

IDENTITY CARDS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

ID cards

Section 9: Power to require information for validating Register

68. This section deals with the provisions permitting data to be shared with the Secretary of State and designated documents authorities for the purposes of verifying information to be recorded or which is currently recorded on the National Identity Register. This is specifically about ensuring the accuracy of the Register and it does not confer the power to share data for wider purposes. Neither does it allow the Secretary of State or a designated documents authority to request information that is not relevant for the purposes of validating the Register.
69. *Subsections (1) and (3)* place a duty on a person to provide to the Secretary of State information required by him for the purposes of verifying an individual's entry on the Register. *Subsection (2)* extends this obligation to disclose specified information to a designated document authority when so required by that authority. *Subsection (3)* also enables the Secretary of State or a designated document authority to require the information within a specified timescale.
70. *Subsection (4)* sets out that a requirement may be imposed on any person specified for the purposes in an order, for example local government or bodies in the private sector. *Subsection (5)* clarifies that this could also include for example, central government organisations and the devolved administrations in Northern Ireland and Wales. Orders under this section are subject to the affirmative resolution procedure (*subsection (8)*).
71. *Subsection (6)* provides that orders under this section can provide that the duty of a person to provide information may be enforced via civil proceedings. In the case of public authorities, normal public law remedies such as judicial review will apply.
72. *Subsection (7)* enables the Secretary of State to pay those from whom he is requiring information to be provided.