Tonga

CIVIL REGISTRATION AND DIGITAL IDENTIFICATION ACT 2025

Act 33 of 2025

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Arrangement of Sections

Section

PART I – PRELIMINARY AND ADMINISTRATION 7

1 Short Title and Commencement 7
2 Interpretation 7
3 Office of Registrar General 10

PART II – CIVIL REGISTRATION 10

4 Civil Register 10
5 Collection and supply of information to the Digital Identification Database 11
6 Registration upon notification of birth by a medical professional 11
7 Registration of and application for a birth certificate 12
8 Births occurring outside the Kingdom 13
9 Information about the father where parents are not married 13
10 Issuance of birth certificates 13
11 Notification of birth to the Ministry of Health 14
12 Discovery of a newly born child or dead body 14
13 Registration of adoption 14
14 Registration and application for a death certificate 14
15 Deaths occurring outside the Kingdom 15
16 Recording of death in the Digital Identification Database 15
17 Issuance of certificates of death 15
18 Ineligibility for Marriage Licence 16
19 Prohibited degrees of consanguinity for a man 16
20 Prohibited degrees of consanguinity for a woman 16
21 Application for a marriage licence 17
22 Issuance of marriage licence by sub-registrar 17

23 Ministers of religion solemnising marriages to be registered 17
24 Solemnisation and documentation of marriage 18
25 Registration of marriage 18
26 Divorce and nullity of marriage 18
27 Solemnisation by minister of religion 19
28 Validation of marriage prior to this Act 19
29 Penalty for solemnising marriage without licence 19
30 Changes of name 19
31 Electronic means of filing 20
32 Notice to provide information 20
33 Notifications and registrations by Town and District Officers 21
34 Registration of events occurring outside the Kingdom 21
35 Association of UIN with events and registration of unregistered individuals 21
36 Searching of the Civil Register 21
37 Certified copies 22

PART III – DIGITAL IDENTIFICATION 22

38 Digital Identification Database 22
39 Registration in the Digital Identification Database 24
40 Verification and deduplication 24
41 Provenance of documents and information 25
42 Authorised representatives of children, persons lacking capacity, senior citizens and certain other individuals 26
43 Updating the Digital Identification Database 27
44 Legal status of Identification Data 28
45 Interoperability with approved government databases 28
46 Relying party requests for Identification Data 29
47 Relying parties 30
48 Relying party compliance 31
49 Relying party information requests 31
50 Safeguarding procedures 32
51 Procurement, vendors and technologies 32
52 Information for individuals about processing of their personal information 32
53 Assignment of UINs and tokens 33
54 Deactivation of UINs and tokens 34
55 Status of the UIN and associated token 34
56 Coordination with other agencies 35

PART IV – DATA PROTECTION AND PRIVACY 35

57 Responsibilities of the Registrar General under the Privacy Act 35
58 Right to information 35
59 Right to correction 36
60 Complaints 36
61 Right of appeal 37

PART V – NON-COMPLIANCE AND OFFENCES **37**

62 False registration as a minister 37
63 False information relating to marriage 38
64 False information relating to births or deaths 38
65 False information relating to Identification Data 38
66 Personation 38
67 Unauthorised disclosure of data 39
68 Non-compliance by relying parties and data processors 39
69 Limitation of action 39

PART VI – GENERAL **40**

70 Sub-registries 40
71 Fees 40
72 Power to make regulations 40
73 Repeal and savings 40

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CIVIL REGISTRATION AND DIGITAL IDENTIFICATION ACT 2025

Act 33 of 2025

AN ACT FOR THE UPGRADED CIVIL REGISTRATION SYSTEM AND THE ESTABLISHMENT OF THE DIGITAL IDENTIFICATION DATABASE AND UNIQUE IDENTIFIER NUMBERS

I assent,
TUPOU VI,
16th December 2025.

BE IT ENACTED by the King and Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

PART I – PRELIMINARY AND ADMINISTRATION

1 Short Title and Commencement

(1) This Act may be cited as the Civil Registration and Digital Identification Act 2025.

(2) Part III of this Act shall come into force on a date proclaimed by Cabinet and published in a notice in the Gazette.

2 Interpretation

In this Act –

"approved government database" means each of –

(a) the Civil Register;

(b) any database maintained by or on behalf of the National Identity Card Office under the National Identity Card Act [Cap 2.16];

(c) any database maintained by or on behalf of the Ministry of Foreign Affairs recording information about individuals relating to entitlement to and applications for and issuance, renewal and expiration of passports and certificates of identity and directly related matters carried out under the Passports Act [Cap 10.03];

(d) any database relating to entitlement to and the issuance, renewal and expiration of permits to enter and reside in Tonga maintained under the Immigration Act [Cap 10.01];

(e) the electoral roll kept by or on behalf of the Supervisor of Elections under the Electoral Act [Cap 2.03];

(f) any database maintained by or on behalf of the Chief Executive Officer responsible for revenue and customs under the Revenue Services Administration Act 2021 and any other revenue act;

(g) any database maintained for recording information about individuals relating to applications for and issuance, renewal and expiration of driving licences under the Traffic Act [Cap 24.03];

(h) any database maintained by or on behalf of the Medical and Dental Practice Board for the purposes of registering medical practitioners, health officers and dentists and dental therapists under the Medical, Dental and Allied Health Practitioners Act 2021;

(i) any database maintained by or on behalf of the Nurses Board for the purposes of registering midwifes, nurses and nurse practitioners under the Nurses, Nurse Practitioners and Midwives Act 2021;

(j) any database maintained by or on behalf of the Minister for Health or such other minister as is responsible for health services under the Health Services Act [Cap 12.06] and any other act relating to matters of health;

(k) any database maintained by or on behalf of the Registrar of Business Licences under the Business Licences Act [Cap 17.01];

(l) any register maintained under the Land Act [Cap 20.01], subject to the approval of the Minister of Lands;

(m) such other databases of the Government of Tonga as held or are required or authorised by law or regulation to hold personal information referred to in section 3 and are approved by the Registrar General; and

(n) a database of a ministry, department or agency of a foreign state if so provided in an agreement entered into between the Kingdom and such foreign state and approved by the Registrar General;

"associated token" means a unique number that is different from but exclusively associated with a UIN and that is assigned by the Registrar General

to a registered individual under section 53 and may be used in lieu of the UIN in accordance with this Act;

"biometric data" has the meaning given under the Privacy Act;

"Civil Register" means the system for registration of events provided for in Part II, and shall include the electronic database referred to therein, any paper register that the Registrar General may continue to maintain for the registration of events, and any electronic or paper register formerly maintained by the Registrar General under the repealed enactments prior to the entry into force of this Act;

"data processor" has the meaning given in the Privacy Act;

"death certificate" means a document issued under section 17;

"Digital Identification Database" means the database described in section 38;

"event" means a birth, marriage or death occurring or granted anywhere in the Kingdom or a birth to which section 8 applies or a death to which section 15 applies and includes any of the foregoing that could have been, but was not, registered in a register formerly maintained under the repealed enactments;

"health officer" means a person who is duly registered as such under the Medical and Dental Practice Act [Cap 12.09];

"Identification Data" means the information provided under section 38(3);

