) For the purposes of subsection (1), the Registrar may require an applicant for a Cayman Islands Identification Card to —
- (a) appear before the Registrar —
 - (i) in person;
 - (ii) by way of communication technology; or
 - (iii) in such other manner as the Registrar may determine;
 - (b) be photographed; or
 - (c) provide such further information as the Registrar may require to be submitted in the form and manner as specified by the Registrar.

Issuance and renewal of Cayman Islands Identification Card

7. (1) The Registrar shall issue a Cayman Islands Identification Card to an individual who submitted an application for a Cayman Islands Identification Card under section 5, where the Registrar is satisfied that —
- (a) the individual is an eligible individual for the issue or renewal of a Cayman Islands Identification Card;
 - (b) the identity of the individual has been verified and the identification information is considered by the Registrar as sufficiently complete, up-to-date and accurate in order to be used to issue the Cayman Islands Identification Card; and
 - (c) the individual has paid the prescribed fee.
- (2) Upon the issue of a Cayman Islands Identification Card, the Registrar may require an individual to acknowledge receipt of the Cayman Islands Identification Card in the manner specified by the Registrar.
- (3) The Registrar may require that an individual under subsection (1) appear before the Registrar —
- (a) in person;
 - (b) by way of communication technology; or
 - (c) in such other manner as the Registrar may determine,
- in order to receive the Cayman Islands Identification Card.
- (4) Notwithstanding subsection (3), a Cayman Islands Identification Card may be issued to the representative of an individual under subsection (1) where upon the individual's application for the Cayman Islands Identification Card, the individual has authorized his or her representative to receive the individual's Cayman Islands Identification Card.



- (5) The Cabinet, in consultation with the Registrar, may make Regulations to prescribe the procedure for the authorization of a representative under subsection (4).
- (6) An individual to whom a Cayman Islands Identification Card has been issued under this section shall ensure the safety and preservation of the Cayman Islands Identification Card.
- (7) The Registrar shall keep in the card database a record of every Cayman Islands Identification Card issued under this section.
- (8) The Registrar may delegate the Registrar's powers to issue Cayman Islands Identification Cards under this Act to such other person as the Registrar considers appropriate.
- (9) The Cabinet, in consultation with the Registrar, may make Regulations to provide for the delegation of powers by the Registrar to issue Cayman Islands Identification Cards under subsection (8).
- (10) The issue of a Cayman Islands Identification Card shall not —
 - (a) confer on its holder any right of having —
 - (i) the immigration status of a Caymanian or any other immigration status; or
 - (ii) the right to reside or remain in the Islands; or
 - (b) by itself be proof of the immigration status or right to reside of a registered person.

Refusal to issue Cayman Islands Identification Card

- 8.** The Registrar, in reviewing an application under section 5, shall refuse to issue a Cayman Islands Identification Card to an individual making an application under that section where —
- (a) the individual is not a registered person;
 - (b) the individual has not paid any fee that may be prescribed under section 5(2);
 - (c) the individual's identity has not been verified in accordance with section 6; or
 - (d) the individual refuses to submit any of the information required under section 6.

Issuance of Cayman Islands Identification Card in certain circumstances

- 9.** (1) Notwithstanding sections 6 to 8, where an applicant for a Cayman Islands Identification Card under section 5 —
- (a) is incapacitated; or

- (b) is in the care and custody of a public institution, and cannot appear before a registering officer, the incapacitated person or institutionalised person or any person authorised to act on the behalf of the incapacitated person or institutionalised person shall, by an instrument in writing, inform the Registrar of the circumstances set out in paragraph (a) or (b), as applicable.
- (2) The Registrar, upon being informed of the circumstances set out in subsection (1) may instruct a registering officer —
- (a) to enrol the incapacitated person or institutionalised person under subsection (1) in the register; and
 - (b) to facilitate the issuance of a Cayman Islands Identification Card to the incapacitated person or institutionalised person; or
 - (c) to replace an identification card that is lost, stolen, damaged, destroyed, tampered with or defaced.
- (3) Where a registering officer has been instructed to visit an incapacitated or institutionalized person pursuant to subsection (2), the registering officer shall —
- (a) visit that person for the purpose of photographing that person and collecting the information necessary for effecting the registration and issuance of a Cayman Islands Identification Card to that person; and
 - (b) for the purpose of the visit referred to in paragraph (a), take all the necessary materials, including a photograph of the person, to accurately obtain all the information required for registration.
- (4) For the purposes of this section —
- “incapacitated person”** means a person with a temporary or permanent impediment or impairment which is a mental or physical deficiency, disability or illness;
- “institutionalised person”** means a person in the care or custody of a public institution; and
- “public institution”** means any detention facility, prison, hospital, community residence or other public institution including institutions charged with the provision of physical, psychological, social or material assistance to persons.

