



NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

NEDLAC REPORT ON THE ON THE OFFICIAL IDENTITY MANAGEMENT POLICY

1. INTRODUCTION

- 1.1. Subsequent to the Government consultation with Nedlac on the White Paper on Home Affairs, in December 2019, Cabinet approved the White Paper for implementation. The White Paper enjoins the development of the Official Identity Management Policy referred to as the Official ID Management Policy by the Department of Home Affairs (DHA). The same has been developed and was published for public comment on 31 December 2020 and the interested members of the public were given 60 days to submit comments.
- 1.2. On 25 February 2021 the (DHA) presented the Policy to Nedlac for engagement. At this meeting Government confirmed that the Government internal processes of incorporating the public comments on the policy was still underway and would be finalized in April 2021. After which, Government will be in a position to formally table the revised Policy with public comment to commence with the Nedlac process of engagement.
- 1.3. The Development Chamber agreed to establish a six-a-side task team to further engage on the policy once all public comments have been incorporated on the policy by Government.

- 1.4. Government tabled the Official Identity Management Policy at the Task Team on 11 May 2021 for deliberations.

2. OBJECTS OF THE OFFICIAL IDENTITY MANAGEMENT POLICY

- 2.1. The objects of the Official Identity Management Policy:
 - 2.1.1. Lays a policy foundation for repositioning the DHA as the sole provider of official identity and status services for citizens and non-citizens who resides in the country;
 - 2.1.2. Strengthens efforts of the department to improve the quality and security of the personal information that is hosted by the DHA on its information management systems such as the the National Populations Register (NPR), National Immigration Information System (NIIS), and the Home Affairs National Identity System (HANIS) etc. given that the current DHA systems are fragmented and do not enable a single view of a client.

3. PROCESS AT NEDLAC

- 3.1. The Chamber agreed to establish a six -a-side task team consisting of social partners from Business, Community, Labour and Government Constituencies to consider the Official Identity Management Policy prior to it being implemented or being tabled to Parliament for further processing.
- 3.2. The Official Identity Management Policy task team, further agreed to established a one-a-side committee to consider and ensure that areas from all Constituencies have been incorporated; and to verify the accurate capturing of the report prior to it being circulated to the bigger task team for approval.
- 3.3. The Nedlac report provides a summary of the process and details the areas of agreement and disagreement reached. Additional annexures are

attached to the Nedlac report containing the original submissions by Constituencies on the inception of the Nedlac process of engagement.

3.4. The Official Identity Management Policy task team met on the following dates:

3.4.1. 11 May 2021;

3.4.2. 28 May 2021; and

3.4.3. 08 June 2021

3.5. The following documents were submitted:

Consolidated Matrix reflecting outcomes of discussions	Annexure 2
Presentation from Government on the Official Identity Management Policy	Annexure 3
Revised Official Identity Management Policy incorporating public input as submitted to the task team at the meeting of 11 May 2021	Annexure 4
Business submission on interoperability PowerPoint	Annexure 5
Business submission on the issue relating to photographs	Annexure 6

4. PURPOSE FOR CONVENING THE OFFICIAL IDENTITY MANAGEMENT POLICY

4.1. To consider the Official Identity Management Policy that incorporates public submissions tabled by Government, consider inputs from social partners, and engage on the proposed provisions.

4.2. To develop a Nedlac report with areas of agreements and disagreements for submission to the Minister of Home Affairs, Minister of Employment and

Labour and the Chairperson on the Portfolio Committee on Home Affairs
in terms of the Nedlac Act.

5. AREAS OF AGREEMENTS

5.1. SECTION A: POLICY CONTEXT AND SITUATIONAL ANALYSIS

5.1.1. Section 1 – Introduction

5.1.1.1. The entire section was recorded as an area of agreement.

5.1.1.2. Social partners acknowledged a requirement to ultimately move towards a gender-neutral society. It was agreed that Government will present both possibilities of gender-neutral ID number for everyone in the country as well as the non-binary ID number possibility to Cabinet for consideration and approval. In terms of the implementation it was agreed, that Cabinet will be better positioned to deal with that decision.

5.1.1.3. Following the above agreement, the issues relating to gender marker will be taken as areas of agreement throughout the policy document.

5.1.2. Section 2 – Problem Analysis

5.1.2.1. The section was agreed with no amendment.

5.1.3. Section 2.1 - Inclusive and Accurate Population Register

5.1.3.1. The entire section was agreed without amendment.

5.1.3.2. It was important for ensuring alignment with all the Government systems. Government agreed and

indicated that the CIO in Department of Public Service was responsible for regulating this system.

5.1.3.3. There was an appreciation of the proposed process put in place by Government in order to change the persons gender as provided in the policy.

5.1.4. **Section 2.2 - Integrated DHA Information Systems that enable a single view of a person**

5.1.4.1. The entire section was agreed without amendment. Adopting international best practices for data and interoperability was important for ensuring alignment with all the Government systems.

5.1.4.2. With regard to provision of interoperability, Government welcomed the document prepared by Business and indicated that this will also be used to strengthen its provision in the policy document. It also noted the support offered by Business in this regard.

5.2. **SECTION B: POLICY THRUST AND POLICY INTERVENTION**

5.2.1. **Section 3 - Foundational principles**

5.2.1.1. The entire section was agreed without amendment.

5.2.2. **Section 4 - Policy interventions**

5.2.2.1. Section was agreed without amendment.

5.2.3. **Section 4.1. - Overview and key attributes of the Population Register**

5.2.3.1 Section was agreed without amendment.

5.2.4 **Section 4.2 – Birth register and birth notice and birth certificate**

5.2.4.1 Section was agreed without amendment. The two possibilities of binary and non-binary will also apply on the birth certificate.