"Letters of Adoption" means Letters of Adoption under the Maintenance of Illegitimate Children Act [Cap 6.07] or the order of a Tongan court recognising a similar order of a foreign court;

"medical death certificate" means a certificate issued by a medical practitioner on behalf of the Ministry of Health certifying as to the death of a person and the cause thereof;

"medical practitioner" means a person who is duly registered under the Medical and Dental Practice Act [Cap 12.09];

"midwife" means a person who is duly registered under the Nurses, Nurse Practitioners and Midwives Act 2021;

"Minister" means the Minister responsible for Justice;

"national identity card" means a national identity card issued under the National Identity Card Act [Cap 2.16];

"notifying person" means any person notifying or registering, or required to notify or register, an event to or with the Civil Register under this Act;

"nurse" means a person who is duly registered under the Nurses, Nurse Practitioners and Midwives Act 2021;

"nurse practitioner" means a person who is duly registered under the Nurses, Nurse Practitioners and Midwives Act 2021;

"personal information" has the meaning given in the Privacy Act;

"processing" has the meaning given in the Privacy Act;

"Registrar General" means the Registrar General appointed under section 3(1);

"registered individual" means an individual who has been registered in the Digital Identification Database under section 39;

"relying party" means any ministry, department or agency of the Government of Tonga, or any legal entity or any natural person that is registered with the Registrar General as such in accordance with section 47;

"sub-registrar" means a person appointed as such pursuant to section 3(2);

"UIN" means a unique identifier number issued by the Registrar General to each registered individual, as specified more particularly in section 53 of this Act; and

"vital statistics" means statistics in relation to events or any other prescribed matters.

3 Office of Registrar General

(1) The Prime Minister with the consent of Cabinet may appoint a Registrar General of Civil Registration and Digital Identification.

(2) There shall be such sub-registrars as may be appointed by the Registrar General following consultation with the Chief Magistrate and with the consent of the Prime Minister; and a sub-registrar may hold that post in conjunction with any other public office.

(3) Where a sub-registrar is, by reason of unforeseen circumstances temporarily unable to perform the duties of the office, a Governor or Government Representative may, with the consent of the Prime Minister, be appointed by the Registrar General to act in the place of the sub-registrar.

PART II – CIVIL REGISTRATION

4 Civil Register

(1) The Registrar General shall maintain a register, which shall be known as the "Civil Register", of all births, marriages and deaths occurring in the Kingdom and such as occur outside the Kingdom and may be registered in accordance with this Part.

(2) The Registrar General shall procure that all events notified to or registered with the Registrar General or a sub-registrar in accordance with this Act shall be registered in the Civil Register.

(3) Evidence of an entry in the Civil Register and of the facts stated therein may be given by the production of a document certified to be a true copy of the entry by the Registrar General or sub-registrar or a person authorised in that behalf by the Registrar General or sub-registrar.

(4) Any requirement of law for the production of a certificate of an event shall be satisfied by the production of a certified copy of the relevant entry in the Civil Register.

(5) A notification, application or registration, and any certificate, relating to an event being registered in the Civil Register shall, where the individual who is the subject of the event has already been registered in the Digital Identification Database under Part III, include his UIN or associated token.

5 Collection and supply of information to the Digital Identification Database

The Registrar General shall ensure that in connection with any notification, application or registration or amendments relating to an event in the Civil Register, the Identification Data relating to the individual who is the subject of such event shall be collected, recorded and maintained up-to-date in the database of the Civil Register and supplied therefrom to the Digital Identification Database in accordance with Part III.

6 Registration upon notification of birth by a medical professional

(1) The Registrar General shall, upon receipt of –

(a) a certificate of live birth of a child issued by or on behalf of the Ministry of Health; or

(b) a certificate of a stillbirth issued by a medical practitioner,

record the relevant information in the Civil Register and the child shall be automatically registered in the Digital Identification Database under section 39 and assigned a UIN under section 53.

(2) Registration in the Digital Identification Database under subsection (1) may be made without recording any name of the child or with a provisional name, and in either case, the name of the child shall be that recorded in connection with registration and application for a birth certificate under section 7.

(3) The sub-registrar of the district of the birth shall provide the UIN and confirmation of registration under subsection (1) to the Ministry of Health.

(4) Where the notification and registration under subsection (1) relates to a stillbirth, the date of death shall be recorded in the Digital Identification Database.

7 Registration of and application for a birth certificate

(1) One or both parents of a child born live in wedlock, or the mother of a child born live out of wedlock shall within 3 months after the birth submit a registration and application for a birth certificate to the office of the Registrar or sub-registrar of the district of such birth, as applicable, using the prescribed form.

(2) The mother of a child born illegitimately, shall within 3 months after the birth submit a registration and application for a birth certificate to the office of the Registrar or sub-registrar of the district of such birth, as applicable, using the prescribed form.

(3) Where the mother is married but the child's father is not the husband, the mother shall within three months after the birth of the child, submit a registration and application for a birth certificate indicating the father.

(4) If the parents, in the case of child born in wedlock, or the mother, in the case of a child born out of wedlock, are dead or incapable of complying with subsection (1), (2) and (3), then each of the following in the order indicated, shall have the duty to submit the registration and application for a birth certificate with the sub-registrar of the district of such birth using the required prescribed form –

(a) a grandparent of the child;

(b) a guardian of the child under the Guardianship Act [Cap 6.04];

(c) a person present at the birth;

(d) if the birth occurred in a building used as a dwelling, any person who was in the building at the time of the birth;

(e) if the birth occurred in a hospital or other organisation or enterprise the chief officer of the hospital or other organisation or enterprise or a person authorised by the chief officer to perform his functions; or

(f) a person having charge of the child.

(5) Upon receiving the registration and application under subsection (1) or (2) or section 8, the Registrar General or sub-registrar concerned, as applicable, shall, upon reviewing it to his satisfaction, record the information in the Civil Register.

(6) Where the date of the birth of a child whose birth is required to be notified or registered under this Act is not known and a medical practitioner certifies in writing that, in his opinion, the birth took place on or about a date specified in the certificate, the Registrar General or sub-registrar concerned, as applicable, may enter that date in the Civil Register as the date of the birth of the child.

(7) The Registrar General shall require that, upon the recording of the information in the Civil Register under subsection (4), any such information as is not already recorded therein pursuant to section 6(1) shall be automatically recorded in the Digital Identification Database.

(8) The Registrar General shall review any discrepancy between information recorded in the Digital Identification Database pursuant to subsection (4) and section 6(1), consult with the notifying parties, and take measures to resolve such discrepancy.

8 Births occurring outside the Kingdom

The parents, grandparents or a guardian of an individual born outside the Kingdom, or such individual himself if 18 years or older, may register and apply for a birth certificate from the Civil Register by submission of such form and documentation as may be prescribed.

9 Information about the father where parents are not married

(1) The father of a child who was not married to the mother of the child shall not be required to give information under this Act concerning the birth of such child.

(2) The Registrar General shall not enter in the register the name of any person as father of a child in the circumstances referred to in subsection (1) unless —

(a) at the joint request of the mother and of the person acknowledging himself to be the father of such child; or

(b) a court has ordered that the person is the father of such child.

