Technology and Regulation

Unpacking Digital ID systems' early policy process: The case of Jamaica's NIDS

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Abstract

Interest in the governance of digital public infrastructures (DPI) - and digital identities in particular - has surged, as these systems are increasingly deployed to improve social and economic outcomes at scale. This paper analyzes the case of Jamaica's National ID's early design stages. It unpacks the complexities of the political, legal, and administrative dimensions of the digital ID policy design and legislative processes. It argues that key tensions and trade-offs that emerge and evolve dynamically. We conceptualize and analyze four in the Jamaican context. Lessons from the Jamaican case provide insights for legislators and policymakers to design more accountable, equitable, and inclusive digital ID systems.

1. Introduction

Digital identity systems have emerged as a global trend, particularly in developing countries, promising mass inclusion, formalization, and improved access to services. Between 2016 and 2022, The World Bank's ID4D initiative supported 57 countries in designing ID and civil registration (CR) ecosystems,[1] directly

1 World Bank, 'Identification for Development (ID4D) and Digitalizing G2P Payments (G2Px) 2022 Annual Report' (2022) Identification for Development, Washington, DC, <http://documents.worldbank.org/curated/en/099437402012317995/IDU00fd5409306 1a70475b0a3b50dd7e6cdfe147> World Bank Group accessed 12 October 2023.

impacting over 500 million people. This push aligns with Sustainable Development Goal 16.9: 'Provide legal identity for all, including birth registration' by 2030.

The opportunity for digital ID systems goes beyond providing identification. These systems are components of digital public infrastructure (DPI)[2], foundational functions that can accelerate the achievement of the Sustainable Development Goals more generally.[3] Digital identities are a state-backed manner to attest to one's identity and facilitate access to public and private services. As such they can serve as a cornerstone for direct benefits and serve as a gateway into the formal economy.[4] For example, when Malawi began enrolment in its national digital identity program in 2017, 34% of the country's adults had an account at a financial institution.[5] A year later, the number increased to 45%.[6]

Despite their potential, digital ID systems pose significant risks, including fraud, privacy violations, and systemic exclusion, as recognized by OECD guidelines (2023).[7] The World Bank also cites the risks of unsuitable or unsustainable technology and design choices, vendor lock-in, and systemic exclusion.[8] Several examples depict the harms. India's Aadhaar has had several documented examples of exclusion, highlighting the risk of pairing IDs with access to welfare services.[9] Likewise, in Kenya, miscognized IDs have barred migrants and refugees from essential social security programs.[10] In Nigeria, registration sites were not accessible for people with disabilities, while wealthier individuals could bypass the burdens of enrollment by paying officers to register them at home or work.[11]

In response, multilateral organizations advocate for inclusive ID systems that serve all residents, particularly marginalized groups such as displaced individuals, ethnic minorities, and those with limited connectivity. This approach aims to ensure ID systems support equitable development and empowerment, raising a critical question: How can digital ID systems be designed to ensure inclusion, equity, and safeguards?

2 David Eaves and Jordan Sandman, 'What is digital public infrastructure?' (2023) (UCL IIPP Blog, 5 April 2023). <https://medium.com/iipp-blog/what-is-digital-public-infrastructure-6fbfa74f2f8c> accessed 12 October 2023.

3 United Nations Development Programme (UNDP), 'Accelerating The SDGs Through Digital Public Infrastructure: A Compendium of The Potential of Digital Public Infrastructure' (2023) United Nations Development Program <https://www.undp.org/publications/accelerating-sdgs-through-digital-public-infrastructure-compendium-potential-digital-public-infrastructure> accessed 12 October 2023.

4 World Bank, 'G20 Digital Identity Onboarding' (2018), <https://www.gpfi.org/sites/gpfi/files/documents/G20_Digital_Identity_Onboarding.pdf> accessed 12 October 2023.

5 Shirley Mburu, Rajesh Bansal and David Porteous, 'Malawi Digital Financial ID Feasibility Assessment' (2018) <https://finmark.org.za/system/documents/files/000/000/199/original/Malawi-Digital-ID-Report.pdf?1601975267> accessed 6 November 2023.

6 ID4Africa, 'ID4Africa LiveCast Supplement NRB' (ID4Africa, 2022) <https://www.id4africa.com/2022/files/ID4Africa_LiveCast_Supplement_NRB.pdf> accessed 2 November 2023.

7 Organisation for Economic Co-operation and Development (OECD), 'Recommendation of the Council on the Governance of Digital Identity' (OECD, 8 June 2023) <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0491> accessed 2 November 2023.

8 World Bank, 'Practitioner's Guide: Identification for Development (ID4D)' (2019, World Bank Group) <https://id4d.worldbank.org/guide> accessed 2 November 2023.

9 Swetha Totapally, Petra Sonderegger, Priti Rao, Jasper Gosselt, and Gaurav Gupta, 'State of Aadhaar: A People's Perspective' (2019) <https://www.researchgate.net/publication/338596125_State_of_Aadhaar_A_people's_perspective> accessed 2 November 2023.

10 Keren Weitzberg, 'Biometrics, Race Making, and White Exceptionalism: The Controversy Over Universal Fingerprinting in Kenya' (2020) 61(1) *The Journal of African History* 23–43, <https://doi.org/10.1017/S002185372000002X> accessed 22 September 2023; Grace Mutung'u, 'The United Nations Guiding Principles on Business and Human Rights, Women and Digital ID in Kenya: A Decolonial Perspective' (2022) 7 *Business and Human Rights Journal* 117–133, <https://doi.org/10.1017/bhj.2021.60> accessed 22 September 2023.

11 The Engine Room, 'Digital ID in Nigeria: A Case Study' (The Engine Room, 2020) <https://www.digitalid.theengineroom.org> accessed 22 September 2023.

Scholars have contributed frameworks, such as data justice[12] and the capabilities approach[13], to evaluate digital ID systems and their potential to perpetuate marginalization. While these contributions inform policy, they often overlook the intricate political and administrative negotiations that shape outcomes. Furthermore, policy decisions typically require navigating complex tensions and trade-offs. Decisions such as whether IDs should be mandatory or how much data to collect and store, involve trade offs which are influenced by an evolving public perception and political processes.

This paper examines Jamaica's ID policy and legislative processes to unpack the complexities and trade-offs inherent in the early stages of digital identity systems. We do not intend to derive universal insights but rather expand awareness about the multidimensionality surrounding digital identity systems. By unpacking the process, identifying and clarifying key tradeoffs and tensions, we aim to enable future policymakers, legislators, and academics to assess the creation of other programs more effectively. We also aim to contribute by suggesting a research agenda encompassing complexity in digital identity systems.

The article begins with a review of digital identity literature, followed by an outline of the methodology and key concepts. It then examines Jamaica's NIDS, summarizing its political landscape, legislative evolution and stakeholder dynamics. An analysis of key trade-offs and tensions follows, concluding with policy reflections and directions for future research.

2. From legal to digital identity: evolution, implications, and multidisciplinary nature of digital IDs

Digital identity has gained prominence over the past decade, considering earlier discussions of legal identity.[14] Since the late 2000s, legal studies have explored this concept through a human rights lens, guided by frameworks such as the 1948 Universal Declaration of Human Rights (UDHR) and the 1966 International Covenant on Civil and Political Rights (ICCPR)[15], which affirm the right to legal recognition. The 1989 Convention on the Rights of the Child (CRC)[16] further emphasizes identity rights, including the right to a name, birth registration, and nationality.

The 2015 United Nations Sustainable Development Goals (SDGs) advanced the legal identity agenda, particularly through Target 16.9, which aims to 'provide legal identity for all, including birth registration' by 2030. While this was the first global claim to universal legal identity, the target's reliance on birth registration as its primary indicator conflates legal identity with registration. However, legal identity—the right to

12 Richard Heeks and Jaco Renken, 'Data justice for development: What would it mean?' (2018) 34(1) *Information Development* 90-102, <https://journals.sagepub.com/doi/abs/10.1177/0266666916678282> accessed 22 September 2023; Linnet Taylor, 'What Is Data Justice? The Case for Connecting Digital Rights and Freedoms Globally' (2017) 4(2) *Big Data & Society*, <https://doi.org/10.1177/2053951717736335> accessed 8 January 2024.

13 See, for example: i) Annika Andersson, Åke Grönlund and Gudrun Wicander, ‹Development as Freedom – How the Capability Approach Can Be Used in ICT4D Research and Practice› (2012) 18(1) Information Technology for Development 1–4 <https://doi.org/10.1080/02681102.2011.632076> accessed 22 September 2023; ii) Yingqin Zheng, ‹Different Spaces for E-Development: What Can We Learn from the Capability Approach?› (2009) 15(2) Information Technology for Development 66–82 <https://doi.org/10.1002/itdj.20115> accessed 22 September 2023; iii) Henk Marsman, ‹Is the Capabilities Approach Operationalizable to Analyse the Impact of Digital Identity on Human Lives› (2022) 4 Data & Policy E43 https://doi.org/10.1017/dap.2022.37 accessed 22 September 2023.

14 Christoph Sperfeldt, 'Legal Identity in the Sustainable Development Agenda: Actors, Perspectives and Trends in an Emerging Field of Research' (2021) 26(2) *The International Journal of Human Rights* 217–238, <https://doi.org/10.1080/13642987.2021.1913409> accessed 22 September 2023; Clare Sullivan, 'Digital Identity – The Legal Person?' (2009) 34 *Computer Law & Security Review* 723–737 <https://doi.org/10.1016/j.clsr.2009.03.009> accessed 22 September 2023; Debra Ladner, Erik G. Jensen, and Samuel E. Saunders, 'A Critical Assessment of Legal Identity: What It Promises and What It Delivers' (2013) 6(1) *Hague Journal on the Rule of Law* 47–74, <https://doi.org/10.1017/S1876404513000043> accessed 22 September 2023; United Nations Development Programme (UNDP), 'Implementation of the United Nations Legal Identity Agenda: United Nations Country Team Operational Guidelines' (2020) United Nations Development Programme <https://unstats.un.org/legal-identity-agenda/documents/UNCT-Guidelines.pdf> accessed 22 September 2023.

