

## Pacific Regional Workshop on Legal Identity and Identity Security

8-10<sup>th</sup> July, 2019

SPC Headquarters, Noumea, New Caledonia

SPC/BAG 2019/Background Paper 02

### The Interrelationship between Health information systems, Civil Registration and National Identity Systems in Legal identity

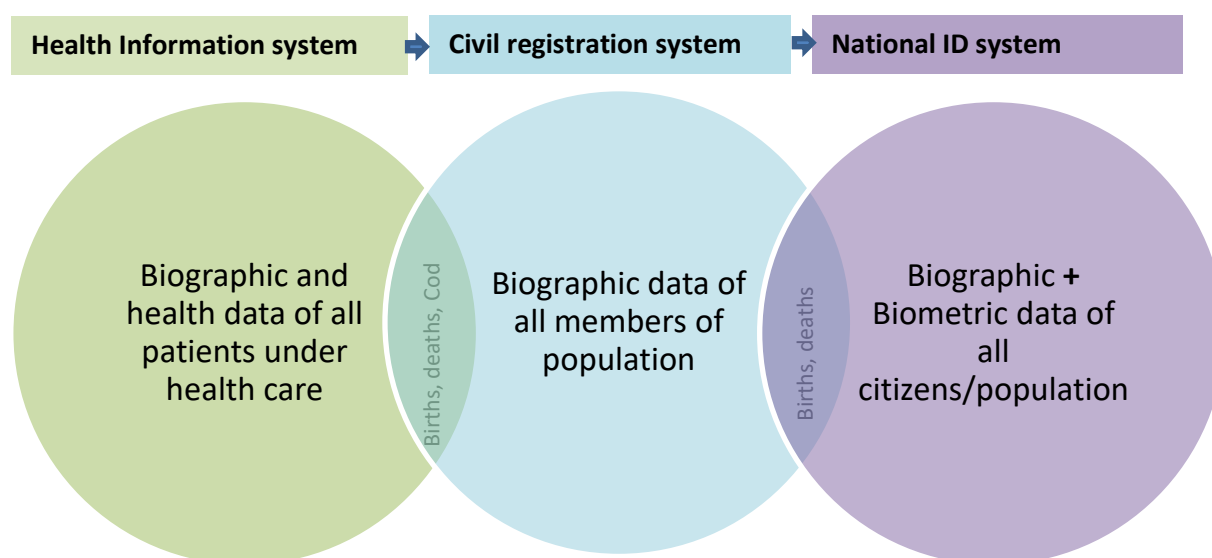
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#### EXECUTIVE SUMMARY

This paper outlines the role and interaction of health information systems, civil registration systems and national identification (National ID) systems in the establishment of universal legal identity for a population within a country. The paper advocates for a continuous and permanent data and information sharing relationship between health information systems and civil registration systems, with the institution responsible for the former acting as an informant to support universal registration of births and deaths. The paper further underlines that National ID systems can only function optimally when linked to civil registration systems. The paper recommends that governments adopt a holistic and integrated approach towards legal identity, including by ensuring the linkage or interoperability of these important government systems/databases.

#### INTRODUCTION

1. A Legal Identity as defined by the Inter-American Development Bank is the Legal civil status obtained through civil registration at birth and civil identification of unique attributes such as a personal identification number and biometrics that recognizes the individual as a subject of law and protection of the state. The United Nations Inter- Agency Working Group on Legal Identity defines Legal Identity as the *basic characteristics of an individual's identity such as name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth*. The United Nations further recognises that in the absence of birth registration, legal identity may be conferred by a legally-recognized identification authority; whose system should be linked to the civil registration system to ensure a holistic approach to legal identity from birth to death.
2. There are three main government systems involved in the collation of the biographic data needed by governments for the registration of a legal identity. These are **the health information system, the civil registration system and the national id system**. Figure 1 displays the basic association between the three systems in terms of the data collected by each and the data flow. The role of each in the legal identity discourse is discussed in the following section.