Features of Cayman Islands Identification Card

10. (1) A Cayman Islands Identification Card issued by the Registrar under this Part shall contain on the physical card, or in such form as the Registrar may determine, the following particulars in respect of the holder, unless otherwise provided by any other enactment —
- (a) given names and surname;



- (b) date of birth;
 - (c) sex;
 - (d) immigration status in the Islands;
 - (e) identification code;
 - (f) date of issue;
 - (g) date of expiry;
 - (h) photograph or facial image;
 - (i) the signature or image of signature; and
 - (j) any other characteristic prescribed by the regulations.
- (2) Notwithstanding subsection (1), the Cayman Islands Identification Card also may include digitally, or in such form as the Registrar may determine, the following information in respect of the holder —
- (a) residential address;
 - (b) email address;
 - (c) emergency contact;
 - (d) in the case of a minor, indication of the identity of the holder’s parent or guardian;
 - (e) nationality; and
 - (f) any other personal identification data as may be prescribed.
- (3) The Registrar, in consultation with the Cabinet, shall determine the size, description and other physical and digital features of a Cayman Islands Identification Card.
- (4) A Cayman Islands Identification Card may contain digital features.
- (5) A Cayman Islands Identification Card that is issued to an individual may have parts of it in an encrypted form.
- (6) The Cabinet, in consultation with the Registrar, may prescribe a minimum age limit under which the signature, image of signature of a person or digital feature is not entered in a Cayman Islands Identification Card.
- (7) The Cabinet, in consultation with the Registrar, may make regulations to provide for the suspension, cancellation and restoration of any digital features referred to in subsection (4).
- (8) The reliability of a digital signature as a feature of the Cayman Islands Identification Card shall accord with section 19 of the *Electronic Transactions Act (2003 Revision)* and any other requirement which the Cabinet, in consultation with the Registrar, may prescribe by regulations.

Validity of Cayman Islands Identification Card

- 11.** (1) A Cayman Islands Identification Card is valid if it —
- (a) is issued in compliance with this Act;
 - (b) has not been modified or tampered with;
 - (c) has not expired;
 - (d) has not been rendered invalid in accordance with any section of this Act; and
 - (e) is useable.
- (2) A Cayman Islands Identification Card shall be valid for a period specified in subsection (3) unless, before the expiry of that period, it is —
- (a) surrendered to the Registrar under section 16;
 - (b) suspended under section 17;
 - (c) cancelled under section 18; or
 - (d) destroyed under section 20.
- (3) The period referred to in subsection (2) shall be no more than five years or such other period as may be prescribed commencing on the date of issuance of the Cayman Islands Identification Card.
- (4) A Cayman Islands Identification Card may be renewed for such further periods as specified in subsection (3).
- (5) For the purposes of subsection (1), a Cayman Islands Identification Card is useable where —
- (a) it enables identification of the entries entered in the Cayman Islands Identification Card and can be used to authenticate the identity of the holder;
 - (b) its features are functional; and
 - (c) it is not tampered with or defective.

Rectification of errors

- 12.** Where an error is discovered to have occurred by the Registrar or a person appointed by the Registrar to carry out a duty under this Act, the Registrar shall as soon as practicable rectify the error to ensure that data in the Cayman Islands Identification Card is accurate.

Cayman Islands Identification Card not transferable

- 13.** A Cayman Islands Identification Card issued under this Act shall not be transferable to another person.