15 Bronwen Manby, 'The Sustainable Development Goals and "Legal Identity for All": "First, Do No Harm"' (2021) 139 *World Development* 105343, <https://doi.org/10.1016/j.worlddev.2020.105343> accessed 3 January 2025.

16 Ibid.

be recognized as a person before the law—can exist independently of birth registration, as affirmed by the ICCPR.[17]

In the absence of birth registration, legal identity may still be established by an identification authority, though this distinction often leads to misinterpretation. Civil registration systems are tasked with recording vital events, such as births, deaths, and marriages, within the boundaries of a given jurisdiction. Consequently, they often exclude individuals whose vital events occurred outside the territory, such as migrants and refugees. In contrast, digital ID systems and their underlying population registers are designed to include all residents of a jurisdiction, irrespective of their place of birth. For a digital identity system to function effectively, it should establish interoperability between civil registration and identification systems, ensuring that both contribute to a legal identity framework.

With the digital transition, digital identity emerged as government-backed electronic credentials, gradually replacing 'legal identity' in discourse despite their interrelated nature.[18] Scholars like Christoph Sperfeldt highlight how initiatives like The World Bank's ID4D have shifted focus from legal status recognition to technological solutions for individual identification. Silvia Masiero[19] explores how the COVID-19 pandemic influenced the adoption and agenda of digital identity systems, as they became crucial in enhancing social protection programs over the last two decades, particularly for vulnerable groups dependent on the highly digitized social protection solutions during the health emergency.

The shift from legal to digital identity raises concerns about data collection and privacy.[20] Scholars like Clare Sullivan[21] argue that existing human rights frameworks, such as the ICCPR, could protect digital identity by giving individuals greater control over their data. Ana Beduschi[22] adds that technological reliance alone is insufficient for upholding human rights and preventing discrimination[23] and that individuals must have the right to dispute digital identity system decisions and seek remedy for any harm or rights breaches[24].

While legal scholars focus on privacy, development literature interprets digital identity as a lever for socio-economic progress[25] and a potential driver of exclusion and surveillance[26], particularly against marginalized groups[27]. Keren Weitzberg and colleagues[28] advocate for a balanced approach that recognizes these dualities,

17 Christoph Sperfeldt (n 14).

18 World Bank, *Principles on Identification for Sustainable Development: Toward the Digital Age* (World Bank, 2021) <https://documents1.worldbank.org/curated/en/213581486378184357/pdf/Principles-on-Identification-for-Sustainable-Development-Toward-the-Digital-Age.pdf> accessed 11 January 2024.

19 Silvia Masiero, 'COVID-19: What Does It Mean for Digital Social Protection?' (2020) 7(2) *Big Data & Society* 1, <https://doi.org/10.1177/2053951720978995> accessed 12 January 2024.

20 Clare Sullivan, '"Digital Identity – From Emergent Legal Concept to New Reality"' (2018) 34 *Computer Law & Security Review* 723–731, < https://doi.org/10.1016/j.clsr.2018.05.015> accessed 12 January 2024.

21 Ibid.

22 Ibid.

23 Ibid.

24 Ana Beduschi, 'Rethinking Digital Identity for Post-COVID-19 Societies: Data Privacy and Human Rights Considerations' (2021) 3 *Data & Policy* e15, <https://doi.org/10.1017/dap.2021.15> accessed 3 January 2024.

25 Silvia Masiero and Savita Bailur, 'Digital Identity for Development: The Quest for Justice and a Research Agenda' (2021) 27(1) *Information Technology for Development* 1–12, <https://doi.org/10.1080/02681102.2021.1859669> accessed 3 January 2024.

26 Babatunde Okunoye, 'Mistrust of Government Within Authoritarian States Hindering User Acceptance and Adoption of Digital IDs in Africa: The Nigerian Context' (2022) 4 *Data & Policy* e37, <https://doi.org/10.1017/dap.2022.29> accessed 3 January 2024; Keren Weitzberg, Margie Cheesman, Aaron Martin, and Emrys Schoemaker, 'Between Surveillance and Recognition: Rethinking Digital Identity in Aid' (2021) 8(1) *Big Data & Society*, <https://doi.org/10.1177/20539517211006744> accessed 8 January 2024; Margie Cheesman, 'Self-Sovereignty for Refugees? The Contested Horizons of Digital Identity' (2020) 27(1) *Information Technology for Development* 134–159, <https://doi.org/10.1080/02681102.2019.1708913> accessed 8 January 2024; Mirca Madianou, 'Techno-Colonialism: Digital Innovation and Data Practices in the Humanitarian Response to Refugee Crises' (2019) 5(3) *Social Media + Society*, <https://doi.org/10.1177/2056305119863146> accessed 8 January 2024.

27 Silvia Masiero and Viktor Arvidsson, 'Degenerative Outcomes of Digital Identity Platforms for Development' (2021) 31(6) *Information Systems Journal*, 767–953, <https://doi.org/10.1111/isj.12351> accessed 8 January 2024.

28 Karen Weitzberg, Margie Cheesman, Aaron Martin, and Emrys Schoemaker, 'Between Surveillance and Recognition: Rethinking Digital Identity in Aid' (2021) 8(1) *Big Data & Society*, <https://doi.org/10.1177/20539517211006744> accessed 8 January 2024.

highlighting the complex interplay of benefits and risks. Additionally, development literature[29] challenges the assumption that multilateral institutions are primarily driven by human rights rather than other interests, including those of former colonial powers. With the growing engagement of international aid organizations, development banks and non-governmental organizations in digital identity programs, there is a pressing need to further explore the actors and funding structures which influence those projects. Keren Weitzberg et al. highlight the political and legal dimensions of these projects, arguing that 'rights cannot be granted, they can only be claimed and accessed (or denied)'[30]. This underscores the idea that identification is inherently entwined with politics and law rather than merely being a product of technical innovation.

Data justice scholars take a step forward. Linnet Taylor, for instance, goes beyond putting the lens of politics and law in data, and highlights the relevance of public–private interface, since many of what we perceive as public-sector functions are performed by the private sector, with consequences for transparency and accountability.[31] Even though the author touches upon those power nuances while creating a framework for the ethical and fair governance of data technologies, the focus of this literature relies primarily on data. This reflects a logic that often equates digital identity with databases. However, identities are not necessarily synonymous with data repositories, such as civil registries. While digital identities rely on an underlying data repository or reference system to validate the identity, their primary function is to uniquely identify and authenticate individuals.

Scholarly discussions have not yet explored the influence of political and administrative dynamics, along with stakeholder interests, on shaping digital identity systems, beyond data centric discussions. This paper addresses this gap through a case study of Jamaica, analyzing the trade-offs and tensions in the legislative and policy processes. By exploring these complexities, we aim to guide policymakers and legislators toward designing inclusive and accountable systems.

3. Methodology

This study examines Jamaica's Digital ID Policy and Legislation processes (2016–2021) to explore the complexities and trade-offs emerging in the early stages of digital ID policy debates. Jamaica represents a critical case[32] due to its prolonged discussions on national identity systems, the dynamic evolution of NIDS, and the involvement of diverse stakeholders. The legislative framework, initiated in 2016, faced significant hurdles, including a Supreme Court ruling that struck down the initial proposal in 2019, before succeeding in 2021. These factors, combined with active civil society participation, make the Jamaican case a unique lens through which to study the dynamics of digital ID policy and legislation.

The exploratory case study method was employed as the primary research strategy. The principal objective of this approach is to have new research questions uncovered for broader future studies.[33] Emphasis was placed on mainstream policy studies, where the complexities of agenda-setting, policy processes, and governance are examined.[34] Considering this approach, policy-making is not viewed as a direct process but rather as a dynamic interaction of values, interests, and resources influenced by various institutions and politics.

29 Ibid, (see above); Grace Mutung'u (n 10); Mirca Madianou, 'Techno-Colonialism: Digital Innovation and Data Practices in the Humanitarian Response to Refugee Crises' (2019) 5(3) *Social Media + Society*, <https://doi.org/10.1177/2056305119863146> accessed 8 January 2024.

30 Karen Weitzberg and others (n 28).

31 Linnet Taylor (n 12).

32 Robert K. Yin, *Case Study Research and Applications: Design and Methods* (6th edn, SAGE Publications, Inc 2017) 1-352.

33 Arya Priya, 'Case Study Methodology of Qualitative Research: Key Attributes and Navigating the Conundrums in Its Application' (2020) 70(1) *Sociological Bulletin* 94–110, <https://doi.org/10.1177/0038022920970318> accessed 8 January 2024.

34 Jennifer Browne, Brian Coffey, Kay Cook, Sarah Meiklejohn and Claire Palermo, 'A guide to policy analysis as a research method' (2019) 34(5) *Health Promotion International* 1032–1044, <https://doi.org/10.1093/heapro/day052> accessed 8 January 2024.

We analyzed the policy process using the Advocacy Coalition Framework (ACF) by Sabatier and Jenkins-Smith,[35] emphasizing advocacy coalitions to understand how policy actors organize. Based on ACF's premise that coalitions share core beliefs and coordinate actions to influence policies,[36] we grouped actors into three coalitions. Additionally, following Nohrstedts suggestion,[37] we explicitly considered coalition members' interests, reflecting the highly politicized nature of Jamaica's digital ID project.