*Figure 1. Information gathered and data flow between health, civil registration and national ID systems*

### THE ROLE CIVIL REGISTRATION IN LEGAL IDENTITY

3. Legal identity is established through the civil registration of important biographic information associated with the occurrence and characteristics of birth. An individual's legal identity record is a permanent record maintained by the government throughout an individual's lifetime. This record is routinely updated with important changes in civil status such as marriage, name changes and divorce among others (upon registration). Legal identity is retired upon registration of death by the issuance of a death certificate by the civil registration authority. As such, the civil registration office is the first (and last) legal custodian of legal identity records of a country's population.
4. A well-functioning civil registration system is continuous (recording all vital events as they occur), permanent (maintaining identity records permanently and with no lapses in registration), compulsory and universal (recording all vital events occurring within the boundaries of the country irrespective of the civil status of persons associated with the event).
5. Further to these critical functions, and in order for the system to adequately play its role in legal identity, it is necessary that the vital events it records are captured as close to the time of occurrence as possible, and that the information and data gathered by the system is of the highest level of quality.
6. A key challenge faced by civil registration systems in most developing countries is their inability to achieve universal coverage and completeness. More often civil registration legislation places the burden/responsibility of reporting the occurrence of a vital event on the individual, family or public at large. This is a requirement that is often constrained by many factors such as the inaccessibility of registration services by the public (for cost and/or distance reasons), lack of awareness of the importance of registration and general non-compliance to the requirement for compulsory registration. In most countries, though vital events are at some point in an individual's lifetime entered into the civil register, this is often done late (beyond the legally stipulated time and beyond a year of occurrence), this diminishes the usefulness of the record for vital statistics purposes, and increases the likelihood of inaccuracies associated with recall lapses.
7. Addressing these and other related challenges is a key development concern, as evidenced through the ongoing initiatives towards improving civil registration and vital statistics at the global and regional level. Pacific countries, together with other countries in the Asia region, have committed to the Civil Registration and Vital Statistics Decade (2014-2024) and the corresponding regional action framework. The first two goals under the framework commit countries to achieving universal civil registration and universal certification of vital events (primarily live births, deaths (including causes of death) by the end of the decade.

8. To date only a few countries in the Pacific region have achieved this goal i.e. recording over 90% completeness of registered live births and deaths. As countries draw closer to the mid of the decade (2020), it is important to reflect on the progress realised, to deliberate and share knowledge and experiences on some of the quick wins that countries in the region could look to in a bid to achieving these two targets. In this respect, one of the key goals of this workshop is to reflect on the potential role that Health Information Systems and more generally health ministries/departments can play in supporting universal legal identity, and where possible to look towards possible approaches and plans for engaging the health sector is supporting this agenda.

## THE ROLE OF HEALTH INFORMATION SYSTEMS IN SUPPORTING UNIVERSAL LEGAL IDENTITY

9. Among the most important stakeholders in the development of civil registration and vital statistics systems is the health sector. Live births and deaths, which are recognised as the top priority vital events often occur in health facilities and/or under the supervision of a health care professional. The health sector is mandated, under health legislation, to collate and maintain records of pregnancy, pregnancy outcomes (including the biographic information of a child and its parents) including follow-up of mothers with health service care following a birth. Correspondingly, the health sector collates morbidity and mortality data and bears the sole responsibility for the medical certification of causes of death<sup>1</sup>. However, only a subset of the data collated by health departments is required for civil registration purposes.
10. Despite the similarities in the data/information collation requirements, the historical organisation of civil registration systems and health information systems in most countries is such that these are often two independent government departments. As a result, there is often only minimal interaction facilitated by the legislation governing each. In most countries, the health system is, with limitations, a “person-centered” system and has a greater coverage of the population at sub-national levels (in terms of infrastructure and human resources). The public’s interaction with the health system is also on a higher priority needs basis, which makes it more robust in terms of its capacity to capture information on vital events.
11. To achieve a greater level of coverage and completeness in civil registration as well as to simplify the registration process for the public, it is recommended that Pacific countries adopt a regional model in which there is an established data sharing arrangement between health and civil registration departments, with the latter acting as an informant<sup>23</sup> of vital event occurrences. To facilitate such an arrangement, it is critical that there is a legislative provision and that the design of technological applications between the two departments facilitates an electronic interaction across health and civil registration databases. Figure 2 extracted from the United Nations Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance<sup>4</sup>, demonstrates this proposed model. During the workshop, selected countries will share their experiences on different models of engagement between the civil registration and the health sector for similar purposes.