PART 3 - OBLIGATIONS OF THE HOLDER

Notification of Registrar of change in circumstances or inaccuracy

14. (1) The holder of a Cayman Islands Identification Card shall notify the Registrar of any inaccuracy in the data entered in the Cayman Islands Identification Card within ten business days after the inaccuracy has been identified.
- (2) Where a Cayman Islands Identification Card or any feature of the Cayman Islands Identification Card becomes unusable or malfunctions, the holder shall notify the Registrar of this fact as soon as practicable.
- (3) The holder of a Cayman Islands Identification Card shall provide notification to the Registrar under subsection (1) by submitting the relevant information —
- (a) electronically to the official email address of the Registrar available on the official website or online portal for applications for the Cayman Islands Identification Card;
 - (b) in person to a Cayman Islands Identification Card customer centre; or
 - (c) in such other manner as the Registrar may specify on the official website or online portal for applications for the Cayman Islands Identification Card.
- (4) Where the Registrar is notified by a holder of an error in the information contained in the holder's Cayman Islands Identification Card under subsection (3), the Registrar shall as soon as practicable but no later than five business days following the notification —
- (a) determine whether such an error has occurred; and
 - (b) where the Registrar determines that such error has occurred, take appropriate action to rectify the error and notify the holder of the rectification; or
 - (c) where the Registrar determines that such error has not occurred, notify the holder of the Registrar's determination.

Notification of Registrar of loss or damage of Cayman Islands Identification Card

15. (1) An individual to whom a Cayman Islands Identification Card is issued shall, as soon as practicable, notify the Registrar of any of the circumstances set out in subsection (2).
- (2) The circumstances referred to in subsection (1) are where the individual has reasonable cause to suspect that the Cayman Islands Identification Card —
- (a) is lost;
 - (b) has been stolen;
 - (c) has been tampered with;

- (d) has been used by another person without permission; or
 - (e) has been destroyed.
- (3) The Registrar, upon being notified of any of the circumstances set out in subsection (2), shall cancel the Cayman Islands Identification Card.
- (4) The Registrar shall, upon being notified of the loss, theft, damage, interference or destruction of the Cayman Islands Identification Card, require the holder to make a declaration in the form and manner specified by the Registrar setting out the relevant circumstances.
- (5) The Registrar may, upon receipt of payment of the prescribed fee by the individual, replace the Cayman Islands Identification Card if the Registrar considers it appropriate.

PART 4 - SURRENDER, CANCELLATION AND DESTRUCTION OF CAYMAN ISLANDS IDENTIFICATION CARD

Surrender of Cayman Islands Identification Card

16. (1) A person who —
- (a) wishes to surrender the person's Cayman Islands Identification Card; or
 - (b) is knowingly in possession of a Cayman Islands Identification Card without either —
 - (i) the lawful authority of the individual to whom it was issued, or
 - (ii) the permission of the Registrar,
- shall, in the manner specified by the Registrar, notify the Registrar of the circumstances in (a) or (b) as soon as it is practicable to do so and comply with any relevant requirements from the Registrar.
- (2) The Registrar may take any of the actions set out in subsection (3), where it appears to the Registrar that a person is in possession of —
- (a) a Cayman Islands Identification Card that was issued to another person;
 - (b) a Cayman Islands Identification Card that has expired or been cancelled or is otherwise invalid;
 - (c) a Cayman Islands Identification Card that has not yet been cancelled but is of a description of cards that the Registrar has decided should be re-issued;
 - (d) a Cayman Islands Identification Card that has been damaged or tampered with; or
 - (e) a Cayman Islands Identification Card that is in that person's possession in consequence of a contravention of a relevant requirement.



- (3) The actions that the Registrar may take under subsection (2) are as follows —
- (a) require the person referred to in subsection (2) to surrender the Cayman Islands Identification Card within such period and in such manner as the Registrar may specify;
 - (b) provide further instructions to the person in relation to the Cayman Islands Identification Card; or
 - (c) suspend or cancel the Cayman Islands Identification Card.
- (4) The Cabinet may prescribe the manner in which a Cayman Islands Identification Card shall be surrendered to the Registrar under subsection (1) or (3).
- (5) A person who contravenes a requirement imposed by or under —
- (a) subsection (1) or (3); or
 - (b) any regulations under subsection (4),
- is liable on summary conviction to a fine of ten thousand dollars.
- (6) In this section —
- (a) a Cayman Islands Identification Card is considered as having been damaged where any characteristic or feature in or on it is, or has become, unreadable or otherwise unusable;
 - (b) a Cayman Islands Identification Card is tampered with where the information in or on it has been modified for an unlawful purpose, or copied or otherwise extracted for such a purpose; and
 - (c) “**relevant requirement**” means a requirement or an instruction given by the Registrar to surrender or otherwise to deliver a Cayman Islands Identification Card to the Registrar in accordance with this Act, the regulations or any enactment relating to the surrender of such document.

