

Committee's Draft

Basic Draft Law amending and completing Law No. 1993-27 of 22 March 1993 on the National Identity Card

Article 1

The provisions of Paragraph 2 of Article 1 and Paragraph 1 of Article 2, and Articles 4, 6, 7 and 11 of Law No. 27 of 1993 dated 22 March 1993 on the National Identity Card, amended and completed by Law No. 18 of 1999 on 1 March 1999, and replaced by the following provisions:

Article 1 (new Paragraph 2):

The National Identification Card is compulsory for persons of Tunisian nationality, for both genders who are at least fifteen years old; nonetheless, persons who are under the age of fifteen and not below the age of twelve, may, in exceptional cases and as is necessary, hold possession of a National Identity Card.

Article 2 (new Paragraph 1):

The National Identity Card is delivered by the competent departments of the Ministry of the Interior after submission of the applicant's fingerprints and photo, and shall include the following details:

- A national identification number,
- The name, the father's name, and the grandfather's first and last name,
- Mother's first and last name,
- Spouse's first and last name for married or widowed persons,
- Date and place of birth.

Article 4 (new):

The duration of the National Identity Card's validity period shall be determined by virtue of a governmental order in accordance with the provisions of Article 6 of this Law, and shall be replaced within a maximum of thirty (30) days in the following three cases:

- When the duration of the validity period is expired.
- When the first or last name is changed.
- When it is damaged, lost, or one of its physical characteristics is distorted.
- When civil status is changed in cases referred to in Sub-Paragraph 4 of Paragraph 1 of Article 2 of this Law.

The National Identity Card shall be returned to the General Directorate of National Security at the Ministry of the Interior in the case of the cardholder's death. The relevant administration shall notify the General Directorate of National Security no later than thirty (30) days following the decease.

In the event that the National Identity Card is lost, the cardholder shall immediately inform the police station or the National Guard station closest to the cardholder's place of residence or where the card was lost and ask that the identity card be replaced within thirty (30) days from the date of the notification. The competent departments shall verify the identity of the person concerned prior to issuing a Certificate of Loss. The lost identity card is then immediately classified among the searched for objects and the full details of the cardholder's National Identity Card number and the date of its issuance shall be recorded.

The electronic chip of the card shall be deactivated in the case of loss or cardholder decease.

Article 6 (new):

The National Identity Card format shall be determined by a governmental order and a proposal from the Minister of the Interior. The Minister of the Interior shall equally determine the physical and technical specifications of the card's readable area, the electronic chip, the reading machine, the card's validity period, and the procedures for obtaining a card and its replacement.

Article 7 (new):

All National Identity Card holders shall present the said card whenever they are requested to do so by National Security or National Guard agents.

National Security and National Guard agents may verify the identity of the cardholder and check if the cardholder's fingerprints match the data found in the electronic chip by using the secured automated readers as provided for in Article 2 *bis* of this Law.

The penalties prescribed in Article 315 of the Penal Code apply to all those who abstain from complying to the verification procedures set forth in this article.

Article 11 (new):

Any National Identity Cards issued prior to the entry into force of this law remain valid until replaced with a National Identity Card containing an electronic chip according to specifications to be determined by the governmental order, in accordance with provisions of Article 6 of this Law and pursuant to the National Identity Card renewal program as set forth by a decision from the Minister of the Interior.

Article 2

The following shall be added to the provisions of Law No. 27 of 1993 dated 22 March 1993 on the National Identity Card: Paragraphs 5 and 6 to Article 2 and Article 2 bis, Paragraphs 3 and 4 to Article 3, Paragraph 2 to Article 8, and Paragraph 3 to Article 9, as set forth below:

Article 2 (Paragraphs 5 and 6):

It is permissible for the National Identity Card to not include the first and last name of spouse for married or widowed persons at the cardholder's written request.

The National Identity Card contains a machine-readable area the specificities of which are determined by a governmental order in accordance with the provisions of Article 6 of this Law.

Article 2 (*bis*):

The National Identity Card contains a visible electronic chip secured in accordance with the effective regulations, and storing the following items and data:

1. Required data:

- The name, the father's name, and the grandfather's first and last name,
- The mother's first and last name,
- First and last name of spouse for those who are married or widowed,
- Date and place of birth,
- Address.

2. Optional data to be included in the card as requested by the cardholder:

- Blood type,
- "Donor" designation.

3. National identification number.**4. Encrypted data, which are:**

- The photo,
- A fingerprint of the right thumb,
- The administrative data related to the digitization¹ and registration of the card and its data.

[1] The original term in Arabic is **ترقيم**, which could mean any of the following: numbering, digitization, sequencing, sequence numbering, or tagging. We have translated it to digitization given the digital context that the electronic chip is occupying and the proposed shift in the very nature identity card.

The automatic exploitation of the elements and data set out in numbers 1, 2 and 3 of Paragraph 1 of this article allows for the electronic identification of the citizen according to requirements set forth by a law.

Access to the electronic chip is permitted by the competent departments of the General Administration of National Security, National Security Agents and National Guard Agents as set forth in Article 7 of this Law, within the limits of their specializations, through the use of secure chip readers pursuant to Legislation.

Article 3 (Paragraphs 3 and 4):

An application for a National Identity Card referred to in Paragraphs 1 and 2 of this Article for minors mentioned in Article 1 of this Law, must be submitted by one of the parents, a guardian, a custodian to whom custody has been granted, or by a sponsor for those who lack eligibility.

The cardholder's personal address shall be included in the electronic chip.

The method of verification of personal residence shall be determined by a governmental order in accordance with the provisions of Article 6 of this Law.

Article 8 (Paragraph 2):

The same penalties prescribed in Paragraph 1 of this Article shall apply in the commission of forgery, fraud, or use of the Code of the related to the card and any data stored in the automatically readable area and the electronic chip. The same penalties apply to any person who deliberately accesses the National Identity Card's electronic chip without a designation to do so.

Article 9 (Paragraph 3):

The same penalty shall be imposed on each person who deliberately use the National Identity Card of a deceased cardholder and has deliberately violated the provisions of Paragraph 2 of Article 4 of this Law.

Article 3

The term "identity photo" appearing immediately after the phrase "National Identity Card" in the first line of Paragraph 2 of Article 2 of Law No. 27 of 1993 dated 22 March 1993 on the National Identity Card shall be replaced with the term "photograph".

Article 4

The provisions of Paragraph 2 of Article 10 of Law No. 27 of 1993 dated 22 March 1993 on the National Identity Card are null and void.

Article 5

The provisions of this Law shall enter into force six months after its publication in the Official Gazette of the Republic of Tunisia.