Evidence was collected through three sources. First, through ten qualitative interviews conducted between August and November 2023 included experts in law, human rights, data privacy, and postcolonial studies, as well as representatives from the government, the Inter-American Development Bank, and the civil society coalition. Second, we reviewed a wide range of documents, including academic papers, government publications, and grey literature (e.g., websites, news articles, and blogs). Third, one co-author, a specialist in civil society engagement in digital systems and a member of the coalition during the legislative process, provided contextual insights. To mitigate potential bias, we cross-referenced this account with diverse evidence and literature, ensuring a rigorous and balanced analysis.[38]

4. Contextual Background

4.1 Foundational, National, and Digital: The Interplay of ID Systems in Jamaica

Legal identity depends on a foundational ID, enabling institutions like governments, courts, and banks to verify an individual's identity. Foundational IDs form the basis for functional IDs, such as passports for travel, driver's licenses for driving, or bank cards for financial access.

Foundational IDs are created through either a National ID system or a civil registry. Civil registration records vital events, such as births and marriages,[39] while ID systems document individuals based on residence rather than birthplace. Civil registration is event-focused, whereas ID systems are individual-focused. In countries with weak or incomplete civil registration, National ID systems often rely on self-declared data verified through biometrics. As of 2023, over a billion people lacked proof of identity due to inadequate civil registration (particularly no birth record),[40] complicating ID verification processes.

In Jamaica, the absence of a foundational ID system led to reliance on functional IDs like passports, voter ID cards, driver's licenses, and the Tax Registration Number (TRN). However, these tools excluded marginalized groups due to cost, age restrictions, or proof-of-address requirements. For example, passports were expensive, voter IDs and driver's licenses required proof of address, and the TRN primarily served business transactions.

This fragmented system imposed significant costs and administrative burdens on individuals. For instance, opening a bank account required multiple IDs and references verified by a Justice of the Peace, while accessing government services often demanded extensive documentation. These challenges exacerbated financial exclusion, preventing many Jamaicans from safely storing capital or accessing essential services.

35 See, for example: i) Paul Sabatier, 'An Advocacy Coalition Framework of Policy Change and the Role of Policy-Oriented Learning Therein' (1988) 21(2/3) *Policy Sciences* 129–168, <http://www.jstor.org/stable/4532139> accessed 8 January 2024; ii) Daniel Nohrstedt, Hank Jenkins-Smith, Chris Weible, and Karin Ingold, 'The Advocacy Coalition Framework: An Overview of the Research Program' in Christopher M Weible and Paul A Sabatier (eds), *Theories of the Policy Process*(4th edn, Routledge 2017) 135–171.

36 Jonathan J. Pierce, Holly L. Peterson, Michael D. Jones, Samantha P. Garrard, and Theresa Vu, 'There and Back Again: A Tale of the Advocacy Coalition Framework' (2017) 45(S1) *Policy Studies Journal* S13–S46, <https://doi.org/10.1111/psj.12197> accessed 8 January 2024.

37 Daniel Nohrstedt, 'Do Advocacy Coalitions Matter? Crisis and Change in Swedish Nuclear Energy Policy' (2010) 20(2) *Journal of Public Administration Research and Theory* 309–333 <https://doi.org/10.1093/jopart/mun038> accessed 18 January 2024.

38 Mats Alvesson and Kaj Sköldberg, *Reflexive Methodology: New Vistas for Qualitative Research* (2nd edn, Sage Publications, London 2009) 1-350.

39 United Nations Department of Economic and Social Affairs, Statistics Division, 'Principles and Recommendations for a Vital Statistics System, Revision 3' (2014) <https://unstats.un.org/unsd/demographic/standmeth/principles/m19rev3en.pdf> accessed 6 November 2023.

40 World Bank (n 8).

The Jamaican government viewed transitioning from functional to foundational IDs as a path to economic growth and inclusion.[41] A digital ID offers additional benefits by integrating individuals into digital ecosystems. When coupled with trustworthy components for digital payments, data sharing, and specific use cases,[42] such a digital ID could provide more value[43]. These components constitute a societal "digital stack" or digital public infrastructure (DPI). Within the DPI framework, digital IDs are indispensable[44] because they offer a reliable means to verify identities, both in-person and remotely. Thus, digital ID systems are central to digital societies, enhancing digital transformation and improving service delivery across the board.

4.2 Political and Socio-economic Context

Jamaica's two-party system is dominated by the Jamaica Labour Party (JLP) and the People's National Party (PNP). The PNP adopts a 'radical reformist' stance, while the JLP favors 'conservative reformist' policies, creating alternating cycles of reform and stability.[45] Despite this, public ambivalence toward the two-party system persists, with over 50% of respondents open to voting for a third party.[46] Trust in government has fluctuated, rising from 18% in 2007 to 35% in 2018—above the Latin American and Caribbean (LAC) average but below the OECD median.[47]

Jamaica faces significant socio-economic challenges, including a 60% informality rate in 2018,[48] exacerbated by widespread distrust in public institutions. Violence is another pressing issue: in 2022, Jamaica recorded the highest homicide rate among 20 LAC countries, with 52.2 murders per 100,000 inhabitants,[49] far exceeding the 2017 global average of 6.1. Organized crime drives much of this violence, with gang activity accounting for 79% of homicides in 2013.[50]

In 2017, in the context above - oscillating trust in political parties and class divisions in political engagement with ongoing economic informality and violent crime - the Jamaica Labour Party pushed for approval of the first NIDS bill, promising to minimize some of these structural issues.

5 Case Overview

5.1 The Conception of NIDS (1970-2016)

Discussions about creating a National Registration System in Jamaica began in the 1970s,[51] centered on assigning a unique number to every Jamaican at birth. Although the initiative, aligned with the People's National Party's economic reforms, did not pass, the concept persisted in national discourse. In the 1980s,

41 According to the OECD (2023), digital identity is a collection of electronic data and credentials used to validate certain attributes or claims about an individual and, when necessary, distinctly identify that person.

42 According to the OECD (2023), in this context, use cases typify the procedures and interactions that take place when a digital identity aids in streamlining, validating, or safeguarding a digital activity.

43 Identification for Development (ID4D), 'A digital stack for transforming service delivery: ID, payments, and data sharing' (2022) <https://documents1.worldbank.org/curated/en/099755004072288910/pdf/P1715920edb5990d60b83e037f756213782.pdf> accessed 6 November 2023.

44 Ibid, (see above).

45 Carl Stone, 'Class and the Institutionalisation of Two-Party Politics in Jamaica' (1976) 14(2) *The Journal of Commonwealth & Comparative Politics* 177–196, <https://doi.org/10.1080/14662047608447258> accessed 18 January 2024.

46 Carl Stone, 'Social Class and Partisan Attitudes in Urban Jamaica' (1972) 21(1) *Social and Economic Studies* 1–29 <http://www.jstor.org/stable/27856509> accessed 18 January 2024.

47 Organisation for Economic Cooperation and Development (OECD), *Government at a Glance: Latin America and the Caribbean 2020* (OECD 2020) <https://doi.org/10.1787/13130fbb-en> accessed 18 January 2024.

48 Manuel Mera, 'Social Protection in Jamaica: Strengths and Limitations of its Redistributive Mechanisms' (2021) *United Nations Development Program for the Latin America and the Caribbean Working Paper Number* 20 <https://www.undp.org/latin-america/publications/social-protection-jamaica-strengths-and-limitations-its-redistributive-mechanisms> accessed 6 November 2023.

49 United Nations Office on Drugs and Crime, UNODC Data: 'Intentional Homicide Victims' (UNODC, no date) <https://dataunodc.un.org/dp-intentional-homicide-victims> accessed 18 October 2023.

50 Anthony D Harriott and Marlyn Jones, *Crime and Violence in Jamaica* (IDB Series on Crime and Violence in the Caribbean, Inter-American Development Bank 2016, Heather Sutton ed) <https://publications.iadb.org/en/publications/english/viewer/Crime-and-Violence-in-Jamaica-IDB-Series-on-Crime-and-Violence-in-the-Caribbean.pdf> accessed 6 November 2023.

51 Office of the Prime Minister, 'NIDS Facts' (n.d.) <https://www.nidsfacts.com/> accessed 6 November 2023.

the Electoral Advisory Committee (EAC) proposed establishing a National Registration System under the Minister of Justice. By the 1990s, the Cabinet Office approved a National Registration Unit within the Ministry of Health.[52]

The concept of a National Identification System (NIDS) evolved over decades to focus on securely verifying and authenticating identities. In 2016, the newly elected Prime Minister, Andrew Holness, revitalized the idea as a government priority. A white paper outlined the rationale for NIDS, positioning it as foundational to Jamaica's digitization goals.[53] Drawing inspiration from international models like India's Aadhaar and Estonia's ID card, Holness envisioned NIDS as central to Vision 2030 Jamaica, a national development plan comprising four primary goals and 15 strategic outcomes.[54]

The discussions concerning the National Identification System (NIDS) began when neither an adequate legal framework nor a data protection act existed. With JLP's majority in Parliament, there was a sentiment that a unique policy window[55] had emerged, accelerating initiatives to establish the NIDS.