Suspension of Cayman Islands Identification Card

- 17.** (1) The Registrar may suspend a Cayman Islands Identification Card where the Registrar is satisfied that —
- (a) the Cayman Islands Identification Card was issued based on inaccurate or incomplete information;
 - (b) the Cayman Islands Identification Card was issued in error;
 - (c) the Cayman Islands Identification Card is required to be re-issued due to a physical or technical defect;
 - (d) the Cayman Islands Identification Card has been lost, stolen, damaged, tampered with or destroyed;
 - (e) there has been an unauthorized modification of the information in the register in respect of the holder;

- (f) the immigration status of the holder has been amended or revoked in accordance with the *Immigration (Transition) Act (2022 Revision)*;
 - (g) there is reasonable cause to suspect that the Cayman Islands Identification Card or its digital features are being used or have been used in the commission of a criminal offence;
 - (h) a modification to the information in the register has resulted in the data in or on the card being inaccurate;
 - (i) a change of circumstances requires a modification of information recorded in or on the Cayman Islands Identification Card; or
 - (j) it is a Cayman Islands Identification Card of a description of Cayman Islands Identification Cards that the Registrar has decided should be re-issued.
- (2) When suspending a Cayman Islands Identification Card under subsection (1), the Registrar shall issue to the holder written notification of the proposed suspension or cancellation.
- (3) A notification issued by the Registrar under subsection (2) shall state the reasons for the proposed suspension or cancellation and of the right of appeal conferred upon the holder under section 36.
- (4) A Cayman Islands Identification Card that is suspended by the Registrar is invalid until the suspension is removed.

Cancellation of Cayman Islands Identification Card

- 18.** (1) The Registrar may cancel a Cayman Islands Identification Card where the Registrar is satisfied that —
- (a) the application for the Cayman Islands Identification Card contained false or misleading information in a material particular;
 - (b) more than one Cayman Islands Identification Card has been issued to the same individual; or
 - (c) any of the circumstances in section 17(1) has occurred.
- (2) When cancelling a Cayman Islands Identification Card under subsection (1), the Registrar shall send a notification of the action taken to the holder's principal contact information in the register.
- (3) A notification under subsection (2) shall include —
- (a) the reason for the action;
 - (b) an indication of the right of appeal conferred upon the holder; and
 - (c) instructions to the holder in relation to the Cayman Islands Identification Card.



- (4) Where an individual is notified of the cancellation of the Cayman Islands Identification Card under this section, the individual shall take the appropriate action as indicated by the Registrar.
- (5) The validity of a Cayman Islands Identification Card shall not be restored if it has been cancelled.
- (6) A person who contravenes the instruction of the Registrar under subsection (3)(c) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.
- (7) For the purposes of this section, “**cancellation**” includes the cancellation of the digital features of the Cayman Islands Identification Card.

Restoration of Cayman Islands Identification Card

- 19.** (1) The Registrar on being satisfied that —
- (a) the issue in relation to the suspension or such other limitation imposed by any provision of this Part has been resolved; or
 - (b) there is an existing legitimate interest for doing so,
- may restore the Cayman Islands Identification Card or its digital features.
- (2) When restoring a Cayman Islands Identification Card or its digital features under subsection (1), the Registrar shall send a notification of the restoration to the holder’s principal contact information in the register.
- (3) For the purposes of subsection (1), there is an existing legitimate interest in cases where the restoration of the Cayman Islands Identification Card is required —
- (a) for the protection of the life, health, rights and freedoms of the holder or another person;
 - (b) in the interest of national security;
 - (c) where there is a disaster as defined by section 2 of the *Disaster Preparedness and Hazard Management Act (2019 Revision)*; or
 - (d) to facilitate the investigation of a criminal offence under the *Proceeds of Crime Act (2020 Revision)*.