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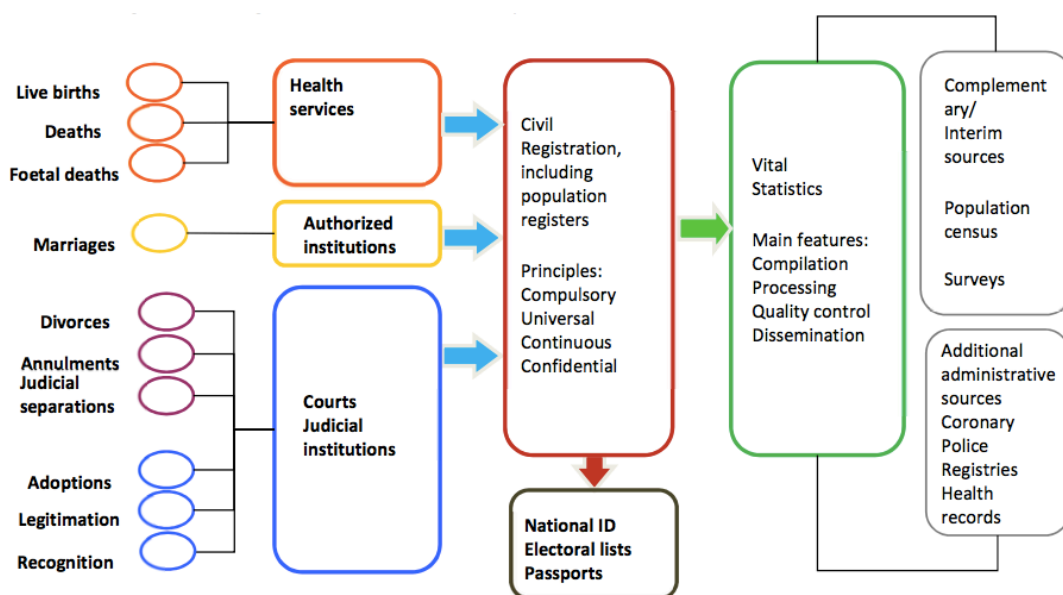
<sup>1</sup> This is the completion by a medically trained person of a death certificate including the cause of death according to the International Classification of Diseases (ICD) certification standards.

<sup>2</sup> An informant is the individual or institution whose responsibility, designated by law, is to report to the registrar the fact of the occurrence of a vital event and to provide all the information on and all the characteristics of the event. On the basis of such a report, the event may be legally registered by the registrar.

<sup>3</sup> A notifier is the individual appointed by the local registrar to act as intermediary between the local registrar and the informant in providing all the information on and all the characteristics of an event that is to be legally registered by the local registrar

<sup>4</sup> UN, 2017 United Nations Handbook on Civil Registration and Vital Statistics Systems: Management, Operation and Maintenance <https://www.un.org/development/desa/capacity-development/tools/tool/handbook-on-civil-registration-and-vital-statistics-systems-management-operation-and-maintenance-revision-1/>

Figure 2. Operational framework of Civil Registration and Vital Statistics systems



Source: *Handbook on Civil registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 15*

