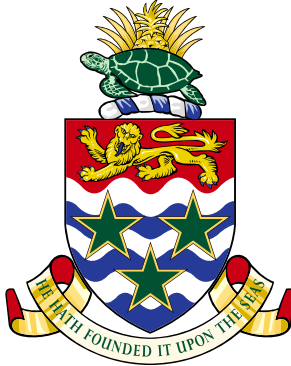


**CAYMAN ISLANDS**



**Identification Register Act, 2022**

**(Act 14 of 2022)**

# **IDENTIFICATION REGISTER REGULATIONS, 2025**

**(SL 11 of 2025)**

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2025**

**(SL 11 of 2025)**

**Arrangement of Regulations**

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## CAYMAN ISLANDS



## Identification Register Act, 2022

(Act 14 of 2022)

**IDENTIFICATION REGISTER REGULATIONS,  
2025**

(SL 11 of 2025)

In exercise of the powers conferred by section 45 of the Identification Register Act, 2022, the Cabinet, in consultation with the Registrar, makes the following Regulations —

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**Citation and commencement**

1. (1) These Regulations may be cited as the Identification Register Regulations, 2025.  
(2) These Regulations come into force on 28th February, 2025.

**Definitions**

2. In these Regulations —

“**public general holiday**” has the meaning assigned by the *Public Holidays Act (2007 Revision)*; and

“**working day**” means a day of the week, excluding Saturdays, Sundays and public general holidays.

### **Entry of a person in the register**

3. (1) A person referred to in section 3(2) and (3) of the Act may apply to the Registrar, in writing, in the form and manner approved by the Registrar, to be enrolled in the register and the application shall be accompanied by any relevant information required by the Registrar in order to determine the application.
- (2) Pursuant to section 3(2)(e) of the Act, a person who is a spouse or legal guardian may also apply to the Registrar to be enrolled in the register in accordance with paragraph (1).
- (3) An application under paragraph (1) shall include the following particulars with respect to the applicant —
- (a) full name;
  - (b) date of birth;
  - (c) sex; and
  - (d) contact details as determined by the Registrar.
- (4) Subject to paragraph (5), the Registrar shall process applications received under this regulation in accordance with the published policy setting out the criteria for prioritizing the processing of such applications.
- (5) The Registrar is not required to accept an application under this regulation where —
- (a) the application is submitted with a vexatious intent; or
  - (b) the Registrar has recently processed a substantially similar request from the same person.

### **Accessing information held by the Registrar**

4. (1) A person may apply in writing to the Registrar, in the form and manner approved by the Registrar, for —
- (a) access to the identification information entered in the register in respect of the person;
  - (b) a copy of the identification information recorded in the register in respect of that person;
  - (c) a copy of records maintained in accordance with section 7(8) of the Act in respect of that person; and
  - (d) a record of access to the identification information in respect of that person.
- (2) Where a person is granted delegated authority by the Registrar under the Act, the person with delegated authority may apply in writing to the Registrar, in the form and manner approved by the Registrar, for —



- (a) access to the identification information entered in the register on the person in respect of whom the registered person has delegated authority;
  - (b) a copy of the identification information recorded in the register in respect of the registered person for whom the delegation has been made;
  - (c) a copy of records maintained in accordance with section 7(8) of the Act in respect of the registered person for whom the delegation has been made; and
  - (d) a record of access to the identification information of the registered person for whom the delegation has been made.
- (3) Pursuant to section 6(1) of the Act, a person may apply in writing to the Registrar, in the form and manner approved by the Registrar, for a copy of another person's identification information, where the other person is deceased and the first-mentioned person is an executor or administrator who has obtained probate or letters of administration, respectively.
  - (4) A request by a requesting entity under section 28(1) of the Act shall be made in writing to the Registrar, in the form and manner approved by the Registrar.
  - (5) A public authority shall apply to the Registrar, in writing, in the form and manner approved by the Registrar, to use identification information for a purpose specified in section 29 of the Act.
  - (6) A request by a person under section 31(2)(a) of the Act shall be made in writing to the Registrar, in the form and manner approved by the Registrar.
  - (7) An application or a request under this regulation shall be accompanied by any relevant information required by the Registrar in order to determine the application or the request.
  - (8) Where access is granted to the information in the register, the access shall be in the form and manner approved by the Registrar.