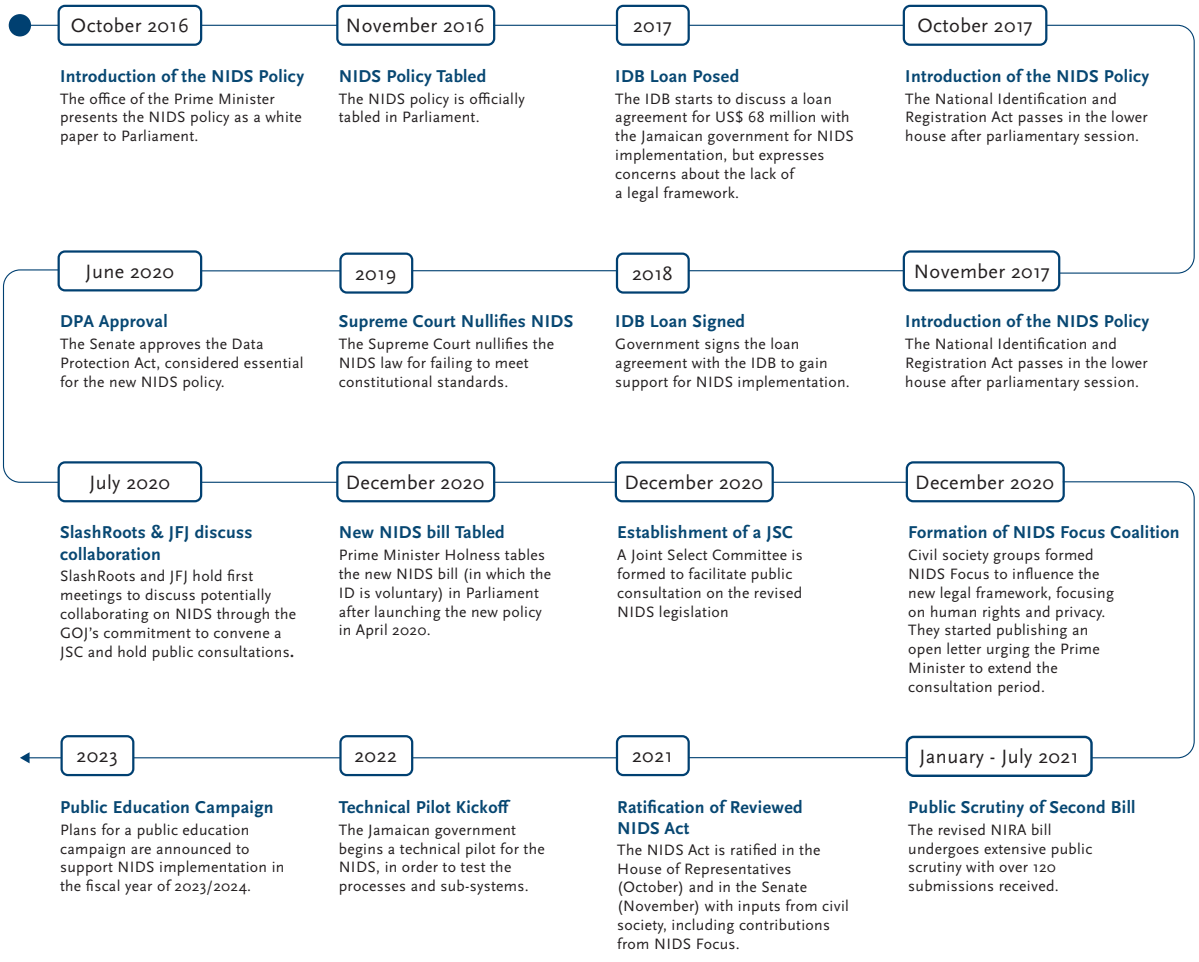

Figure 1. Timeline of the NIDS Project (2016-2023)
Source: Author's elaboration based on 'NIDS Facts'[56]

52 Ibid, (see above).

53 Office of the Prime Minister, *White Paper on the National Identification System Policy* (October 2016) <https://www.nidsfacts.com/wp-content/uploads/2020/06/NIDS-Policy-October2016.pdf> accessed 6 November 2023.

54 Government of Jamaica, 'Alignment of the Vision 2030 Jamaica MTF 2018–2021 National Strategies to the Sustainable Development Goals (SDGs) Indicators and Targets' (Working Document, 2021) <https://www.vision2030.gov.jm/wp-content/uploads/sites/2/2021/05/Alignment-of-the-Vision-2030-Jamaica-MTF-2018-2021-National-Strategies-to-the-Sustainable-Development-Goals-SDGs-Indicators-and-Targets.pdf> accessed 6 November 2023.

55 John W. Kingdon, 'How Do Issues Get on Public Policy Agendas?' (1993) in William Julius Wilson (ed), *Sociology and the Public Agenda* (1st edn, Sage Publications 1993) 40–50 <https://doi.org/10.4135/9781483325484> accessed 18 January 2024.

56 Retrieved from NIDS Facts website, <https://www.nidsfacts.com> accessed 6 November 2023 and the NIDS Focus Coalition website, <https://nidsfocus.com> accessed 7 November 2023.

5.2 Different actors and interests

In the journey to establish Jamaica's NIDS, numerous actors held different positions and interests in the project and were self-organized in formal and informal coalitions. Based on the ACF Framework's assumptions, we group policy actors according to their shared deep core and policy beliefs.[57] However, given the highly politicized nature of the NIDS policy, we also separate beliefs from interests following Nohrstedt's[58] suggestion. Table 1 below summarizes each policy actor's interests, and Table 2 groups and describes the three main coalitions. The tables are built based on interviews and other research sources.

Table 1. Policy actors' interests and risks associated with the NIDS implementation

Actor	Initial Interests	Risks
Government (Jamaica Labor Party)	A parliamentary majority and the prospects of an IDB loan represented a unique opportunity to propose the NIDS policy and approve a legal framework. This could allow the government to showcase NIDS as a promise fulfilled and a cornerstone for Jamaica's digital transformation and economic growth.	Failure to approve the bill in parliament and low enrollment rates.
Political Opposition (People's National Party)	Had just lost the elections and saw the government tabling a project they had worked on for decades. Aligned on the need for a national identification system they did not fully oppose it, but knew effective criticism of the proposal could generate media attention and support.	Not receiving due recognition for playing an active role in executing a nationwide policy.
Inter American Development Bank (IDB)	Believed in the developmental potential of digital ID's and wanted to support governments. A successful implementation in Jamaica would be a benchmark for other Caribbean countries. As potential funders, they discussed whether to impose a conditionality for a legal framework to approve the loan, as a way to balance human rights concerns with economic development opportunities.	The reputational risk of lending $68 million for a project with potential legal challenges and human rights violations or flawed implementation.
Banking Sector	Viewed NIDS as a means to improve access to the banking system, thereby growing their customers while cutting administrative costs. They expected increased financial inclusion (13% of adults cannot open a bank account59 due to bureaucratic processes).	Unable to expand their client base, as one in every five persons in Jamaica is unbanked.[60]
Digital rights' focused civil society organizations	Concerned by the government's approach to the initial NIDS legislation as it potentially threatened human rights and data privacy. They sought to be a constructive contributor to the public discourse and wanted a legal framework that supported privacy by design approaches and mitigated against data misuse in ways that might harm enrolled individuals (e.g., citizen tracking).	Limited time and opportunity to engage, contribute, and influence the NIDS policy and legal framework.

57 Daniel Nohrstedt, Hank Jenkins-Smith, Chris Weible, and Karin Ingold, 'The Advocacy Coalition Framework: An Overview of the Research Program' in Christopher M Weible and Paul A Sabatier (eds), *Theories of the Policy Process*(4th edn, Routledge 2017) 135–171; Deep core beliefs are normative values, and not policy specific. In contrast, policy core beliefs are topic specific, and can be both normative and empirical.

58 Ibid, 135–171.

59 Monique Graham, 'Who Am I? The People Dem NIDS' (Caribbean Policy Research Institute (CAPRI), Kingston, Jamaica, supported by the Inter-American Development Bank, 2020) <https://capricaribbean.org/sites/default/files/documents/r2004who-am-i-people-dem-nids-faw202010281136_0.pdf> accessed 6 November 2023.

60 Ibid, (see above).

Table 1. Continued

Actor	Initial Interests	Risks
Social identity-focused civil society organizations	Wanted NIDS to reflect the diverse needs of Jamaican citizens. This meant offering revisions to prevent harm to people with disabilities, people identified as LGBTQI+ and others.	Unable to adequately understand and explain the implications of the NIDS bill for specific social profiles and failing to raise awareness about the regulation's problems.
Religious Rights' focused civil society organizations	Concerned about the public's participation in NIDS becoming mandatory or affecting access to public services or existing identification options.	NIDS becoming mandatory by de facto because of how it is implemented.

Source: Author's elaboration

Based on the ACF model, the table below groups the main policy actors identified above into three coalitions according to their core beliefs. In line with ACF, not every policy actor becomes part of a coalition, and therefore only a subset of actors are represented below. While we note above that there is evidence of interest alignment, we do not have enough evidence to differentiate the deep core beliefs of the political opposition (Challenger Insider Coalition) from the coalition composed of the People's National Party, the IDB, and the banking sector (Dominant Coalition) since the opposition had been trying to table a similar policy while in power. Our assumption is that the core beliefs are possibly the same as the JLP, and that the main point of contention were political interests, as described in the table above.