10 Issuance of birth certificates

(1) Upon confirmation from the Civil Register that the required information about a live birth has been duly recorded, the Registrar General or sub-registrar of the relevant district shall provide a certificate of birth in the form prescribed, consisting of information excerpted from the Civil Registry in the form prescribed, including the child's UIN or associated token, to the person who applied under section 7.

(2) An individual or his parent or guardian, or any person duly authorised by any of the foregoing, may at any time request the Registrar General or sub-registrar of his district, as applicable, for a certificate of birth relating to the birth of the individual.

(3) Within 5 days after receiving a request under subsection (2), the Registrar General or relevant sub-registrar shall provide a certificate of birth in the form prescribed.

(4) If the parents of a stillborn child so request and provide the information that would have been required under section 7, the Registrar General or relevant sub-registrar may issue to the parents a death certificate relating to the stillborn child.

11 Notification of birth to the Ministry of Health

The Registrar General shall transmit to the Ministry of Health –

(a) the date of birth;

(b) the place of birth;

(c) whether it is a live birth or stillbirth;

(d) the name of the mother;

(e) the UIN assigned to the child's mother;

(f) the name of the child; and

(g) the UIN assigned to the child in the case of a live birth.

12 Discovery of a newly born child or dead body

Any person who discovers a newly born child or a dead body shall without unreasonable delay give information to the sub-registrar or the town officer of the district in which such newly born child or dead body shall have been discovered and in default of so doing shall be liable on conviction to a fine not exceeding $1000.

13 Registration of adoption

(1) One or both adoptive parents shall submit a certified copy of the Letters of Adoption relating to the adopted child to the Registrar General, who shall register the adoption or any amendments in the Civil Register.

(2) If the adopted child or an adoptive parent is not already registered in the Digital Identification Database, the Registrar General shall register such person in the Digital Identification Database under section 39 taking into account the information in the Civil Register, and assign a UIN to the person under section 53.

(3) If the adopted child or an adoptive parent is already registered in the Digital Identification Database, the Registrar General shall amend the information in the Digital Identification Database relating to such person taking into account the information in the Civil Register.

(4) After registration of the adoption in the Civil Register and registration in the Digital Identification Database in accordance with this section, the Registrar General shall issue a certificate of birth to the adoptive parents showing them as parents of the adopted child and the name of the adopted child.

14 Registration and application for a death certificate

When a death occurs in the Kingdom, it is the duty of a person receiving a medical death certificate duly issued by a medical practitioner under the Health Services Act [Cap 12.06] to register the death and apply to the Registrar General or sub-registrar of

the district of the death for a death certificate within 3 months after the death using the form prescribed.

15 Deaths occurring outside the Kingdom

(1) Any family member of an individual having Tongan nationality or being registered in the Digital Identification Database who has died outside the Kingdom may register and apply for a death certificate relating to the death of such individual from the Civil Register.

(2) Registration and application under subsection (1) shall be made by submitting to the Registrar General—

(a) the prescribed form; and

(b) either –

(i) an original death certificate relating to the individual's death from the civil records in the jurisdiction in which the death occurred; or

(ii) if it is impossible to obtain an original death certificate under sub-paragraph (i), then a certified copy thereof satisfactory to the Registrar General.

16 Recording of death in the Digital Identification Database

The Registrar General shall procure that, if a deceased individual was not already registered in the Digital Identification Database, then upon the recording of the information relating to his death in the Civil Register pursuant to section 14, or 15 –

(a) the deceased shall be automatically registered in the Digital Identification Database under section 39 and assigned a UIN under section 53; and

(b) the Digital Identification Database shall be updated to reflect the information about his death.

17 Issuance of certificates of death

(1) Upon confirmation from the Civil Register that the required information about a death has been recorded, the Registrar General or sub-registrar of the district of death shall provide a death certificate in the form prescribed, including the deceased's UIN or associated token, to the person registering the death and applying for a death certificate under section 14.

(2) Any relative of the deceased may request the Registrar General or relevant sub-registrar, as applicable, for a death certificate relating to the death of the deceased.

(3) Within 5 days after receiving a request, the Registrar General or relevant sub-registrar, as applicable, shall provide a death certificate in the form prescribed to the requesting person.

18 Ineligibility for Marriage Licence

(1) No marriage license shall be granted to –

(a) any person who is insane;

(b) any person who is under the age of 18 years;

(c) any man to marry another man; or

(d) any woman to marry another woman.

19 Prohibited degrees of consanguinity for a man

It shall not be lawful for a man to marry –

(a) his grandmother;

(b) his father's sister;

(c) his mother's sister;

(d) his father's sister's daughter;

(e) his father's brother's daughter;

(f) his mother's sister's daughter;

(g) his mother;

(h) his stepmother;

(i) his wife's mother;

(j) his sister;

(k) his daughter;

(l) his son's wife;

(m) his brother's daughter;

(n) his sister's daughter; or

(o) his granddaughter.

20 Prohibited degrees of consanguinity for a woman

It shall not be lawful for a woman to marry —

(a) her grandfather;

(b) her father's brother;

(c) her mother's brother;

(d) her father's brother's son;

(e) her father's sister's son;

(f) her mother's brother's son;

(g) her mother's sister's son;

(h) her father;

(i) her stepfather;

(j) her husband's father;

(k) her brother;

(l) her son;

(m) her daughter's husband;

(n) her brother's son;

(o) her sister's son; or

(p) her grandson.

21 Application for a marriage licence

(1) Parties to an intended marriage shall apply, in the form prescribed, to the Registrar General or sub-registrar of the district in which one of the parties has resided for at least 3 months prior to the date of the application for the issue to them of a licence to marry.

(2) An application for a marriage licence under subsection (1) shall include an affidavit in the form prescribed that there is no legal impediment to the proposed marriage.

(3) Upon application under subsection (1), the application shall be recorded in the Civil Register.

(4) Notwithstanding the residence requirements provided under subsection (1) of this section, the Registrar General may grant a special licence to marry where at least one of the parties has an established link with Tonga.

22 Issuance of marriage licence by sub-registrar

The sub-registrar, upon application being made as prescribed in section 21 hereof, may ask the applicants the several particulars required for the issue of a licence as prescribed by Regulations, and if he is satisfied that the parties are legally capable of contracting a valid marriage, he shall issue to them a licence to marry in the form prescribed.

23 Ministers of religion solemnising marriages to be registered

The Registrar General, upon receiving a requisition in writing in the name of any minister of religion whether a Tongan subject or not under the hand of such minister or head of the denomination to which he belongs, such requisition specifying his

religious denomination and designation and his residence, desiring that he may be registered as a minister for solemnising marriages within the Kingdom, shall register the name of such minister with the foregoing particulars in a register book to be kept for that purpose.

24 Solemnisation and documentation of marriage

(1) Every marriage shall be solemnised before at least 2 witnesses who shall sign each copy of the certificate in the printed book of forms in the possession of the minister of religion officiating. The minister of religion shall also sign each form.

(2) The minister of religion shall within 3 weeks of the performance of the ceremony cause to be delivered to the sub-registrar of the district in which the ceremony took place one copy (or, in the case of the Vava‘u, Ha‘apai, Eua and Niuas sub- registrars), 2 copies of the certificate.