5.2.5 Birth registration and birth notice and birth certificate

5.2.5.1 There was agreement that the National Department of Home Affairs will do more to ensure our citizens have up to date photographs that enable them to be used as a golden source. Furthermore, there was support for a digital future that will enable citizens to access goods and services, benefits, and digital platforms with the minimum of inconvenience. A digital future that will reduce fraud, identity theft and other social ills that impact both the wealthy and poor equally.

5.2.5.2 Government stated that any system that meets the requirements of the POPI Act was welcomed as it will bring improvement of systems in Government.

5.2.5.3 Government welcomed the submission by Business and indicated that it was aligned with the submission as it will enhance the provisions as outlined in the policy document.

5.2.6 Section 4.3. Smart Identity Card and relevant visa

5.2.6.1 Section was agreed without amendment issues of durability will be considered. The issuance of an identity card from birth would provide an opportunity for a non-gender identity to be produced.

5.2.7 Section 4.4. - Passport and travel document

5.2.7.1 The entire section was agreed without amendment

5.2.8 Section 4.5 - Death register and Death certificate

- 5.2.8.1 The entire section was agreed without amendment.
The relevant legislation will cater for applicable exceptions in addressing the provision relating to burial without death certificate.
- 5.2.9 **Section 4.6. - Marriage register and Marriage certificate**
- 5.2.9.1 The entire section was agreed without amendment
- 5.2.10 **Section 4.7 - Visa and permitting regime**
- 5.2.10.1 The entire section was agreed without amendment
- 5.2.11 **Section 4.8 - Official identity credentials or face-value documents**
- 5.2.11.1 The entire section was agreed without amendment.
Face-value documents will not be required to enter into commercial transactions.
- 5.2.12 **Section 4.9 - Key elements of the Official (foundational) identity management system**
- 5.2.12.1 The entire section was agreed without amendment
- 5.2.13 **Section 4.10 - Official identity standards and specifications**
- 5.2.13.1 Section was agreed without amendment.
- 5.2.13.2 In terms of the biographic data that will be reflected on the face-value, Constituencies agreed to the insertion of the “face value” definition as proposed by Government to read as follows
- 5.2.13.3 For a citizen – means all documents issued by the Department of Home Affairs to citizens to prove their official identity which documents may include; birth certificate for SA children, Smart ID Card/ Green ID Book and passport.

- 5.2.13.4 For asylum seeker - means all documents issued by the Department of Home Affairs to asylum seekers to prove their official identity which documents may include; birth certificate for children of non-citizens born in SA, and Asylum Seeker Visa (Section 22 of the Refugees Act).
- 5.2.13.5 For a refugee - means all documents issued by the Department of Home Affairs to refugees to prove their official identity which documents may include; birth certificate for children of non-citizen, Refugee Visa (Section 24 of the Refugees Act) Smart ID Card/ Green ID Book and UN travel document.
- 5.2.13.6 For a permanent resident - means all documents issued by the Department of Home Affairs to permanent residents to prove their official identity which document include; birth certificate for children of non-citizen, Smart ID Card/ Green ID Book and valid passport - issued by a recognised State.
- 5.2.13.7 For any other foreign national who is in the country legally – means valid passport and relevant visa where applicable - issued by a recognised State.

Other face-value documents that may be issued by the Department of Home Affairs to affirm or verify a person's civil status (vital life event) include:

- a) Birth certificates – may be used to affirm and verify the identity and status of a person;
- b) Marriage certificates; and
- c) Death certificates

5.2.13.8 It was further agreed that there wouldn't be any restriction to using an alternative form of identity such as the drivers licence at the discretion of the recipient as identity for commercial purposes.

5.2.14 Section 4.11- Composition of the Identity Number

5.2.14.1 Section was agreed without amendment.

5.2.15 Section 4.12 - Amendment of the official identity record

5.2.15.1 Section was agreed without amendment.

5.3 SECTION C: LEGAL FRAMEWORK

5.3.1 Implementation for the existing legal framework

5.3.1.1 The entire section was agreed without amendment

6 MATTERS TO NOTE

6.3 There were no areas of disagreements recorded. Business, Labour and Community expressed a preference to move directly to a gender-neutral society immediately rather than at a future stage, eliminating discrimination and unnecessary cost for both government and the transgender community.

7 CONCLUSION

7.1 This report therefore concludes the considerations of Nedlac on the report on the Official Identity Management Policy. The Report is submitted to Department of Home Affairs and the Minister of Employment and Labour in terms of Section 8 of the NEDLAC Act No 35 of 1994.

7.2 It is acknowledged that the Nedlac parties may continue to advocate their views in the public consultation and other structured processes with due regard to the Report.

**MEMBERS OF THE OFFICIAL IDENTITY MANAGEMENT POLICY TASK
TEAM**

Business	Community	Labour	Government
Amanda Buitendag Sean Mouton Mark Brits Sino Moabalobelo Sanelisiwe Jantjies	Laurence Bale Mbusi Laura Kganyago	Matthew Parks Sipho Ndhlovu	Kabelo Thulani Mavuso Sihle Mthiyane Modiehi Mofokeng Moses Malakate