Table 2. The three policy coalitions and their beliefs

	Dominant Coalition	Challenging Insider Coalition	Challenging Outsider Coalition
Coalition Members	• Prime Minister Andrew Holness • Prime Minister's Office • JLP Party Members and • Inter American Development Bank • Banking Sector	• People's National Party Members (PNP) • Legislators: Julian Robinson	• Civil society organizations focused on social-identity topics • Civil society organizations focused on digital rights • Policy entrepreneurs61: Matthew McNaughton (SlashRoots) and Andrew Nooks (Jamaicans for Justice)
Deep Core Beliefs	Efficiency and Growth through private sector participation and formalization	Not enough evidence - Possibly the same as Dominant Coalition	Human Rights and Privacy
Policy Core Beliefs	• Leverage a political window of opportunity and IDB's Loan • NIDS as a means to make it easier for citizens to enter the banking system, thereby growing their number of customers and cutting administrative costs.	Not enough evidence	• Policymakers have blind spots on the ID's impact on diverse groups of citizens (e.g. people with disabilities and LGBTQI+ community). • Any legal framework must support privacy by design approaches and mitigate against data misuse (e.g., citizen tracking). • Digital IDs must follow data minimization principles

61 Michael Mintrom and Phillipa Norman, 'Policy Entrepreneurship and Policy Change' (2009) 37 *Policy Studies Journal* 649–667 <https://doi.org/10.1111/j.1541-0072.2009.00329.x> accessed 18 January 2024.

Table 2. Continued

	Dominant Coalition	Challenging Insider Coalition	Challenging Outsider Coalition
Secondary Beliefs	• ID must be made mandatory • A successful implementation in Jamaica would be a benchmark for other Caribbean countries • NIDS could help reduce criminality • The more data collected, the bigger potential for using it for policy-making	• Amount of data collected should not violate Constitutional Principles	• Need for more time to purposefully engage with government entities • Design Techniques such as personas help governments understand impacts on citizens

Source: Author's elaboration.

5.3 First version of the bill and the Supreme Court judgment (2016-2019)

In October 2016, the Prime Minister's Office presented the NIDS policy to Parliament as a white paper,[62] officially tabled as a policy[63] in November. The policy aimed to establish NIDS as "the primary source of verifiable and authentic identity assurance for every citizen and person ordinarily resident in Jamaica", with a goal of enabling secure and reliable identity verification by 2017.

As deliberations about the NIDS progressed, a separate debate unfolded within the Inter-American Development Bank (IDB), which had previously signed an agreement with the government, offering a substantial loan of US$ 68 million for the NIDS's implementation.[64] IDB anticipated diverse benefits, including but not limited to financial inclusion and increased public sector transparency. They also expected reduced identity-related fraud in banks (referred to as "de-risking"), referencing 2015, when Jamaican banks terminated eighteen banking products due to identity-related fraud.[65]

As the project progressed, the IDB raised concerns about the absence of a legal framework to govern NIDS, seeing it as a critical risk. To address this, the IDB made the development of a legal structure a precondition for disbursing funds and launching the system.

In November 2017, the lower house passed the National Identification and Registration Act after one of Jamaica's longest parliamentary sessions, followed by Senate approval in what many saw as a rushed process. Critics highlighted its compulsory nature, lack of an independent oversight body, and extensive data collection requirements ((up to forty-eight data features were established among mandatory and optional fields, including up to nine biometric markers). Additionally, the act passed without substantive debate with the opposition in Parliament.

In 2019, opposition MP Julian Robinson challenged the law in the Supreme Court, arguing it violated constitutional privacy rights. The Court ruled in his favor, declaring the legislation unconstitutional due to insufficient justification from the government and nullifying the law.

62 Office of the Prime Minister, *White Paper on the National Identification System Policy* (n 53).
63 Ibid.
64 Inter-American Development Bank, 'Implementation of the National Identification System (NIDS) for Economic Growth (JA-L1072): Jamaica Public Project Profile' (2017) <https://www.iadb.org/en/projects-search> accessed 6 November 2023.
65 Ibid.

5.4 Second version of the bill and the NIDS Focus Coalition (2020-2021)

Following the Supreme Court's ruling, Prime Minister Holness committed to revising the NIDS to make the ID voluntary and established a Joint Select Committee (JSC), a special-purpose parliamentary committee that includes select members from both houses of the Jamaican Parliament, to conduct public consultations on the proposed legislation.[66]

Between 2019 and mid-2020, the government drafted a revised NIDS policy and legal framework. In June 2020, the Senate passed the Data Protection Act (DPA),[67] paving the way for the Prime Minister to table the new NIDS bill in December[68]. The establishment of a Joint Select Committee (JSC) signaled the government's commitment to broad public scrutiny and building national consensus.

Several civil society organizations, anticipating the legislative process, formed the NIDS Focus Coalition, a multi-stakeholder group of 13 organizations from civil society, academia, and the private sector. The coalition aimed to shape a legal framework emphasizing inclusivity, accessibility, and respect for privacy and human rights, countering the risks of mass data collection while addressing the broader societal impacts of the ID system, ensuring it catered to marginalized groups.

The coalition's diverse expertise became a strength since Jamaica is not renowned for its extensive expertise in digital transformation, especially in nuanced areas like data privacy and digital rights. Two organizations led the coalition's structuring: the SlashRoots Foundation and Jamaicans for Justice (JFJ). The coalition was crafted within the expansive network of these two entities, maximizing its reach and impact through its diverse partnerships. The coalition's diverse composition ranged from entities specializing in intellectual disabilities to youth associations and LGBTQI+ communities. Such strategic heterogeneity and a strong alignment, rare in similar civil society efforts, brought power to counterbalance the Parliamentary discussions and fortify digital rights advocacy.

One of the key capabilities of the NIDS Focus Coalition was the expertise in participatory design. Typically, civil society organizations struggle to engage in more technical debates[69], while technocrats wrestle with understanding the implications of their choices on different population groups. To bridge the gap, the coalition used design techniques, such as creating personas representing the country's diversity, to illustrate how the legislation affects Jamaicans' lives. These techniques proved helpful in illuminating issues related to discrimination and social justice. For example, they told the stories of James and Mavis (see figure below) and how they could be legally charged for not complying with sharing all the mandatory information required for NIDS.

Between January and July 2021, the second iteration of the NIRA Bill was subjected to public scrutiny led by the appointed committee after some pushback from civil society, since the JSC originally announced the iterations would only go until February. This period garnered considerable public input, with the committee receiving more than 120 submissions.

66 Office of the Prime Minister, 'NIDS bill to be put to joint select committee and passed this year' (The Office of the Prime Minister, 30 September 2020) <https://opm.gov.jm/news/nids-bill-to-be-put-to-joint-select-committee-and-passed-this-year/> accessed 6 November 2023.

67 Alecia Smith, 'Data Protection Bill passed in the Senate' (Jamaica Information Service, 13 June 2020) <https://jis.gov.jm/data-protection-bill-passed-in-the-senate/> accessed 6 November 2023.

68 Office of the Prime Minister, 'PM Tables New Voluntary NIDS Bill' (NIDS Facts, n.d.) <https://www.nidsfacts.com/pm-tables-new-voluntary-nids-bill/> accessed 6 November 2023.

69 The Engine Room, 'Digital ID in Nigeria: A Case Study' (n 11).

Figure 2. NIDS Focus Coalition application of design techniques
Source: NIDS Focus Coalition Website[70]

Table 4. Amendments to the bill suggested by the coalition

Area of Concern	Bill's Risks and Concerns	Coalition's Recommendations
Policy and purpose	• Ambiguous primary goal of the bill. • Lack of safeguards for foundational ID access. • Stringent rules posing criminal offense risks	1. Affirm access to the right to legal ID. 2. Operationalize DPA before act enforcement. 3. Revise criminal offense formulations.
Data sharing and management	• Concerns over data privacy and civil liberties. • Extensive data collection violates minimum data principles. • Long-term privacy risks with stored data.	4. Collect only necessary data. 5. Strengthen third-party data-sharing parameters. 6-11. Improve transparency, authentication, privacy, erasure, and access.
Governance and accountability	• Prime Minister's excessive influence over the National Identification Registration Authority (NIRA). • Concerns over misuse of personal data by sharing it with third parties, for instance. • Lack of opposition to the Minister's directives.	12. Enhance NIRA's independence. 13. Refine the appeals process and ensure tribunal consistency.

Source: Author's elaboration based on NIDS Coalition Website.[71]

In November 2021, the revised NIDS Act was ratified with key changes, including shifting from a mandatory to a voluntary system and placing it under the National Identification and Registration Authority (NIRA). The updated legislation emphasized accountability and transparency through an independent oversight body.[72]

70 NIDS Focus Coalition, <https://nidsfocus.com> accessed 7 November 2023.
71 NIDS Focus Coalition, <https://nidsfocus.com> accessed 7 November 2023.
72 Latonya Linton, 'House Approves Report Of Joint Select Committee On NIDS' (Jamaica Information Service, 21 July 2021) <https://jis.gov.jm/house-approves-report-of-joint-select-committee-on-nids/> accessed 20 September 2023.

By the end of 2022, the government had initiated a technical pilot for NIDS.[73] This paper primarily focuses on the legislative phase of the National Identification System (NIDS); therefore, the expectations for rollout will not be discussed in the subsequent sections.

6. Key Tensions and Tradeoffs

6.1 The Balance between Speed versus Trust and Safety

In 2016, Jamaica had a unique policy window[74] to approve and implement a national digital ID system. Prime Minister Holness' election created favorable political conditions, while the Inter-American Development Bank (IDB) committed funding. However, the urgency to capitalize on this opportunity led to significant tradeoffs: the government sacrificed meaningful engagement with civil society and the opposition, as well as the opportunity to draft a thoroughly considered and widely trusted legal framework.