(3) Any minister of religion who fails to carry out the provisions hereof shall be liable on conviction to a fine not exceeding $500. Any minister of religion who defaults more than twice in any one calendar year shall be liable to forfeit his licence to solemnize marriage.

(4) When all the forms in a book have been used the minister of religion shall return it to the sub-registrar who issued it. The sub-registrar shall forward the book to the Registrar General in Nuku‘alofa who shall keep it in a secure place unless the church to which the minister of religion belongs has a licence from the Registrar General to hold such book in which case he shall cause it to be delivered to the head of the church.

25 Registration of marriage

(1) Upon receiving the certificate from the minister under section 24(2), the sub-registrar shall, upon reviewing it to his satisfaction, record the information relating to the marriage in the Civil Register.

(2) The Registrar General shall procure that, upon the recording of the information relating to the marriage in the Civil Register under subsection (1), the marital status of each of the parties to the marriage in the Digital Identification Database under section 38 shall be automatically updated.

26 Divorce and nullity of marriage

(1) When a court grants a decree of divorce or nullity of marriage, an officer of the court authorised in that behalf by the courts shall send to the Registrar General or the sub-registrar of the district in which the marriage occurred or the married couple were last registered as living together the decree of divorce or nullity, as the case may be, including the date of such decree, together with any particulars in relation to such matter.

(2) The Registrar General or sub-registrar shall record any divorce notified under subsection (1) in the Civil Register, and shall procure that the Digital Identification Database shall be automatically updated to record each individual's marital status as "divorced".

(3) The Registrar General or sub-registrar shall, upon receiving notification of a decree of nullity of marriage under subsection (1), amend the Civil Register such that it does not record that the two parties were ever married, and shall procure that the Digital Identification Database shall be automatically updated to record each party's marital status as "unmarried" or their previous marital status.

27 Solemnisation by minister of religion

Every marriage which shall be solemnised by any minister of religion after the receipt by such minister of religion of a licence issued to the parties to be married shall subject to the provisions of Part V hereof be a legal marriage and no other marriage shall be valid.

28 Validation of marriage prior to this Act

Every marriage solemnised in Tonga before this Act comes into force by any minister of religion shall be deemed to have been from the time of solemnisation a legal and binding marriage notwithstanding any non-compliance with any forms or other matters, provided that nothing herein contained shall legalise—

(a) any marriage which shall be declared invalid by the Supreme Court;

(b) any marriage where either party thereto had another wife or husband living;

(c) any marriage which would have been or would be void by reason of any relationship or of fraud or of incapacity to marry; or

(d) any marriage where (the same being at the time of its solemnisation invalid) either of the parties thereto shall afterward and before this Act comes into force have intermarried with any person.

29 Penalty for solemnising marriage without licence

Any minister of religion who shall solemnise a marriage without first having received a licence in the form in Schedule 1 enabling the parties to be married, shall on conviction thereof be liable to pay a fine not exceeding $1,000.

30 Changes of name

(1) A person's name may be changed in accordance with the prescribed Regulations.

(2) The Registrar General shall procure that—

(a) if a person whose name is changed under subsection (1) is not already registered in the Digital Identification Database, then the person shall be automatically registered in the Digital Identification Database under section 39 and assigned a UIN under section 53; and

(b) the Digital Identification Database shall be updated to reflect the changed name.

31 Electronic means of filing

(1) The Registrar General shall provide electronic means for the submission of notifications, applications and registrations by notifying persons under this Part.

(2) If electronic means under subsection (1) are unavailable, the notification, registration or application, as applicable, shall be made in paper form to the sub-registrar of the district in which the event occurred, who shall thereupon record the information provided in the Civil Register.

(3) For the purposes of subsection (1), the Registrar General shall procure that—

(a) the notifying person shall be registered in the Digital Identification Database and assigned a UIN to such notifying person;

(b) the identity of the notifying person shall be verified;

(c) it shall be recorded whether a notifying person is a medical practitioner, midwife, health officer, nurse or nurse practitioner.

32 Notice to provide information

(1) When it shall appear to the sub-registrar of a district that a notification, registration or application relating to any event occurring in his district has not been made as required in this Part, he shall cause a notice to be served on any person whom he considers responsible under this Act to make such notification, registration or application.

(2) The notice under subsection (1) shall require such person to attend at the office of such sub-registrar or such other location specified by him within three weeks after the date of service of such notice for the purpose of giving information concerning the relevant event.

(3) Any person who after being served with a notice under subsection (2) fails without reasonable excuse to conform with the same shall be liable on conviction to a fine not exceeding $100.

33 Notifications and registrations by Town and District Officers

(1) Where a Town Officer learns of an event that has occurred within the boundaries of his town and there appears not to be any person responsible under this Act to make the required notification, registration or application, he shall, using the form prescribed by Regulations, within 3 weeks after so learning—

(a) make reasonable efforts to obtain the relevant information; and

(b) make the relevant notification, registration or application.

(2) A District Officer receiving information from a Town Officer under subsection (1) shall provide such information to the sub-registrar of the district.

(3) The sub-registrar receiving information from a District Officer under subsection (2) shall record it in the Civil Register.

34 Registration of events occurring outside the Kingdom

The Registrar General may, on production to him of such evidence as appears to him to be satisfactory, cause an event to be registered in the Civil Register if –

(a) there was not at the time of the event a system of registration of such events in the place where the event occurred or such a system that applied to the individual or individuals concerned; or

(b) it is not possible to obtain copies of or extracts from civil records of the event.

35 Association of UIN with events and registration of unregistered individuals

(1) When registering any event and recording any individuals who are the subject of the event or are the person submitting a notification, registration or application with respect to an event, the Registrar General shall record the UIN of each such individual with his name.

(2) If any individual referred to in subsection (1) has not been assigned a UIN at the time of registering the event, the Registrar General shall register the individual in the Digital Identification Database and assign a UIN to such individual.

36 Searching of the Civil Register

(1) Any person, or if he is less than 18 years old then his parents, or a person authorised by the foregoing, may search the Civil Register for entries relating to the concerned person, and may receive a copy of any certificate or other entry therein provided the fee for such search and copy have been prepaid.

(2) The Registrar General shall procure that, except pursuant to a request made under sub-section (3), no person other than the Registrar General or a person authorised in that behalf by the Registrar General shall have access to

information in the Civil Register relating to a stillbirth or the fact that such stillbirth has occurred.

(3) The Registrar General shall procure that, except pursuant to an order of the Supreme Court, no person other than the Registrar General or a person authorised in that behalf by the Registrar General shall have access to information in the Civil Register relating to the adoption of an individual or the fact that he has been adopted.

(4) This section is without prejudice to any other obligation imposed by or under this or any other Act to provide or obtain information in relation to a birth, stillbirth, death, marriage or any other matter.

37 Certified copies

(1) Every certified copy of an entry of a birth under section 19 of this Act shall be issued in the form prescribed by Regulations.

(2) Every such certified copy shall be deemed to be a true copy of particulars compiled from the original entry in the register.

(3) Every certified copy of an entry of death under section 19 of this Act shall be in the Form prescribed by Regulations.

(4) Every certified copy of a marriage certificate shall be in a form prescribed by Regulations.