Destruction of Cayman Islands Identification Card

- 20.** (1) Where an individual has not appeared before the Registrar within three months from the date on which —
- (a) the Registrar required the applicant for the Cayman Islands Identification Card, in accordance with section 6(2), to appear in person before the Registrar for the purpose of processing the application; or
 - (b) the individual is notified that the Cayman Islands Identification Card was issued for collection,

the Registrar shall notify the individual of the circumstances set out in paragraphs (a) or (b), as applicable, and if the individual does not appear before the Registrar within three months from the date of the notification, the application of the individual shall be deemed to have been withdrawn.

- (2) Where an application for a Cayman Islands Identification Card is deemed to have been withdrawn under subsection (1), the Registrar shall destroy the non-issued Cayman Islands Identification Card which would have been produced pursuant to the application.
- (3) Notwithstanding subsection (1) a Cayman Islands Identification Card that is produced solely for the purpose of testing, demonstration or other administrative functions may be destroyed at the Registrar's discretion.
- (4) The Registrar may destroy or require the destruction of a Cayman Islands Identification Card where —
 - (a) the Cayman Islands Identification Card has been —
 - (i) surrendered to the Registrar under section 16;
 - (ii) suspended under section 17; or
 - (iii) cancelled under section 18; or
 - (b) the Cayman Islands Identification Card was lost and —
 - (i) the finder returns the Cayman Islands Identification Card to the Registrar or a Cayman Islands Identification Card customer centre;
 - (ii) the Registrar notifies the holder that the Cayman Islands Identification Card has been found; and
 - (iii) the holder does not collect the Cayman Islands Identification Card within three months after receiving the notification under subparagraph (ii).
- (5) A holder who no longer wishes to have a Cayman Islands Identification Card may apply for the destruction of the Cayman Islands Identification Card in such manner as the Registrar may determine.
- (6) A Cayman Islands Identification Card that has been surrendered, suspended, cancelled or contains errors, or that is intended to be destroyed maybe destroyed by the Registrar, or otherwise dealt with in a manner as directed by the Registrar.
- (7) Notwithstanding subsection (6), the Cabinet, in consultation with the Registrar, may prescribe the form and circumstances for the destruction of the Card



PART 5 - PROTECTION AND CONFIDENTIALITY OF INFORMATION

Authentication of identity of a holder of a Cayman Islands Identification Card

- 21.** (1) A Cayman Islands Identification Card may be used to authenticate the identity of its rightful holder.
- (2) The digital features of the Cayman Islands Identification Card may be used to facilitate receipt of services electronically from a public authority.
- (3) A public authority may require, in its provision of public services, the use of a person's Cayman Islands Identification Card for authentication of the person's identity or any other purpose as determined by the public authority.

Seizure of Cayman Islands Identification Card for verification

- 22.** (1) The Registrar or law enforcement may demand that a person having possession or control of a Cayman Islands Identification Card (including a document purporting to be a Cayman Islands Identification Card) to surrender it to the Registrar or law enforcement, if there are reasonable grounds to suspect that —
- (a) the Cayman Islands Identification Card has been obtained by means of any false or misleading information, document or statement;
- (b) the Cayman Islands Identification Card has been used in the commission of an offence under this Act; or
- (c) the Cayman Islands Identification Card is a falsified or forged identity document.
- (2) A person who receives a demand from the Registrar or law enforcement under subsection (1) shall comply with the demand.
- (3) The Registrar or law enforcement seizing a Cayman Islands Identification Card under subsection (1) shall verify its validity as soon as practicable.
- (4) Where the Registrar or law enforcement verifies that the Cayman Islands Identification Card surrendered under subsection (1) is valid, the Cayman Islands Identification Card shall be returned to its holder.
- (5) Where, upon verification, the Registrar or law enforcement determines that the suspension or cancellation of the Cayman Islands Identification Card is necessary, the Registrar shall not return the Cayman Islands Identification Card to the holder and shall cause the Cayman Islands Identification Card to be suspended or cancelled without undue delay.
- (6) Where the Registrar suspends or cancels a holder's Cayman Islands Identification Card under subsection (5), the Registrar, without undue delay, shall —
- (a) record the verification;

- (b) inform the holder of —
 - (i) the invalidity of the Cayman Islands Identification Card;
 - (ii) the seizure or cancellation of the Cayman Islands Identification Card; and
 - (iii) the right of the holder to appeal the seizure or cancellation; and
- (c) in the event of a suspected crime, make a police report.