The precise motivations behind the IDB's conditionality—that a legal framework be established before funding—remain unclear. While the IDB expressed concerns about potential exclusion risks posed by the digital ID, conditionality could also serve as a tool for governments to create urgency and external pressure to advance policy goals. Regardless of intent, the conditionality became a pivotal leverage point,[75] forcing the government to accelerate the process. According to interviewees, the government did not perceive itself as rushing but rather seizing a favorable political moment, given that NIDS had been a topic of discussion for decades.

The decision to fast-track the bill with minimal debate proved counterproductive. It eroded public trust in the bill's ability to safeguard privacy and human rights and raised concerns about transparency. Conditionality further disrupted the proper sequencing of advocacy[76] and policy development, vital to achieving desired outcomes. Civil society organizations, particularly those focused on social justice, often find themselves reacting to events rather than shaping them proactively. Experts emphasized that introducing a national ID system requires comprehensive public engagement, tailored to address diverse societal needs, to ensure clear communication of both benefits and risks.

Conditionality played a dual role in the process. On one hand, it elevated privacy and surveillance concerns, embedding these issues more firmly into public and policy discourse. On the other hand, it created urgency, pressuring the government and public servants to resolve these questions quickly. This urgency was evident during the first cycle of bill negotiations, where, despite public live streams and town hall meetings, many experts criticized the engagement process as superficial and rushed. Furthermore, the absence of an implemented Data Protection Act compounded these issues, undermining trust in the proposed system.

The tradeoff between speed and trust highlighted the high risk of unforeseen consequences. Politically, the government underestimated the judicial scrutiny that ultimately nullified the first bill as unconstitutional. However, slowing down the process could have meant missing a critical policy window, leaving policymakers with no straightforward path forward. This tension underscores the inherent challenge of balancing urgency with the need for public confidence and robust safeguards in implementing transformative systems like NIDS.

6.2 The Broad Use of Infrastructure versus a Specific Value Proposition

A significant tension in the NIDS project emerged around the government's and funder's motivations, which raised suspicion among civil society groups in a context of entrenched distrust in public institutions.[77] Digital identity systems, viewed as infrastructure, added complexity due to their broad applicability. As

73 Office of the Prime Minister (OPM), 'Gov't Close To NIDS National Rollout' (NIDS Facts, 2022) <https://www.nidsfacts.com/govt-close-to-nids-national-rollout/> accessed 14 October 2023.

74 John W. Kingdon, 'How Do Issues Get on Public Policy Agendas?' (n 55).

75 Donella H. Meadows, 'Leverage Points: Places to Intervene in a System' (Sustainability Institute, 1999) <https://www.donellameadows.org/wp-content/userfiles/Leverage_Points.pdf> accessed 18 January 2024.

76 The Engine Room, 'Digital IDs rooted in justice: Lived experiences and civil society advocacy towards better systems' (2022) <https://www.theengineroom.org/wp-content/uploads/2022/01/Engine-Room-Digital-ID-2022.pdf> accessed 16 June 2023.

77 OECD, *Government at a Glance: Latin America and the Caribbean 2020* (n 47).

Brett Frischmann[78] describes, infrastructure serves as "shared means to many ends", allowing for diverse, and sometimes unforeseen, use cases. This flexibility posed a challenge: how to balance the neutrality of infrastructure with the need for clarity about specific objectives and intentionality?

The government's narrative conflated two distinct goals: delivering civil registration and creating a digital identity system. In 2016, the revival of NIDS was justified in the white paper[79] using a rights-based argument, referencing Article 6 of the Universal Declaration of Human Rights (1948), which affirms the right to legal recognition. In the same document, they referred to three policy objectives: to provide the basis for a governance framework for a national identification number and card, to simplify access to government services and benefits, and to support digital interfaces between government, citizens, and businesses.

However, these rights-based justifications evolved inconsistently across stakeholders. The IDB's 2017 project document[80] emphasized economic growth, referring to NIDS as "Implementation of the National Identification System for Economic Growth". Still inside the IDB, the final report on a consultancy service that made recommendations for the legal framework started with a controversial use case from a human-rights perspective:

> *"The National Identification System (NIDS) project aims to develop a national identification system that will result from the creation of a database that will store personal identity information about all citizens and ordinarily resident persons. By doing so, problems associated with criminal activities facilitated by fraudulent use of multiple identities are expected to be better tackled by law enforcement agencies while cardholders will be afforded a convenient and reliable means to verify their identification as required in the conduct of their daily lives".*

Within the government, the narrative also shifted. When the first bill reached the Supreme Court, Jacqueline Lynch-Stewart, a senior official, summarised the reasons for the policy imperative.[81] She highlighted the need for economic growth, decreasing informality, and increasing the government's capacity to apply the rule of law. She did not mention solving the problem of legal identification or providing better public services:

> *"In 2016 the Most Honourable Prime Minister Andrew Holness, Prime Minister of Jamaica (the Prime Minister), directed the Unit to review the Project as a matter of priority, because of his administration's pressing need to improve the ease with which persons in Jamaica do business in the age of a digital society, to protect revenue of the country and address the culture of informality within the nation, which has been negatively affecting the capacity of the state to ensure that scarce public resources are appropriately distributed and the rule of law and public order are upheld and maintained".*

After the law was considered unconstitutional, the 2020 policy document[82] and the second bill[83] continued deviating from the original problem statement of the right to legal identification and included new objectives. As noted by the NIDS Focus coalition in their final recommendations report, the second bill mentions the initial goal nowhere. Meanwhile, it includes varied goals, such as to "prevent identity theft and other instances of fraud". Even as of October 2023, on the government website,[84] the first objective

78 Brett M Frischmann, *Infrastructure: The Social Value of Shared Resources* (2012, online edn, Oxford Academic, 24 May 2012) <https://doi.org/10.1093/acprof:oso/9780199895656.001.0001> accessed 18 January 2024.

79 Office of the Prime Minister (OPM), 'Gov't Close To NIDS National Rollout' (n 73).

80 Inter-American Development Bank, 'Implementation of the National Identification System (NIDS) for Economic Growth (JA-L1072): Jamaica Public Project Profile' (n 64).

81 *Robinson v Attorney General of Jamaica* [2019] JMFC Full 04 (Supreme Court of Jamaica, 12 April 2019) Case No 2018HCV01788, para 264 <https://supremecourt.gov.jm/content/robinson-julian-v-attorney-general-jamaica> accessed 18 January 2024.

82 Office of the Prime Minister, 'National Identification and Registration Policy for Jamaica' (NIDS, April 2020) <https://www.nidsfacts.com/wp-content/uploads/2020/06/NIDS-Policy-April-2020-1.pdf> accessed 6 November 2023.

83 National Identification and Registration Act 2021 <https://www.nidsfacts.com/wp-content/uploads/2021/07/NIDS-Bill.pdf> accessed 6 November 2023.

84 Office of the Prime Minister, 'National Identification System' (Office of the Prime Minister, no date) <https://opm.gov.jm/portfolios/national-identification-system/> accessed 18 January 2024.

of NIDS is to "establish a reliable database of Jamaican citizens and other individuals ordinarily resident in Jamaica", which cannot be considered the same as a legal identification system nor to verify a person's identity digitally. While a database's purpose is to store and manage data, a digital identification system is a more robust solution, which interacts with databases in order to go further and verify, authenticate, and manage an individual's identity. Besides conflating a legal identity system with a civil registry, the website's subsequent objectives section mentions, among others, the goal of strengthening immigration and border control management, which is not mentioned in any policy or bill. A careful human rights perspective will be attentive to several underlying risks in this objective.

The diverse, dynamic, and shifting purposes of NIDS reinforced a sense of distrust among some of the civil society coalition members and Jamaican citizens. One of the interviewees questioned the arguments posed by government representatives in interactions with the coalition, particularly the vision for NIDS being a bridge for Jamaica into a digital society. The argument did not convince some coalition members, who asked why countries usually seen as reference from Global South countries, such as the United Kingdom and the United States, do not have a national digital ID. According to the interviewee, the government did not respond satisfactorily, which nurtured a perception of naivité or ill-intention.

An additional point of contention was the goal of reducing informality and improving the application of the rule of law, as many did not perceive the value added of becoming formal as strong enough to entice support for NIDS. For every dollar a formal worker contributes in taxes, they receive 0.6 dollars in benefits.[85] An informal worker receives the equivalent of 84% of the benefits formal workers do, even though they do not pay any tax. Finally, the expenditure per capita for poor informal workers, due to target interventions, is four times larger than that with benefits for formal workers. Staying informal is, therefore, more beneficial for most workers.

The lack of clarity around the "real policy objectives" was also reflected in a sense of distrust of the funder's intentions. The fact that IDB had funded JamaicaEye,[86] a project to use digital imagery to detect and deter criminal activity, was brought up in interviews as a potential sign of a broader interconnected agenda supporting a surveillance state. Some wondered whether IDB would have vested interests in the project.

Infrastructure may and perhaps should be used for many ends. At times, this fact can be explored to create different narratives to gather political support for the initiative. That said, defining more specific purposes can make regulation, and trust and safety measures, easier to determine and assess. Building for specific initial use cases that create demonstrable value for a specific subset of citizens is often critical for building confidence and trust as well as driving adoption. It can also allow problems to surface in an initially more constrained set of circumstances, limiting harms. As the case analysis shows, even well-intended actors might not fully understand the implications of a digital infrastructure that can serve different uses.

6.3 Voluntary versus mandatory regimes

For national ID systems to achieve societal-scale impact, high adoption rates are essential. Governments typically rely on strategies along a spectrum, ranging from mandatory enrollment to voluntary methods. Mandatory regimes require individuals to enroll to access specific services or benefits. While this approach can quickly create a large user base, making the ID system attractive for other public and private applications, it carries significant tradeoffs. The coercive nature of this approach diminishes the ability of the government to learn about problems with trust and confidence in the system, and augments the negative impacts on excluded groups. On the other hand, governments hypothesize that by quickly creating a large pool of users this approach can make it attractive for other public benefits and private actors to use the ID for verification, thereby accelerating its use for "many ends".