PART III – DIGITAL IDENTIFICATION

38 Digital Identification Database

(1) The Registrar General shall establish and maintain the currency of an electronic register, to be known as the "Digital Identification Database".

(2) The purpose of the Digital Identification Database shall be to—

(a) enable the identification of individuals by electronic means using verified information about individuals; and

(b) provide a common source of verified information about individuals on which public sector ministries, departments and agencies and authorised private sector service providers may rely for –

(i) provision of services to and other transactions with such individuals; and

(ii) scientific research and economic and social development.

(3) The Digital Identification Database shall contain in digital form the Identification Data, which shall comprise the following information relating to registered individuals, where applicable and available –

(a) UIN and any associated token;

(b) any personal ID number on a national identity card issued to the individual by the National Identity Card Office under the National Identity Card Act [Cap 2.16];

(c) names;

(d) home address;

(e) sex;

(f) year, month and day of birth;

(g) village or town and country of birth;

(h) marital status (never married; currently married; currently legally separated; divorced and not remarried; widowed and not remarried);

(i) names and UINs and any associated tokens of parents including by adoption;

(j) names and UINs and any associated tokens of children including by adoption;

(k) name and UIN and any associated tokens of current spouse, if any;

(l) year, month and day of death; and

(m) country, district and village or town of death.

(4) The Registrar General shall not collect, and the Digital Identification Database shall not contain, any biometric data.

(5) The Registrar General shall collect, record and maintain up-to-date the Identification Data in the Civil Register, which shall supply such data to the Digital Identification Database.

(6) The Minister shall have the authority to issue regulations concerning the establishment and management of a single sign-on mechanism for online services. This mechanism may include, but is not limited to, the use of a smartphone application, username, and password system, or any other digital authentication methods deemed appropriate.

(7) The Minister is hereby empowered to issues regulations for the inclusion or removal of additional data types and identification numbers, such as passport numbers, driving license numbers, and other relevant identifiers, into the Digital Identification Database, subject to the following conditions –

(a) the additional data and identification numbers to be included in the Digital Identification Database must already be in existence and collected by other government agencies or authorized entities. There shall be no mandate for fresh data collection directly from citizens for the sole purpose of inclusion in the Digital Identification Database; and

(b) the inclusion of such data is intended to enhance the functionality, interoperability, and objectives of the Digital Identification Database,

particularly in facilitating efficient identification processes and access to government services.

39 Registration in the Digital Identification Database

(1) The Registrar General shall register in the Digital Identification Database—

(a) all residents of Tonga;

(b) citizens of Tonga living abroad who are already the subject of documents and information in the civil registration system; and

(c) every child born in Tonga.

(2) Registration of an individual in the Digital Identification Database shall consist of—

(a) assigning a UIN to the individual; and

(b) recording in the Digital Identification Database—

(i) at least the information specified in sections (3)(a), (c) and (d) relating to such individual;

(ii) the information specified in sections (3) (e) and (f) relating to such individual unless such information is impossible or unreasonably difficult to obtain; and

(iii) such other information specified in section (3) as is received by the Registrar in accordance with this Act.

(3) The Registrar General shall not register an individual if the information required for registration under subsection (i) is not received or is found to be false and has not been corrected.

(4) The Registrar General shall register individuals referred to in subsection (1) in the Digital Identification Database—

(a) in connection with registration in the Civil Register under Part II of an event relating to the individual; or

(b) upon application made by or on behalf of such individual.

(5) The Registrar General shall inform each individual in writing when registered in the Digital Identification Database—

(a) that he has been registered; and

(b) of the UIN or an associated token assigned to the individual.

40 Verification and deduplication

(1) Before registering an individual in the Digital Identification Database, the Registrar General shall verify the identity of the individual in accordance with subsections (2) and (3).

(2) Subject to section 39, the Registrar General may accept the following documents as evidence of an individual's identity and source of information when registering him in the Digital Identification Database or updating the same—

(a) birth certificate or any other certificate issued by the Registrar General under this Act or issued by an appropriate authority overseas;

(b) passport, certificate of identity or other document of identity issued under the Passports Act [Cap 10.03] or issued by an appropriate authority overseas;

(c) in the absence of any of the foregoing, judicial decision identifying the individual issued by a Court of Tonga;

(d) in the absence of any of the foregoing, permit or other document issued by the Principal Immigration Officer under the Immigration Act [Cap 10.01] providing the legal basis for the individual to enter and reside in Tonga;

(e) in the absence of any of the foregoing, voter registration under the Electoral Act [Cap 2.03];

(f) in the absence of any of the foregoing, documents issued by the Government of Tonga in relation to taxation and tax records;

(g) in the absence of any of the foregoing, a driving licence issued under the Traffic Act [Cap 24.03]; and

(h) in the absence of any of the foregoing, utility bills, identity used for education purposes or such other documentation as may be specified by regulation.

(3) The Registrar General shall compare documentation and information received in the registration process with information already recorded in the Digital Identification Database or approved government databases with a view to ensuring with a high level of certainty that—

(a) no individual is registered twice in the Digital Identification Database;

(b) no individual has more than one UIN; and

(c) no UIN is assigned to more than one individual.

41 Provenance of documents and information

(1) For the purposes of verification and deduplication under section 40, the Registrar General may collect documents and information from—

(a) documents received and issued by the Registrar General in connection with past and ongoing notifications, applications and registrations relating to events recorded in the Civil Register;

(b) documents and information submitted in connection with the individual's application for registration in the Digital Identification Database and a UIN in accordance with section 39;

(c) information obtained directly from approved government databases; or

(d) in the absence of the sources referred to in paragraphs (a), (b) and(c), such alternative source as the Registrar General may prescribe.

(2) The Registrar General shall consult with the authorities responsible for documents and information on which the Registrar General relies with regard to their processes for verifying validity, authenticity and accuracy, and shall assess their relative reliability.

(3) The Registrar General shall only record information about an individual in the Digital Identification Database if reasonably satisfied as to the reliability of the information.

(4) The Registrar General shall record in the Digital Identification Database the provenance of each item of information included in it currently and historically, including—

(a) the nature of the information;

(b) the date of validity of the information;

(c) the source of the information;

(d) steps taken to verify such source;

(e) the timestamped date on which such information was received by the Digital Identification Database; and

(f) an electronic copy of any physical document relied upon.

(5) Where the source of information in the Digital Identification Database is a physical document, the Registrar General shall maintain a system of physical records organised so as to link the document to the information about the individual in the Digital Identification Database.

42 Authorised representatives of children, persons lacking capacity, senior citizens and certain other individuals

(1) An individual may be represented by an authorised representative for the purpose of application for registration, or exercise of any right or carrying out of any duty under this Act if the individual is—

(a) under the age of eighteen;

(b) lacking legal capacity;

(c) a senior citizen who is incapacitated;

(d) an individual with disability; or

(e) a member of such other category of individuals as may be specified by the Registrar General.

(2) For the purposes of this Act and the application of the Privacy Act in relation to this Act, an authorised representative of an individual referred to in subsection (1) may be—

(a) the represented individual's parent, legal guardian or lawful administrator acting on his behalf;

(b) in the absence of a person referred to in paragraph (a), a sibling or a guardian of the individual; or

(c) the minister of religion in the village in which the represented individual resides.