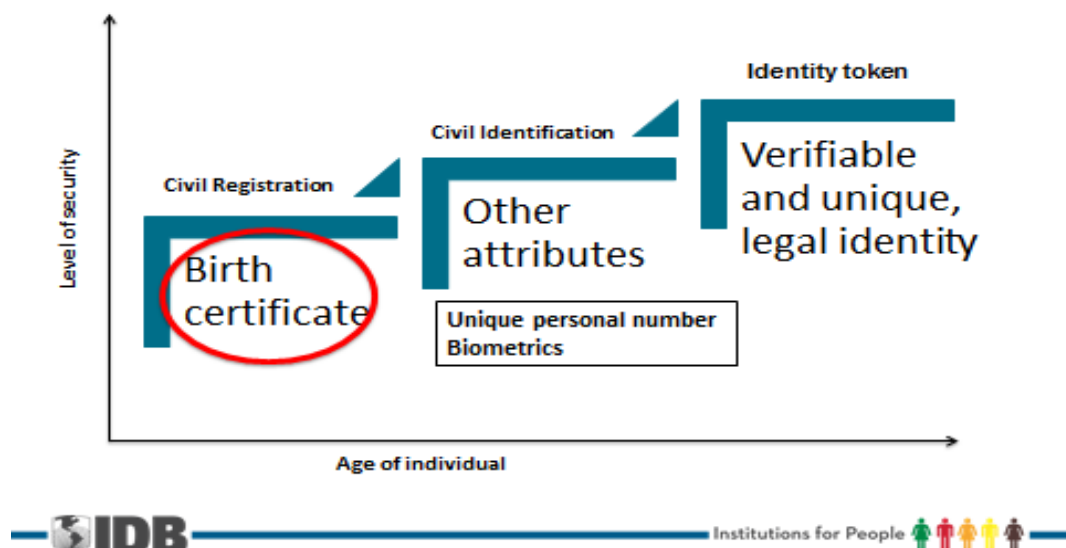
## THE ROLE OF NATIONAL ID SYSTEMS IN LEGAL IDENTITY

12. National Identification is the process of verification, registration, management, and conservation of personal data of citizens, with the goal of establishing a unique civil identity. The primary and unique attribute of the national ID system is in its role in **uniquely identifying individual persons based on biometric attributes**, a feature that is not included in civil registration systems. As populations within a country grow and with increases in cross-border movements, the ability of the state and other actors to confirm the identities of individuals becomes even more complex, calling for more sophisticated approaches of identification including in the use technology. There is particular need to confirm that an individual is truly who they say they are, and that they are the authentic holder of the identification document(s)/credential(s) that they may present. This includes the elimination of any chance of theft, use or misuse of identity credentials of deceased persons. For special and often vulnerable populations such as refugees and migrants it is necessary to have a means of self-identification without which they may be exposed to negative profiling based on their status. These needs among others anchor the need for national identification systems, also referred to as civil identification systems.
13. National id systems collate biographic information of a particular individual, and combine it with other uniquely identifying attributes mainly a unique number/code and biometric data to develop an individual's unique civil identity profile. The use of a unique identification number or code for individual records enables the agency managing civil identity profiles to continuously track and update an individual's civil status record throughout an individual's lifetime, hence ensuring that each record is current and valid.
14. In order to achieve their purpose of deriving a **secure civil identity profile**, it is necessary that the national ID system is founded on the civil registration system. This is because the civil registration system is the only legally mandated government framework that can provide continuous and timely evidence and facts on the legal existence and the death of an individual. Though there are instances where governments have adopted a "census" approach in the construction of their national id databases, it should be noted that such a databases would be characterised by critical deficiencies in the absence of a complete and well-functioning civil registration systems, noting that populations are dynamic with new events of births and deaths occurring all times. Figure 3 below from the inter-American development Bank (IDB) correctly depicts that the security of legal identity is steadily incremental over the two processes (civil registration

<sup>5</sup> *Handbook on Civil registration and Vital Statistics Systems: Management, Operation and Maintenance, Revision 1*, <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>, paragraph 1.

and civil identification). Though only birth registration is reflected in this graphic, it is important to note that death records (from registration) have a very critical role to play in the process, as they constitute only means to close an individual's identity.

Figure 3. Operational framework of Civil Registration and Vital Statistics systems



15. Similar to civil registration systems, well-functioning national id systems are founded on the principles of continuity, permanence and universality. Continuity means that the system must be routinely updated (on a flow basis) with new changes in civil status particularly those associated with events of birth and death, which makes it necessary for the system to be organically linked to the civil registration system. There is great diversity in how countries organize and structure their CRVSI systems due to differences in government structures, culture and traditions, and socioeconomic conditions. It is however recommended that Pacific countries build integrated systems, where the civil registration systems provide input into the national identification system.

## RECOMMENDATIONS

16. Civil registration and health officials of Pacific Island countries are requested to make consideration of the following recommendations:
  1. Pacific countries adopt a regional model in which there is an established data sharing arrangement between health and civil registration departments, with the latter acting as an informant<sup>6, 7</sup> of vital events occurrences.
  2. Pacific countries should build integrated systems, whereby the health information system provides input to the civil registration system, and the civil registration system provides input into the national identification system.

## REFERENCES

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<sup>6</sup> An informant is the individual or institution whose responsibility, designated by law, is to report to the registrar the fact of the occurrence of a vital event and to provide all the information on and all the characteristics of the event. On the basis of such a report, the event may be legally registered by the registrar.

<sup>7</sup> A notifier is the individual appointed by the local registrar to act as intermediary between the local registrar and the informant in providing all the information on and all the characteristics of an event that is to be legally registered by the local registrar

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