### **Changes to the register**

5. (1) A request to the Registrar under section 7(1) of the Act to correct or update information on the register that is found to be incorrect, misleading or otherwise in need of updating shall be submitted in writing, in the form and manner approved by the Registrar.
- (2) A notification of the incomplete, incorrect or misleading information in a registered person's entry in the register made by a public authority to the Registrar under section 7(5) of the Act shall be submitted in writing, in the form and manner approved by the Registrar.
- (3) Pursuant to section 7(10) of the Act, the Registrar may alter the information on the register to correct or update the information where that information is found to be incorrect, misleading or otherwise in need of updating.

- (4) Subject to paragraph (5), where information on the register is to be altered in accordance with paragraph (3), the Registrar shall notify the registered person in writing of the alteration required at least ten working days prior to altering the information.
- (5) If, in the opinion of the Registrar, a circumstance exists which justifies the immediate alteration of information on the register in accordance with paragraph (3), the Registrar shall alter the information and notify the registered person in writing of the alteration made within ten working days after altering the information.

### **Notification to the Registrar of changes to identification information**

6. (1) A notification to the Registrar under section 8 of the Act of changes to identification information shall be provided in writing to the Registrar, in the form and manner approved by the Registrar.
- (2) The information that a person is required to supply as evidence of a change, or to otherwise support the change, to the information recorded on the register in respect of the person shall be provided in the form and manner approved by the Registrar.
- (3) Pursuant to section 8(2)(b) of the Act, a registered person is not required to update the Registrar in respect of changes to identification information in the following circumstances —
  - (a) where, in a calendar year the registered person resides outside of the Islands for more than one hundred and eighty days, but this shall only apply to the calendar year in which the registered person resided outside of the Islands for more than one hundred and eighty days;
  - (b) where the registered person is no longer legally and ordinarily resident in the Islands and —
    - (i) five years have elapsed since the date on which the person was determined to be no longer legally and ordinarily resident in the Islands; or
    - (ii) the person is no longer legally and ordinarily resident in the Islands and has notified the Registrar in writing that the person does not wish to return to the Islands;
  - (c) where there is a disaster as defined in section 2 of the *Disaster Preparedness and Hazard Management Act (2019 Revision)*, but this shall only apply for the period of the disaster and any related recovery from the disaster;
  - (d) where there is a public health emergency, but this shall only apply for the period of the public health emergency;
  - (e) where there are issues regarding the health of the registered person; and



- (f) where, in the opinion of the Registrar, there exists extenuating circumstances.

### **Verification and authentication**

7. (1) The Registrar may verify or authenticate the identification information of a registered person, in order to ensure the accuracy of information in the register about the registered person, at the Registrar's own instance, if —
- (a) the Registrar has good reason to suspect that the identification information is inaccurate or not up to date;
  - (b) the Registrar sees it fit to do so, pursuant to the Registrar's responsibility to maintain the register; or
  - (c) the Registrar is otherwise empowered to do so under the Act or any other law.
- (2) The Registrar may verify or authenticate the identification information of a registered person, in order to ensure the accuracy of information in the register about the registered person, at the request of a requesting entity made in writing, in the form and manner approved by the Registrar —
- (a) if the requesting entity has shown to the satisfaction of the Registrar that it has good reason to suspect that the identification information of the registered person is inaccurate or not up to date;
  - (b) if the identification information of the registered person is in conflict with the records of the requesting entity;
  - (c) if the Registrar sees it fit to do so, pursuant to the Registrar's responsibility to maintain the register;
  - (d) to facilitate the provision of services to the registered person; or
  - (e) in accordance with any law.
- (3) Where the Registrar is required to verify or authenticate information, the Registrar may require a registered person, a person with delegated authority, a public authority or a private entity, as applicable, to provide any other relevant information to the Registrar, for that purpose.
- (4) Where the Registrar verifies or authenticates identification information, the Registrar may —
- (a) record the date on which the Registrar does so; and
  - (b) designate the relevant identification information as being verified or authenticated.
- (5) The Registrar may revoke a designation under paragraph (4) where —
- (a) the Registrar has good reason to suspect that the identification information of the registered person is inaccurate or not up to date; or

- (b) the Registrar sees it fit to do so, pursuant to the Registrar's responsibility to maintain the register.