(3) An authorised representative applying for the registration of an individual or exercising any other right under this Act on behalf of the individual shall submit the authorised representative's—

(a) UIN and any associated token if such have been issued;

(b) names;

(c) home address;

(d) sex;

(e) year, month and day of birth;

(f) village or town and country of birth;

(g) relationship to the individual represented; and

(h) evidence of the basis on which the authorised representative is the authorised representative of the individual represented.

(4) The Registrar General shall provide for special measures in the Civil Register and Digital Identification Database systems and at its service centres to facilitate provision of information, registration in the Digital Identification Database, and issuance of UINs to individuals referred to in subsection (1) and their representatives.

43 Updating the Digital Identification Database

(1) The Registrar General shall take reasonable measures to ensure that a registered individual's Identification Data is kept current and correct.

(2) Where Identification Data of a registered individual changes, he shall provide to the Registrar General updated information.

(3) The Registrar General shall provide an easily accessible means for registered individuals to update and otherwise correct their Identification Data.

(4) A registered individual's failure to update or otherwise correct his Identification Data shall not result in the deactivation or suspension of his UIN.

(5) The Registrar General shall record all updates to, and information replaced by updated Identification Data, permanently in an archive of the database for the purpose of verifying the correct administration and history of the Identification Data.

44 Legal status of Identification Data

(1) Identification Data recorded in the Digital Identification Database shall be presumed to be correct unless proven otherwise.

(2) Ministries, departments and Government agencies shall carry out their public activities and provide their public services on the basis of the Identification Data recorded in the Digital Identification Database.

45 Interoperability with approved government databases

(1) Subject to subsection (5), the Registrar General and each ministry, department and agency responsible for maintaining an approved government database shall arrange and maintain interoperability between the Digital Identification Database and the approved government database for which such ministry, department or agency is responsible.

(2) The purpose of interoperability under subsection (1) shall be to—

(a) introduce and maintain the use of individuals' UINs or associated tokens for the purposes of identifying such individuals in approved government databases;

(b) enable approved government databases to automatically request and receive Identification Data relating to individuals that such approved government databases are required or authorised by law to process;

(c) enable the Digital Identification Database to automatically request and receive any of the information listed in section (3) held by approved government databases in connection with the –

(i) registration of an individual; and

(ii) addition and updating of Identification Data; and

(d) in each case of paragraphs (a), (b) and (c) with a view to ensuring the efficient management, completeness and accuracy of Identification Data held in the Digital Identification Database and approved government databases.

(3) The extent of any request for and provision of any personal information between the Digital Identification Database and approved government databases shall be limited to the purposes stated in subsection (2) and ancillary purposes.

(4) The Registrar General and the ministries, departments and agencies responsible for maintaining approved government databases shall consult with and adopt protocols and administrative and technical measures to ensure the security, integrity and protection of personal information held by them and transmitted between them.

(5) The Registrar General shall not arrange or maintain interoperability of any approved government database with the Digital Identification Database unless such database employs administrative and technical measures to ensure the

security, integrity and protection of personal information to the reasonable satisfaction of the Registrar General.

(6) The Registrar General shall record in the Digital Identification Database each request for information made by an approved government database to the Digital Identification Database, including—

(a) the approved government database that requested the information;

(b) the nature of the information requested;

(c) the date on which the information was requested; and

(d) the date on which such information was provided to the approved government database.

46 Relying party requests for Identification Data

(1) Subject to subsection (5), relying parties may make inquiries of the Registrar General as to Identification Data relating to an individual recorded in the Digital Identification Database for the purposes of provision of services to or entering into transactions with such individual, and for ancillary and closely related functions.

(2) Relying parties may request from the Registrar General, and the Registrar General may provide to relying parties, Identification Data relating to an individual only in such manner and to such extent as is necessary for the relying party to meet its obligations under the law that is the basis of its eligibility to be a relying party under section 47 and for the purpose for which the information is provided.

(3) Relying parties requesting information shall notify the Registrar General of the basis of their eligibility under subsection (1).

(4) The Registrar General shall respond to information requests only to an entity that the Registrar General has verified—

(a) is eligible to be a relying party under section 47; and

(b) has implemented the necessary administrative and technical measures to assume the responsibilities and obligations of a relying party under this Act, the Privacy Act and any regulation made hereunder.

(5) The Registrar General shall establish protocols and administrative and technical measures for—

(a) the making of and responding to requests for Identification Data;

(b) ensuring the security, integrity and protection of Identification Data provided from the Digital Identification Database; and

(c) ensuring that the information is used only for the purposes for which it is provided and is not unnecessarily retained thereafter.

(6) Subject to provisions of this Act and regulations made hereunder, the Registrar General may provide Identification Data to the Government Statistician if—

(a) the purpose of such request is the generation, collection, analysis, certification or publication of statistics under the Statistics Act [Cap 8.13], or scientific research or economic and social development;

(b) the recipient provides details of the specific proposed use to the Registrar General;

(c) the recipient provides to the Registrar General written undertakings satisfactory to the Registrar General limiting the use and duration of any data processing to the use specified in accordance with paragraphs(a) and(b); and

(d) the Registrar General ensures that any personal information so provided has first been de-identified or permanently de-identified, as such terms are defined in the Privacy Act.

(7) The Registrar General shall record in the Digital Identification Database each request for information in the Digital Identification Database, including—

(a) the entity that requested the information;

(b) the nature of the information requested;

(c) the date on which the information was requested; and

(d) the date on which such information was provided to the requesting entity.

47 Relying parties

(1) Entities eligible to be relying parties include –

(a) a ministry, department or agency that maintains an approved government database;

(b) a ministry, department or agency , a financial institution, another private entity or a natural person, in each case required or authorised by law to identify individuals and to hold personal information relating to them for the purpose of providing services to or entering into other transactions with them; and

(c) a ministry, department or agency of a foreign state in accordance with an agreement entered into between the Kingdom and such foreign state and approved by the Registrar General.

(2) The Registrar General shall —

(a) verify the eligibility of any organisation to be a relying party in accordance with this section;

(b) register such organisation as a relying party and confirm such status by notification in the Ministry of Justice website;

(c) publish in the Ministry of Justice website any suspension or termination of a relying party's eligibility; and

(d) maintain an updated list on the website of the Registrar General of all relying parties that have not been terminated, and indicating where any has been suspended.

(3) Procedures for requests and approval of eligibility and requests and the suspension or termination of such eligibility under this section shall be prescribed.

48 Relying party compliance

(1) A relying party shall respond to a request for information by Registrar General with respect to the relying party's compliance with its obligations under this Act, any regulation made hereunder, and any protocols and technical and administrative measures required by the Registrar General.

(2) The Registrar General may notify any relying party that the Registrar General has reason to believe is not in compliance with its obligations under this Act, any regulation made hereunder, and any protocols and technical and administrative measures required by the Registrar General and order such relying party to comply therewith.

(3) The Registrar General may with or without notice suspend or terminate the right of any relying party to request Identification Data from the Digital Identification Database if—

(a) the Registrar General has reason to believe that the relying party is no longer eligible under section 46; or

(b) such relying party does not comply with any provision of this Act, any regulation of the Registrar General, and any protocols and technical and administrative measures required by the Registrar General, or any notice of the Registrar General in connection therewith.