Registrar to implement security measures

- 23.** (1) The Registrar shall take necessary technical and organisational measures and implement necessary safeguards to secure the information in the register and the card data base, and maintain its confidentiality, integrity and availability so it is secured and protected against —
- (a) access, use or disclosure not permitted under this Act or the regulations; and
 - (b) destruction, loss or damage, whether accidental or intentional.
- (2) Without prejudice to subsection (1), the Registrar shall adopt and implement necessary technological and physical security measures to preserve the confidentiality of the information submitted and collected in relation to the Cayman Islands Identification Card System.

Disclosure in certain cases

- 24.** (1) Subject to subsection (2), the identification information collected under this Act may be disclosed only in accordance with the provisions of this Act, any regulations made under this Act and the *Identification Register Act, 2022*.
- (2) The Registrar shall not disclose identification information stored, collected or obtained under this Act about any person to a third party or any other entity, except where the identification information is disclosed in the following cases —
- (a) pursuant to a request of the person whose information is being disclosed;
 - (b) to facilitate the search for or identification of missing persons or unknown deceased persons;
 - (c) pursuant to an order of the Court;
 - (d) where this Act or another enactment expressly authorizes the disclosure;
 - (e) for the prevention, detection or investigation of a crime;
 - (f) to facilitate an investigation under the *Proceeds of Crime Act (2020 Revision)*;
 - (g) in the interest of national security;



- (h) where there is a disaster as defined by section 2 of the *Disaster Preparedness and Hazard Management Act (2019 Revision)* or a public health emergency; or
- (i) for the preservation of the life of a person.

Duty of confidentiality

25. (1) A person who —

- (a) has an official duty or is employed in the administration of this Act;
- (b) is a current or former agent of the Registrar; or
- (c) is a current or former consultant to the Registrar,

shall regard and deal with as confidential, all documents and information relating to the card database and the functions of the Registrar, where the disclosure of the information could reasonably be considered to put at risk the confidentiality, accessibility or integrity of the card database, or the data in the card database.

- (2) A person who had an official duty or was employed in the administration of this Act shall maintain, after such duty or employment has ended, the confidentiality of all documents and information relating to the functions of the Registrar.
- (3) A person to whom information is communicated under this Act shall regard and deal with such information as confidential, except to the extent otherwise provided in this Act or any other enactment.
- (4) A person referred to in subsection (1), (2) or (3) having possession of or control over any information, who at any time communicates or attempts to communicate any such information to any person —
 - (a) otherwise than for the purposes of this Act; or
 - (b) to any person, other than an authorized officer or person at the direction of the court,
 commits an offence and is liable on summary conviction to a fine of forty thousand dollars or imprisonment for a term of eight years, or to both.
- (5) No obligation as to confidentiality or other restriction upon the disclosure of information imposed by any law or otherwise shall prevent any legal or natural person from disclosing information to the Registrar for the purpose of assisting the Registrar in the performance of the Registrar's functions.

PART 6 - OFFENCES

Offences relating to personation

26. (1) A person shall not —



- (a) use a Cayman Islands Identification Card to personate or attempt to personate a holder; or
 - (b) allow or induce another person to use a Cayman Islands Identification Card to personate a holder.
- (2) A person shall not personate or attempt to personate another person by providing false identification information in any application in relation to a Cayman Islands Identification Card.
- (3) An individual who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.
- (4) For the purpose of this section —
- (a) a person personates the holder where the person presents or uses a Cayman Islands Identification Card issued to the holder with the intention of being identified as the holder; and
 - (b) a reference to providing false identification information includes submitting information containing any inaccuracy or omission that is intended to mislead.