### **Delegated authority**

- 8.** (1) An application for delegated authority shall be in writing, in the form and manner approved by the Registrar.
- (2) A person who applies for delegated authority is required to satisfy the Registrar of the following —
- (a) where the registered person is a minor, that the person applying for delegated authority is the parent or legal guardian of the minor;
  - (b) that the registered person has appointed the person applying for delegated authority under power of attorney;
  - (c) that the authorization is required under an enactment; or
  - (d) that the authorization is required by order of a court.
- (3) For the purposes of paragraph (2), information which may be presented to the Registrar includes the following —
- (a) a birth certificate;
  - (b) proof of any agreement or arrangement relating to custody of a child;
  - (c) an order made by a court; and
  - (d) proof of an instrument creating a power of attorney.
- (4) Where the Registrar is satisfied of the relevant criteria under paragraph (2), the Registrar shall provide written notification of the grant of delegated authority to —
- (a) the relevant delegate; and
  - (b) the registered person.
- (5) The Registrar may revoke a grant of delegated authority where —
- (a) the basis of the delegation is no longer relevant;
  - (b) the Registrar has good reason to suspect that the delegation is inaccurate or not up to date;
  - (c) the Registrar sees it fit to do so, pursuant to the Registrar's responsibility to maintain the register; or
  - (d) the Registrar is required to do so in accordance with any law.

### **Change of identification code**

- 9.** (1) Pursuant to section 20(4)(a)(ii) of the Act, an identification code that is assigned to a person under section 20 of the Act may be changed —
- (a) where the relevant person has been adopted; or



- (b) where the relevant person becomes a participant in the Justice Protection Programme.
- (2) For the purposes of this regulation —
  - “**Justice Protection Programme**” means the Justice Protection Programme established under section 3(1) of the *Justice Protection Act (2017 Revision)*; and
  - “**participant**” means a person specified in or designated pursuant to Schedule 1 to the *Justice Protection Act (2017 Revision)*.

### Record of access to information

- 10.** The Registrar shall take reasonable steps to maintain accurate and adequate records of access to identification information in the register, by ensuring that the records of access are —
- (a) accessible in accordance with section 30 of the Act;
  - (b) maintained in an accessible form;
  - (c) in legible form, or in a form from which it can readily be produced in legible form;
  - (d) updated as soon as reasonably practicable; and
  - (e) retained for a period of time as determined by the relevant disposal schedule specified in the *National Archive and Public Record Act (2015 Revision)*.

### Interoperability

- 11.** (1) Pursuant to section 14(1)(n) of the Act, the Registrar shall develop systems, policies, procedures and protocols regarding interoperability.
- (2) Subject to the Act and these Regulations, for the purposes of facilitating interoperability, data or information may be electronically communicated and shared on a system developed by the Registrar between —
- (a) the Registrar and a public authority;
  - (b) the Registrar and a private entity;
  - (c) a public authority and a private entity;
  - (d) public authorities; and
  - (e) private entities.
- (3) A public authority or private entity shall apply to the Registrar in writing, in the form and manner approved by the Registrar, to electronically communicate and share data or information in accordance with paragraph (2).
- (4) A public authority or private entity who applies to the Registrar under paragraph (3) shall provide the following particulars —
- (a) the name;

- (b) the physical address;
  - (c) the name of the person who is the point of contact;
  - (d) the telephone number of the person who is the point of contact;
  - (e) the email address of the person who is the point of contact; and
  - (f) any other particulars required by the Registrar in order to determine the application.
- (5) Where the data or information being electronically communicated or shared in accordance with this regulation is personal data, the principles laid out in the *Data Protection Act (2021 Revision)* apply with respect to the processing of the personal data.

### Communication with a registered person by the Registrar

12. (1) Where the Registrar is required to communicate with a registered person under the Act or these Regulations, unless otherwise specified, the Registrar shall seek to communicate the information in writing, including electronically via an electronic portal established and managed by the Registrar.
- (2) Where the principal contact information of a registered person is not available on the register or as recorded in the register is inaccurate or not up to date, the Registrar is not liable if the information that is sought to be communicated by the Registrar is not received by the registered person.
- (3) The Registrar shall cause to be kept, in accordance with the relevant disposal schedule, information communicated to a registered person in accordance with the Act and these Regulations.
- (4) For the purposes of this regulation, “**disposal schedule**” has the meaning assigned by section 2(1) of the *National Archive and Public Records Act (2015 Revision)*.