49 Relying party information requests

Before requesting information from the Digital Identification Database, relying parties shall disclose to the individual –

(a) the nature of the personal information requested;

(b) the purposes for which the relying party shall process the personal information;

(c) any third parties to whom the information may be disclosed; and

(d) for how long the information will be retained.

50 Safeguarding procedures

(1) The Registrar General shall establish procedures to apply in case of failure of the Digital Identification Database or the recording or transmission of information about registered individuals.

(2) The purpose of procedures under subsection (1) shall be to ensure that individuals and relying parties shall not be prejudiced if information requests under section 46 do not function effectively.

51 Procurement, vendors and technologies

Where economically and technically feasible, the Registrar General shall ensure that the Digital Identification Database, its related systems and interoperability with other databases shall –

(a) use technologies and designs that do not render them unnecessarily dependent on one technology or vendor, including with respect to future updates or improvements, alternative uses and interoperability with other systems; and

(b) incorporate open standards and open-source code to enable interoperability.

52 Information for individuals about processing of their personal information

Before registering an individual, the Registrar General shall inform him, or any parent, legal guardian, lawful administrator or other authorised representative acting on his behalf, of the following details—

(a) contact information for the Registrar General which may be used to pose questions to and otherwise communicate with the Registrar General with respect to the Digital Identification Database and personal information relating to the eligible individual;

(b) the purpose of collection of the personal information and use thereof by the Digital Identification Database under this Act;

(c) what personal information may be provided to or disclosed to any person or entity other than the Registrar General;

(d) the types of persons or entities to whom or to which such personal information may be provided or disclosed;

(e) the purpose, manner and duration of access or disclosure, and processing of such personal information and restrictions applying thereto;

(f) for how long the personal information will be stored;

(g) whether any profiling or automated decision-making processes may be applied to the personal information;

(h) how the individual, or a parent, legal guardian, lawful administrator or authorised representative acting on his behalf, may lodge a complaint or seek redress in relation to any improper use of the personal information; or

(i) each of the individual's rights under sections 59 and 61 of this Act.

53 Assignment of UINs and tokens

(1) Upon registration under section 39, the Registrar General shall assign to the individual a UIN.

(2) The purpose of the UIN shall be to provide a unique means of identification of individuals that may be used by public sector ministries, departments and agencies and private sector service providers for the efficient provision of services to and other transactions with such individuals.

(3) In addition to assigning a UIN, the Registrar General may issue a token associated with such UIN for use in place of such UIN in order to ensure the security, integrity and protection of the Digital Identification Database and usage made thereof, and reduce risk to privacy and security of personal information.

(4) A UIN and any associated token shall be a unique number comprising—

(a) randomly generated numbers or letters as prescribed; and

(b) an additional one or more digits to serve as a checksum which shall be calculated from the randomly generated number pursuant to a formula prescribed.

(5) The formula for calculating the checksum shall be set with a view to reducing risk of human and other error in the writing, copying, transposition, recording, communicating and other processing of the UIN or associated token, as applicable.

(6) No digit or combination of digits in the UIN or any associated token shall be derived from, intentionally signify or bear any relation to any personal information about the individual to whom the UIN or associated token is issued.

(7) The Registrar General may upon registration notify the individual, or parent, legal guardian, lawful administrator or authorised representative acting on his behalf, of his UIN and/or the associated token.

(8) A UIN or associated token assigned to an individual shall not be assigned to any other person, even after the individual is deceased or the number has been deactivated.

(9) Subject to subsection (10) and section 54, an individual shall have the same UIN for the duration of his life.

(10) The Registrar General may assign a new UIN or associated token to a living individual to replace a deactivated UIN or token, respectively, previously assigned to that individual.

54 Deactivation of UINs and tokens

(1) The Registrar General shall deactivate an individual's UIN—

(a) within 28 days after the individual's death is registered in the Civil Register under Part II; or

(b) promptly if the Registrar General considers that the integrity and reliability of the UIN has been undermined as a result of the manner of its issuance, a personal information breach or other breach of data security.

(2) The Registrar General shall deactivate a token—

(a) immediately if the associated UIN has been deactivated;

(b) promptly if the Registrar General considers that the integrity and reliability of the token has been undermined as a result of the manner of its issuance, a personal information breach or other breach of data security; or

(c) at such time as the Registrar General considers convenient for the management of the UIN taking into account use by third parties of the token in identifying registered individuals.

(3) The Registrar General shall—

(a) update the Digital Identification Database to reflect the deactivation of a UIN or associated token; and

(b) notify approved government databases and any relevant relying parties of the deactivation of a UIN or associated token.

(4) In response to any request relating to identification with respect to a deactivated UIN or associated token, the Registrar General shall notify the relying party that the UIN or token has been deactivated.

(5) The Registrar General shall establish procedures for deactivation of UINs of deceased individuals, including without limitation those deceased overseas, taking account of the notifications of deaths under Part II.

55 Status of the UIN and associated token

(1) All ministries, departments and agencies, financial institutions and any other entities required or authorised by law to identify or authenticate individuals shall accept and use the UIN or an associated token in identifying a relevant registered individual for their respective purposes.

(2) Acceptance of the UIN or an associated token shall not be withheld due to the non-presentation of a national identity card.

(3) All entities and natural persons that are not subject to subsection (1)—

(a) have no obligation under this Act to rely upon the UIN or an associated token as a means of identification or obtaining personal information; and

(b) may not refuse an individual a service or a transaction due to non-provision of a UIN or an associated token, or non-presentation of a national identity card.

56 Coordination with other agencies

The Registrar General shall monitor and regularly coordinate with ministries, departments and agencies and with the private sector with respect to –

(a) their usage of the UIN, associated tokens and requests for information from the Digital Identification Database;

(b) the adoption, implementation and monitoring of good practices and appropriate standards for effective and efficient identification and authentication; and

(c) the adoption and implementation and monitoring of appropriate data security and privacy policies and procedures.

PART IV – DATA PROTECTION AND PRIVACY

57 Responsibilities of the Registrar General under the Privacy Act

(1) The Privacy Act shall apply to the maintenance of the Civil Register and Digital Identification Database and all processing of personal information under this Act, taking into account the specifications provided for in this Act.

(2) The Registrar General shall be deemed for the purposes of the Privacy Act to be a data controller in relation to any personal information processed by him or on his behalf under this Act and, except as otherwise provided in this Act, shall have the rights and obligations of such a data controller under the Privacy Act.

(3) Nothing in this Act limits the powers, functions and duties of the Privacy Commission under the Privacy Act in relation to the processing of personal information by or on behalf of the Registrar General under this Act.

58 Right to information

(1) An individual has the right to obtain from the Registrar General, without constraint or unreasonable delay—

(a) confirmation as to whether or not the Registrar General or a data processor acting on his behalf is storing or otherwise processing personal information relating to the individual, and the nature of any such information;

(b) a copy of such personal information in a paper-based or commonly used electronic format as required by the individual;

(c) deletion of any such personal information which the Registrar General is not authorised to retain; and

(d) detailed information relating to—

(i) what personal information from the Digital Identification Database has been provided to any ministry, department or agency or relying party;

(ii) when such personal information was provided;

(iii) to whom it was provided; and

(iv) the purpose, manner and duration of the processing of such personal information and restrictions applied thereto.