85 Manuel Mera (n 48).

86 The project was funded under the title 'Security Strengthening Project' <https://www.iadb.org/en/whats-our-impact/JA-L1074> accessed 2 January 2024.

The benefits of the alternative approach - making an ID optional - are several. It reduces the likelihood of a group being excluded (if they have alternatives options available to them). It also creates a stronger feedback loop. If the ID doesn't work effectively, or is believed to not be secure or safe, the provider - the government - will be under greater pressure to address these concerns in order to encourage adoption.

Finally, there are various "grey" areas in between mandatory and voluntary in which the degree of administrative burdens imposed on residents by alternative options influences adoption. In Pakistan, for example, despite the legal voluntary nature of the ID, it became *de facto* mandatory since the document is required to access several public and private services, from applying for welfare benefits and voting to opening a bank account and accessing education and healthcare.[87] Also, a voluntary system does not guarantee human rights. For instance, many Pakistani women, particularly single mothers, divorced women, and those in rural areas, depend on men to access the system. The policy for a NADRA (National Database and Registration Authority) card provision includes a rule requiring women to show identification papers from male family members, which undermines their autonomy.[88] Additionally, transgender individuals report facing discrimination in government offices, obstructing their registration process.[89]

Initially, the Jamaican government to drive adoption through a compulsory regime. Therefore, the initial 2017 NIDS bill established mandatory enrollment with criminal penalties for those who failed to comply. From some interviewees' perspectives, the need for a national ID did not resonate strongly with many Jamaicans. This assessment might have stemmed from the existence of other functional IDs, the preference for staying in the informal economy, or the low trust in government.

The opposition leveraged the controversies around the legal obligation as a trigger to question the bill's legitimacy,[90] arguing that mandatory enrollment violated citizen's rights.[91] The compulsory requirement to show up in person to give biographical and biometrical information would invade citizens' personal space, threatening privacy, anonymity, and freedom of movement. The opposition also questioned the lack of facts-based arguments to support the government's imposition. In his testimony to The Attorney General of Jamaica, the Opposition member Julian Robinson voiced:

> *"There is no evidence that the passport issuing system has been so compromised that the passport is no longer a reliable document for identification purposes. [...] Are we using a nuclear weapon to kill a mosquito?"*

After the initial law was ruled unconstitutional, the government felt compelled to introduce a voluntary regime in the second bill. However, they continue to see merit in the mandatory model, drawing parallels to other countries' successful implementations. "Most successful countries made it mandatory, so this remains my question mark while our project is implemented", stated a government official who questioned whether the project could achieve its goals without the legal obligation to enroll.

In Jamaica, the choice for a voluntary system tied to benefits was not received without criticism. As the NIDS Focus coalition stated,[92] making NIDS *implicitly mandatory* had the risk of social exclusion:

> *"People should not face the prospect of social exclusion because of non-enrolment, nor should their conditions be made more difficult in order to influence their enrolment. This includes making certain services contingent on enrolment in NIDS. This Bill and subsequent regulations must be clear to not have the effect of degrading or introducing limitations on existing identification options Jamaicans have available to them today".*

87 The Engine Room, 'Digital IDs rooted in justice: Lived experiences and civil society advocacy towards better systems' (n 76).
88 Ibid.
89 Ibid.
90 The Jamaica Observer, 'Opposition again appeals to Gov't to hold off on NIDS' (The Jamaica Observer, 28 November 2017) <https://www.jamaicaobserver.com/news/opposition-again-appeals-to-govt-to-hold-off-on-nids/> accessed 6 November 2023.
91 *Robinson v Attorney General of Jamaica* [2019] JMFC Full 04 (Supreme Court of Jamaica, 12 April 2019), (n 81).
92 NIDS Focus, 'NIDS Focus Bill Review' (2021) <https://nidsfocus.com/nids-focus-bill-review/> accessed 6 November 2023.

Choosing between mandatory and voluntary ID systems is not straightforward. Both approaches bring risks and opportunities, and the most adequate choice often depends on the country's national identity policy purpose and the social-political context. Jamaica's experience with NIDS shows how complex these decisions can be, highlighting the need for timely discussions and civil society involvement to avoid human rights violations, regardless of the chosen strategy. What seems more concerning however is how little attention has been paid to devising nudges ("carrots") that might induce Jamaicans to register for NIDS. Using NIDS to reduce friction for even one relatively widely used service can engender trust and utility that then drives demand for more use cases. But it does require an initial investment and debate which appears to be lacking in Jamaica.

6.4 The decision on how much data to collect

From a technical perspective, there is a general consensus on the principle of data minimization, which has been defined as the "practice of limiting the collection of personal information to that which is necessary to accomplish a specified purpose".[93] Following this principle helps reduce abuse of State power[94] and mitigate the harms caused by possible data breaches or identity theft[95]. However, in the eyes of policymakers, more data collected might mean being able to solve more public problems. A tension can then arise even when every actor has the best public interests in mind.

The decision on how much data to collect and store on NIDS was a matter of dispute from its inception in 2016. The original white paper[96] presented in Parliament suggested collecting twenty-two data features, including at least three types of biometrics. The scope expanded in the First Bill[97] in 2017, establishing a maximum of forty-eight data features, including thirty-two mandatory and up to nine pieces of biometric data (see Table 4 below). When Julian Robinson took the NIDS case to the Supreme Court, the violation of the data minimization principle was one of the arguments for declaring the Bill unconstitutional:

> *"If one of the main objectives of NIRA is to provide a means of safe, reliable and secure identification, the question is what is the minimum data required for that? That answer would have to come by way of evidence and not submissions. Mrs Lynch Stewart's affidavit did not address that issue. Consequently, the state has not shown that the amount of information required is proportionate to the objective".*

In response to the Supreme Court's decision to strike down the previous Act, the new NIDS policy, tabled in 2020, seemed to have incorporated the data minimization principle. It outlined the following approach: "The only prescribed biographic data that will be collected is the full name, date of birth, address, marital status". However, when the Second Bill was drafted,[98] it had significantly expanded the scope of data required to enroll in the system: from four mandatory biographic features to twelve (see Table 4). As noted by the NIDS Focus Coalition in their final report,[99] only a few of these attributes constitute a person's identity. In contrast, others may enable value-added services (such as meeting "Know Your Customer" requirements within the financial sector), which are subject to change.

93 Bernard Marr, 'Why Data Minimisation Is an Important Concept in the Age of Big Data' *Forbes* (16 March 2016) <https://www.forbes.com/sites/bernardmarr/2016/03/16/why-data-minimization-is-an-important-concept-in-the-age-of-big-data/#58dbc0aa1da4> accessed 24 October 2024; Ministry of Electronics and Information Technology, *White Paper of the Committee of Experts on a Data Protection Framework for India* (January 2018) <https://meity.gov.in/writereaddata/files/white_paper_on_data_protection_in_india_18122017_final_v2.1.pdf> accessed 24 October 2024.

94 Cf. Ministry of Electronics and Information Technology, *Data Protection Committee Report* (2018) <https://www.meity.gov.in/writereaddata/files/Data_Protection_Committee_Report.pdf> accessed 24 October 2024.

95 Access Now, 'National Digital Identity Programmes: What's Next?' (2018) <https://www.accessnow.org/cms/assets/uploads/2018/03/Digital-Identity-Paper-digital-version-Mar20.pdf> accessed 7 November 2023.

96 Office of the Prime Minister, *White Paper on the National Identification System Policy* (n 53).

97 National Identification and Registration Act 2021 (n 83).

98 Ibid.

99 NIDS Focus Coalition, <https://nidsfocus.com> accessed 7 November 2023.

Table 5. Data features established on each bill

Type of Information	First Bill after approval (October 2017)	Second Bill before approval (December 2020)
Biographic Information	**Mandatory:** (i) full name; (ii) date and time of birth; (iii) place of birth; (iv) full names of mother and father; (v) sex; (vi) height; (vii) principal place of residence and any other occasional place of residence; (viii) mailing address; (ix) nationality; (x) length of time that a person has been resident in Jamaica (if a non-national); (xi) marital status/full name of spouse; (xii) date and place of marriage (if married); (xiii) if divorced, date of divorce; (xiv) if deceased, date/place of death. **Optional:** (xv) email address	**Mandatory:** (i) full name; (ii) date of birth; (iii) country of birth; (iv) place of birth; (v) names of mother and father; (vi) whether the individual is male or female; (vii) principal place of residence and any other places of residence; (viii) nationality, in the case of an individual who is not a citizen of Jamaica; (ix) period of residence in Jamaica, in the case of an individual who is not a citizen of Jamaica; (x) marital status; (xi) name of spouse (if applicable); and (xii) occupation.
Biometrics Information	**Mandatory:** (i) facial image; (ii) fingerprints; (iii) eye colour; (iv) manual signature, in the case of an individual who is eighteen years of age or older. **May be included:** (v) retina or iris scan; (vi) vein patterns; (vii) (if not possible to collect v nor vii, then collect two out of) (vii.i) footprint (vii.ii) toe print (vii.iii) palm prints (viii) any distinguishing physical feature; (ix) blood type.	**Mandatory:** (i) facial image; (ii) fingerprints, as defined by the FingerPrints Act; (iii) manual signature, in the case of an individual who is eighteen years of age or older.
Reference Numbers	**Where available:** (i) taxpayer registration number; (ii) driver's license number; (iii) national Insurance number; (iv) birth entry number; (v) PATH registration number; (vi) national identification number; (vii) elector identification number; (viii) the particulars of the certification of registration; issued under the Disabilities Act; (ix) national health fund number. **May be included:** (x) student unique identification number	**Where available:** (i) taxpayer registration number;[100] (ii) driver's license number; (iii) passport number; (iv) national insurance number; (v) program of advancement through health and education (PATH) number; (vi) elector registration number.