Unauthorized collecting of identification information

27. (1) A person shall not collect or attempt to collect identification information unless the person is authorized to do so in accordance with this Act or any other enactment.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Misleading, obstructing or impeding the Registrar

28. (1) A person shall not wilfully mislead the Registrar by providing false information to the Registrar.
- (2) A person shall not wilfully obstruct or impede the Registrar in the exercise of the Registrar's functions under this Act.
- (3) For the purposes of subsections (1) and (2), a reference to the Registrar includes a reference to any staff of the office of the Registrar or any other person delegated to carry out the duties of the Registrar under this Act.
- (4) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of two years, or to both.



Unlawfully manufacturing etc. document purporting to be a Cayman Islands Identification Card

- 29.** (1) A person shall not make, produce, manufacture, print, bind, design, replicate or distribute —
- (a) any document, purporting that the document is a Cayman Islands Identification Card; or
 - (b) any digital feature of a Cayman Islands Identification Card, purporting that the feature to be a digital feature of the Cayman Islands Identification Card,
- unless permitted by the Registrar or authorized by this Act or regulations made by the Cabinet in consultation with the Registrar.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of two years, or to both.

Providing misleading information

- 30.** (1) A person who —
- (a) provides false information or makes a false statement when —
 - (i) providing information for any application, request, notification or submission under this Act;
 - (ii) providing information for the authentication or verification of any information required to be authenticated or verified under this Act; or
 - (iii) obtaining the issue or replacement of a Cayman Islands Identification Card;
 - (b) fraudulently obtains a Cayman Islands Identification Card for the use of that person;
 - (c) forges an identity document for the purpose of obtaining a Cayman Islands Identification Card;
 - (d) falsely reports the loss or destruction of that person's Cayman Islands Identification Card and applies for a new Cayman Islands Identification Card while being in possession of a Cayman Islands Identification Card; or
 - (e) tampers with the database used to store the information for the Cayman Islands Identification Card by —
 - (i) causing an unauthorized modification of information to be made to an entry in the database; or

- (ii) preventing or delaying the retrieval of relevant information in a legible form from a computer or data processing device used for the purposes of this Act,
commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for a term of two years, or to both.
- (2) For purpose of subsection (1), a person provides false information if at the time of the provision of the information the person —
 - (a) knew or reasonably ought to have known the information to be false; or
 - (b) was reckless as to the veracity of the information.

Offences relating to the Cayman Islands Identification Card

- 31.** (1) A person shall not, without reasonable cause, take or keep possession of a Cayman Islands Identification Card —
- (a) which is counterfeit or which the person knows to be forged;
 - (b) which that person knows has been improperly obtained; or
 - (c) that belongs to another individual.
- (2) A person who —
- (a) wilfully destroys or attempts to destroy a Cayman Islands Identification Card;
 - (b) mutilates or attempts to mutilate a Cayman Islands Identification Card;
 - (c) without lawful authority deprives a holder of that holder's Cayman Islands Identification Card;
 - (d) uses a Cayman Islands Identification Card other than the Cayman Islands Identification Card issued for that individual's use;
 - (e) takes or keeps possession of —
 - (i) a Cayman Islands Identification Card in respect of which an alteration or erasure has been made; or
 - (ii) a Cayman Islands Identification Card that was improperly obtained;
 - (f) is in possession of more than one Cayman Islands Identification Card that is intended to show the individual's identity; or
 - (g) permits or causes another person to use a Cayman Islands Identification Card issued to another individual,
commits an offence.
- (3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of two years, or to both.



- (4) For the purposes of this section, a Cayman Islands Identification Card is improperly obtained if false information was provided in relation to —
- (a) an application for its issue, replacement or renewal; or
 - (b) an application for its modification.

Offences relating to the card database

- 32.** (1) A person shall not intentionally —
- (a) introduce or cause to be introduced, any virus, malware or other computer contaminant in the card database;
 - (b) cause damage to the card database or information in the card database;
 - (c) disrupt the proper functioning of the card database;
 - (d) cause an unauthorized modification of information to be made to an entry in the card database; or
 - (e) prevent or delay the access or retrieval of relevant information from a computer used for the purposes of this Act.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine of a fine of forty thousand dollars or to imprisonment for a term of eight years, or to both.