### Appeals from decisions of the Registrar

13. (1) Pursuant to section 44(1) of the Act, where a person who is aggrieved by a decision of the Registrar wishes to appeal the decision, the person (“appellant”) shall submit to the Chief Officer a written notice of intention to appeal that decision (“notice of appeal”), in the form and manner approved by the Chief Officer, within twenty-eight working days of the communication of the decision of the Registrar, or such longer period as the Chief Officer may allow for good cause shown.
- (2) A notice of appeal shall —
- (a) be signed by an appellant or the appellant’s representative;
  - (b) be addressed to the Chief Officer;
  - (c) contain the following particulars —



- (i) the appellant's name;
    - (ii) the appellant's mailing address;
    - (iii) the appellant's principal email address;
    - (iv) the address (which may be an email address) to which documents in connection with the matter should be sent to the appellant;
    - (v) the decision against which the appeal is made; and
    - (vi) the grounds of the appeal; and
  - (d) be accompanied by any relevant information or evidence relating to the grounds of the appeal.
- (3) On receipt of a notice of appeal, the Chief Officer shall —
  - (a) notify the Registrar of the decision against which the appeal is made and the grounds of the appeal; and
  - (b) give the Registrar —
    - (i) twenty-eight working days, with time running from the date on which the Chief Officer notifies the Registrar of the notice of appeal; or
    - (ii) such longer period as the Chief Officer may allow for good cause shown,to provide a written defence to the appeal.
- (4) Notwithstanding anything in this regulation, the Chief Officer, after receipt of a notice of appeal —
  - (a) may deny the request for an appeal on the basis that the appeal is frivolous or vexatious and of no merit; and
  - (b) where the request for an appeal is denied, shall communicate in writing to the appellant and the Registrar the decision to deny the request.
- (5) Whether or not the Registrar provides a written defence to an appeal, the Registrar shall forward to the Chief Officer, as soon as practicable after receiving the notice of appeal —
  - (a) a copy of the decision and any other documents related or relevant to the appeal and the reasons given by the Registrar for the decision; and
  - (b) a copy of any other document or information in the Registrar's possession that is relevant to the decision and the appeal.
- (6) The Chief Officer shall fix the date, time and place for the hearing of an appeal and give at least fourteen working days' written notice to an appellant and the Registrar of the date, time and place of the hearing.
- (7) An appellant who wishes to provide additional evidence to the Chief Officer shall so notify the Chief Officer and the Registrar in writing, and, subject to paragraph (9), the Chief Officer shall make a determination as to whether the evidence may be so provided.

- (8) Subject to paragraph (9), the Chief Officer, on his or her own initiative or on written request by an appellant or the Registrar, may do any of the following —
  - (a) adjourn a hearing to any date, time or place;
  - (b) waive any notice period;
  - (c) waive any requirement to send any document, information or other article or material; or
  - (d) where there has been a failure to comply with a requirement under this regulation, waive that requirement or impose a modified requirement.
- (9) Before making a determination under paragraph (7) or carrying out an action under paragraph (8), the Chief Officer shall be satisfied that making the determination or carrying out the action would not be contrary to the rules of natural justice.
- (10) At the hearing of an appeal, where an appellant is present —
  - (a) the appellant shall be given an opportunity to address the Chief Officer;
  - (b) the Registrar shall be heard in answer if called upon by the Chief Officer; and
  - (c) the Chief Officer may call upon either party to address the Chief Officer further.
- (11) An appellant or the Registrar may be represented by a representative, and the representative need not be an attorney-at-law.
- (12) An appellant or the Registrar may withdraw an appeal or a defence to an appeal by notice, in writing, to the Chief Officer, at any time before the Chief Officer makes a decision, and the notice of withdrawal shall be served on an appellant or the Registrar, as applicable, as soon as reasonably practicable after the notice of withdrawal is provided to the Chief Officer.
- (13) The Chief Officer may conduct a hearing and decide an appeal where an appellant or the appellant's representative or the Registrar or the Registrar's representative is not present at the hearing.



- (14) The Chief Officer shall make a decision no later than twenty-eight working days after the hearing and decisions of the Chief Officer, with reasons for the said decisions, shall be communicated in writing to an appellant and the Registrar.

**Made in Cabinet the 17th day of February, 2025.**

**Kim Bullings**  
*Clerk of the Cabinet*