100 After approval, this was the only item that changed. Taxpayer registration number was changed for birth entry number.

Table 5. Continued

Type of Information	First Bill after approval (October 2017)	Second Bill before approval (December 2020)
Other	**REGISTRATION HISTORY** **Mandatory:** (i) particulars of each National Identification Card issued; (ii) particulars of each National Identification Card canceled; (iii) particulars of National Identification card returned due to renunciation or termination of Jamaican Citizenship; (iv) particulars of the disclosure of any identity information to a requesting entity and its purpose. **DEMOGRAPHIC INFORMATION** **Voluntary:** (i) employment; (ii) race; (iii) religion; (iv) education; (v) profession; (vi) occupation; (vii) address of matrimonial home; (viii) telephone number; (ix) male or female.	*NA*

Source: Author's elaboration based on Jamaica's National Identification and Registration Act

The decision to expand the number of features was taken even after specialists made strong recommendations to the government. In a CAPRI report[101] financed by IDB and launched in September 2020, researchers recommended that just three biographic information should be mandatory and that only fingerprints of all fingers and a facial image should be necessary to generate an ID. Other information could be collected optionally, such as the address, which is not fundamental to establishing a person's legal identity and for which its dynamic nature makes it hard to keep the records updated. These recommendations aligned with the European Union's eIDAS Implementing Regulation (2015/1501).[102]

However, as one interviewee shared, the government's insistence on a large dataset might have been their desire to solve many problems simultaneously. "They want to collect all the data to solve all the problems that they have. I try to explain that this is a big mistake. What they say is that the law is something difficult to change, so they try to put it in a way they can use in the future", he said. According to him, the same justification was used for suggesting the collection of up to nine features of biometric data in the first law. He shared that the government was concerned that the standards for biometrics might change in the future. Therefore, policymakers wanted to protect themselves from going through another legislative process to change the legal framework.

One additional source of confusion during the legislative process seems to have been that policymakers and legislators were conflating the notion of a digital, legal identification system with the idea of a database. One piece of evidence is that even as of October 2023, on the government's website, NIDS is described as "a comprehensive and secure structure to enable the capture and storage of personal identity information for citizens and persons ordinarily resident in Jamaica". One of the coalition's recommendations was for the

101 Monique Graham (n 59).

102 Commission Implementing Regulation (EU) 2015/1501 of 8 September 2015 on the interoperability framework pursuant to Article 12(8) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market [2015] OJ L 235/1.

government to clearly distinguish between identity information and other information that is not used for legal identification and make non-essential data optional. However, this suggestion was not incorporated in the final version of the bill, which was passed in December 2021 in Parliament.

The decision of how much data to collect reveals that even well-intended governments might want to collect a lot of information, thinking they are acting in the public interest. A clear understanding of the implications of those decisions and the alternative policy choices, such as separating the functions of civil registry from national identity, can lessen misunderstandings.

7. Policy Reflections

7.1 Differentiate infrastructure from operational approaches

Although NIDS stands for "National Identity System", the analysis reveals that the Jamaican government sought to create both a national identity system and a civil registration database, as reflected in the final approved bill in 2021.

By design, a civil registry records life events such as births, marriages, and deaths. Both the 2017 and 2021 bills included provisions for collecting such data. While the collection of extensive data may raise concerns about government intentions, even well-meaning governments may view such data collection as beneficial for designing targeted public policies. This mindset, which prioritizes detailed information to solve specific problems, is referred to as an "operational approach".

In contrast, national identity systems serve a fundamentally different function. Their primary purpose is to securely verify and authenticate a person's identity. This function requires only a minimal set of data, such as name, date of birth, and a biometric identifier. For example, India's Aadhaar system collects just nine mandatory data points—six demographic and three biometric—with optional fields for phone number and email address. With this minimal data, an identity system can enable a wide range of applications, from digital payments and access to public services to private sector authentication. This minimalist, scalable design allows the system to act as infrastructure, adaptable to unknown future use cases—a concept referred to as an "infrastructure approach".

Paradoxically, infrastructure-oriented identity systems derive their utility from collecting only the minimum data needed for authentication while maximizing interoperability. This interoperability enables the system to integrate with various applications, creating a platform for countless future uses. Conversely, collecting extensive data to address operational needs can undermine public trust. Citizens may resist sharing sensitive information, whether due to privacy concerns, distrust of the government, or personal reasons. For example, someone cheating on a partner might hesitate to disclose their marital status, while someone with a stigmatized illness might avoid sharing medical information. Each additional data point linked to an identity system increases the likelihood of alienating some portion of the population, thereby reducing participation.

In the case of NIDS, the government aimed to achieve both infrastructure-oriented benefits and operational objectives, creating tensions in the policy process. Interviews revealed that officials resisted reducing the amount of data collected because they sought to address multiple policy challenges simultaneously. This reflects an operational rather than infrastructure approach, prioritizing immediate problem-solving over long-term scalability and trust.

The confusion between these two approaches led to key tensions in the NIDS process: misalignment around the policy's purpose and debates over the scope of data collection. A clearer distinction between infrastructure and operational approaches, articulated and internalized by government actors, legislators, and civil society, could have smoothed the policy process. This distinction would have clarified tradeoffs and ensured a more focused and trust-oriented implementation strategy.

7.2 Not lose sight of the ID's usefulness

Throughout the policy and legislative processes, much of the debate surrounding NIDS centered on its system features and design. However, to achieve Prime Minister Holness' vision of integrating Jamaica into a digital world, NIDS must be tied to tangible benefits or digital services. However, the discussions around the actions needed for a successful implementation of a *digital* identity were often sidetracked. As noted in Section 6.4, the push to collect excessive amounts of data muddied the policy goals. Notably, the final bill approved in 2021 does not explicitly define NIDS as a digital ID.

As discussed in Section 6.3, successful digital ID systems depend on high enrollment rates, which are typically driven by linking the ID to useful applications or services. Yet, rather than focusing on incentivizing enrollment through practical benefits, the government prioritized making NIDS compulsory. Many countries take a different approach, identifying key services that encourage residents to voluntarily adopt the ID. Without an associated use case, launching a digital ID is akin to releasing a video game console with no games—it lacks immediate value for users. A better strategy would have been to introduce NIDS alongside a compelling application, such as enabling easier bank account registration or streamlining access to government benefits.

The lack of focus on NIDS's usefulness may also reflect a tendency toward isomorphic mimicry, a "tendency of governments to mimic other governments' successes, replicating processes, systems, and even products of the "best practice" examples".[103] Jamaica appears to have drawn inspiration from international examples such as Estonia's Digital ID and India's Aadhaar. While these systems are celebrated globally, they are underpinned by specific state capabilities and ecosystems that may not yet exist in Jamaica. By attempting to replicate the form of these systems without addressing their functionality, Jamaica risks creating a system that lacks utility or fails to meet its intended goals.

To avoid the mimicry trap, governments should prioritize a system's function over its form. This means ensuring the foundational infrastructure supports at least one valuable use case at launch, demonstrating immediate utility to users while allowing the system to scale and adapt over time.

8. Conclusion

This case analysis unpacked the complexities that emerge in the early stages of implementing a digital ID system. Four key trade-offs were conceptualized: the balance between speed versus trust and safety, the broad use of infrastructure versus a specific value proposition, the choice of a voluntary versus mandatory regime, and decisions on the scope of data collection. While these tensions arose within the Jamaican context, our experience engaging with a number of governments suggest that these are common challenges in digital ID systems worldwide. Testing these tradeoffs in other contexts would help validate their external applicability.

Beyond identifying these tensions, future research should explore their outcomes, particularly regarding trust and safety. Of special interest is the tension between speed versus trust, especially when legal frameworks are involved. While a legal framework seems essential for any ID system, the sequencing and prioritization of policy decisions remain unclear. For instance, is success primarily driven by early adoption of a legal framework, embedding privacy-by-design principles, engaging civil society in the design process, or creating strong use cases that demonstrate the system's value? Alternatively, do contextual factors shift the prioritization of these elements? Comparative research across different digital ID systems would be valuable in addressing these questions.

103 Matt Andrews, Lant Pritchett, and Michael Woolcock, 'Looking Like a State: The Seduction of Isomorphic Mimicry' in Matt Andrews, Lant Pritchett, and Michael Woolcock, *Building State Capability: Evidence, Analysis, Action* (Oxford University Press 2017, online edn, Oxford Academic, 16 February 2017) <https://doi.org/10.1093/acprof:oso/9780198747482.003.0003> accessed 17 October 2023.

A subsequent research question arises: in the context of real-world policy dynamics, what decisions and processes regarding legal frameworks lead to more inclusive, safe, and trustworthy ID systems? Developing a research agenda to address this question would provide insights that are both academically rigorous and practically relevant for policymakers.

Finally, the insights from this analysis have broader implications for other types of digital public infrastructure, such as digital payment systems and data exchange layers. Like digital ID systems, these infrastructures are designed for societal-scale impact and require a systemic analysis to understand their policy processes. This includes examining the actors involved, the dimensions of change, and the dynamic theories of change driving these initiatives. A more holistic understanding of these elements will be critical to building inclusive and effective digital infrastructures.

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