Interpretation of this Part

- 33.** In this Part, a reference to a Cayman Islands Identification Card includes a reference to any data or digital feature entered, inserted or encoded on or in the Cayman Islands Identification Card.

PART 7 - GENERAL

Liability for offences

- 34.** (1) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of —
- (a) a director, secretary or similar officer of the body corporate; or
 - (b) a person who was purporting to act in any such capacity,
- the director, secretary, similar officer of the body corporate or a person purporting to act in any such capacity, as well as the body corporate, commit that offence and are liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies, in relation to the acts and defaults of a member in connection with

the member's functions of management, as if the member were a director of the body corporate.

Protection of individuals exercising functions under this Act

- 35.** (1) No civil or criminal action, suit or other proceedings for breach of confidentiality may be brought nor any professional sanction for such breach may be taken against a person who, in good faith, under this Act or any other enactment, provides or transmits to the Registrar information requested by the Registrar or submits a report to the Registrar.
- (2) No suit or other proceedings may be brought or instituted personally against the Registrar or any officer appointed by the Registrar in respect of any lawful act done, or omission made, in good faith, in the course of carrying out the Registrar's functions under this Act.

Appeals from decisions of the Registrar

- 36.** (1) A person aggrieved by a decision of the Registrar under this Act may appeal the decision by submitting a written notice of the person's intention to appeal to the Chief Officer in accordance with subsection (2).
- (2) The procedure for the submission of an appeal to the Chief Officer shall be prescribed in regulations made by the Cabinet.
- (3) The Chief Officer shall hear and determine appeals brought under this section in accordance with regulations made by the Cabinet.
- (4) The Chief Officer, upon hearing an appeal under this section, may —
- (a) confirm, reverse or modify the decision of the Registrar; or
 - (b) in appropriate circumstances, remit the matter to the Registrar, with or without directions as to how the matter should be considered.
- (5) The Registrar and any other person to whom an appeal under this section applies shall comply with the decision of the Chief Officer made under this section.
- (6) An appeal from any decision of the Chief Officer under this section shall lie to the Grand Court.

Regulations

- 37.** (1) The Cabinet may make regulations for the better carrying out of the objects and purposes of this Act.
- (2) Without prejudice to the generality of the subsection (1), the Cabinet may make regulations to prescribe —
- (a) the procedures and practices for the manufacture, preparation, issue, renewal, surrender, suspension, cancellation, destruction and replacement of Cayman Islands Identification Cards;



- (b) the forms to be used and fees to be charged in connection with any request, notice, certificate or other document required to be submitted or issued under this Act;
- (c) the procedures for the collection, verification and authentication of information required under this Act;
- (d) the procedures for the data storage, data management, security protocols and technological safeguards for information obtained or collected under this Act;
- (e) the procedures and practices for the use of digital seals and other features related to a holder of a Cayman Islands Identification Card acting on behalf of an entity;
- (f) the minimum age limit under which the signature or image of signature of a person or digital feature is not permitted to be entered in a Cayman Islands Identification Card;
- (g) the procedures for the issuance, activation, suspension, cancellation and restoration of the validity of any digital feature of the Cayman Islands Identification Card;
- (h) the fees for doing any act or providing any service for the purposes of this Act and the circumstances and way in which fees may be paid, refunded, waived or reduced;
- (i) the procedures for the preservation, custody and safekeeping of documents under this Act;
- (j) the procedures for the settlement of disputes arising from, and appeals against, a decision of the Registrar;
- (k) the period of time for the doing of any act under this Act;
- (l) any matter or thing that is required or permitted to be prescribed under this Act; and
- (m) generally for giving effect to the provisions and purposes of this Act.

- (3) Regulations made under this Act may —
- (a) make different provisions in relation to different cases or circumstances;
 - (b) apply in respect of particular persons or particular cases or particular classes of persons or particular classes of cases, and define a class by reference to circumstances of any kind;
 - (c) contain such transitional, consequential, incidental or supplementary provisions as appear to the Cabinet to be necessary or expedient for the purposes of this Act; and
 - (d) create an offence punishable on summary conviction by a fine of twenty thousand dollars or to imprisonment for a term of two years, or to both.

Passed by the Parliament the day of , 2022.

Speaker

Clerk of the Parliament