(2) The Registrar General shall implement measures necessary to ensure that registered individuals are able to effectively exercise the rights set out in subsection (1).

59 Right to correction

(1) A person having an interest may write to the sub-registrar of his district or to the Registrar General requesting the correction of an error in information recorded in the Civil Register and Digital Identification Database, and shall provide evidence of the correct information.

(2) Upon receiving a request for correction under subsection (1), the sub-registrar or Registrar General, as applicable, shall if satisfied as to the correctness of the information, correct the record in the Civil Register and Digital Identification Database.

60 Complaints

(1) Any aggrieved individual has the right to complain to the Registrar General in relation to the improper exercise of functions, powers and duties under this Act.

(2) The Registrar General shall provide an effective and accessible means for submitting complaints electronically and in paper form.

(3) The Registrar General shall resolve complaints within 30 days after the complainant has submitted the necessary information and shall forthwith inform the complainant of the decision or any action taken.

(4) Any aggrieved individual who considers that the matter is not satisfactorily resolved within 30 days after submitting the necessary information in accordance with subsection (3) may complain to the Ombudsman under the Ombudsman Act [Cap 2.02].

61 Right of appeal

(1) Where the Registrar General or a sub-registrar fails or refuses to record information in the Civil Register or register an individual in the Digital Identification Database or issue a UIN or otherwise fails or refuses to take any other action provided for under this Act, the Registrar General or sub-registrar shall notify the individuals concerned of the reasons for the failure or refusal.

(2) An interested individual who is affected and dissatisfied by any action or inaction of the Registrar General or any sub-registrar may request that the Registrar General review and reconsider the matter, and the Registrar General shall do so within 60 days after such request and inform the individual of his determination.

(3) The Registrar General hearing a request under subsection (2) may seek the opinion of the Attorney General.

(4) Without prejudice to the Ombudsman Act [Cap 2.02], a person in respect of whom a determination has been made by the Registrar General under subsection (2) may, within 21 days after the determination, seek leave to appeal to the Supreme Court.

(5) Where the output or outcome of the operation of the Civil Register and Digital Identification System affects a person in the person's personal capacity, such output or outcome shall not be prevented from being an "administrative decision" for the purposes of the Ombudsman Act [Cap 2.02] on the basis that it arose from an administrative system, an automated process or a combination the foregoing.

(6) An output or outcome under subsection (5) may include without limitation the recording or other processing of personal data, the issuance or non-issuance of a certificate, a determination of eligibility for registration in the Digital Identification Database, the issuance of a UIN or related token, a personal data breach or the result of an authentication process.

PART V – NON-COMPLIANCE AND OFFENCES

62 False registration as a minister

If anyone shall cause his name to be registered as an officiating minister of religion, he being at the time not such a minister and knowing himself not to be such, he shall

be guilty of an offence against this Act and upon conviction shall be liable to a fine not exceeding $10,000 or to be imprisoned for any term not exceeding 2 years or to both.

63 False information relating to marriage

Any person who knowingly and wilfully provides false information in order to procure a marriage license shall be guilty of an offence and upon conviction shall be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000 or to both.

64 False information relating to births or deaths

Any person who knowingly and wilfully provides false information in order to procure the registration of any birth or death shall be guilty of an offence and upon conviction shall be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000 or to both.

65 False information relating to Identification Data

Any person who knowingly and wilfully provides false information relating to the identification data with intent to have the same inserted in the Digital Identification Database shall be guilty of an offence and upon conviction shall be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000 or to both.

66 Personation

If any person —

(a) knowingly registers falsely in the Digital Identification Database as another individual, whether the latter is alive or dead, by submission of false information, or attempts to do so;

(b) knowingly claims falsely to be another individual associated with a UIN or an associated token, whether the latter is alive or dead, or attempts to do so;

(c) changes or attempts to change any identification data of a registered individual used in the Digital Identification Database with the intention of causing harm or mischief to such registered individual, or with the intention of appropriating his identity; or

(d) not being authorised to collect information under the provisions of this Act, by words, conduct or demeanour pretends that he is authorised to do so;

he shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000 or to both.

67 Unauthorised disclosure of data

(1) If a person employed or otherwise contracted or engaged for the purposes of this Act by the Registrar General, a sub-registrar, a relying party, a data processor or any other person, without lawful excuse, discloses, transmits, copies or otherwise disseminates any personal data collected or otherwise processed in the course of registration to any person not authorised under this Act or regulations made hereunder or in contravention of any arrangement entered into pursuant to the provisions of this Act, he shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding 3 years or to a fine not exceeding $20,000 or to both.

(2) Sub-section (1) shall not apply to disclosure, transmission, copy or other dissemination made under authority of law or judicial order.

68 Non-compliance by relying parties and data processors

(1) A relying party or data processor failing to comply with any provision of this Act made hereunder shall be liable to payment of a fine not to exceed $10,000 for the first failure to comply and $20,000 for any subsequent failures to comply.

(2) The Registrar General may at any time require relying parties and data processors to provide any information relating to their activities under this Act with a view to verifying their compliance with it.

(3) Where the Registrar General has reason to believe that a relying party or data processor has not complied with this Act, the Registrar General shall notify the appropriate authority and assist it in any investigation.

69 Limitation of action

No prosecution shall be instituted against any person for an offence under section 65, 66 or 67 of this Act unless the same shall be commenced within 5 years from the time of the commission of such offence.

PART VI – GENERAL

70 Sub-registries

The Registrar General shall establish service centres and a sub-registry office with necessary facilities at suitable locations for the purpose of its activities under this Act, including for -

(a) receiving and disseminating information to the general public about the Digital Identification Database and UINs;

(b) receiving, updating and disseminating information for the purpose of registration, notification of UINs and other aspects of administration of the identification system;

(c) receiving notifications and updated information, and delivering certificates, under Part I of this Act;

(d) paying and receiving any fees as prescribed;

(e) answering questions from the general public; and

(f) any other purpose required for the Registrar General's functions under this Act.

71 Fees

The fees chargeable under this Act shall be prescribed by Regulations.

72 Power to make regulations

The Registrar General with the consent of Cabinet may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

73 Repeal and savings

(1) The Births, Deaths and Marriages Act [Cap 6.01] is hereby repealed.

(2) Notwithstanding subsection (1) –

(a) any regulation, rule, order, notice or other subsidiary legislation or guideline made pursuant to the Births, Deaths and Marriages Registration Act and the forms and fees prescribed under Schedule 1, Schedule 2, Schedule 3, Schedule 4, Schedule 5, Schedule 6 and Schedule 7 of the Births, Deaths and Marriages Registration Act [Cap 6.01] shall, if in force at the commencement of this Act, continue in force until replaced by any regulation, rule, order, notice or other subsidiary legislation or guideline made under this Act; and

(b) any act, decision or other matter carried out pursuant to the Births, Deaths and Marriages Registration Act shall be deemed to have been carried out under this Act.

Passed by the Legislative Assembly on this **6th** day of **August** 2025.