



📍 Bishop Road, 1st Ngong Avenue.
ACK Garden House-6th Floor
Nairobi - Kenya.
✉ info@lawyershub.ke
🌐 www.lawyershub.org

☎ +254 784 840 228
f Lawyers Hub Kenya
t Lawyers Hub Kenya

📺 Lawyers Hub Kenya
in Lawyers Hub Kenya
@ Lawyers Hub Kenya

Implementing a Digital Identity System in Kenya: Lawyers Hub convenes with the Ministry of Interior and CSOs at a Consultative Breakfast Meeting on Kenya's 'Maisha Namba' Digital Identity Program.

This week, the Lawyers Hub convened with other civil society organizations (CSO) in a consultative breakfast meeting organized by the Ministry of interior and National Administration to further explore the roll out of an inaugural digital identity system in the country dubbed **Maisha Namba, Maisha Card, Maisha Digital ID and Maisha Integrated database**. The Stakeholder Dialogue brought together civil society groups actively engaged in promoting Good Digital ID implementation.

The new card, dubbed Maisha Digital Card, will replace the current national ID and will be linked to a Unique Personal Identifier (UPI) that will be issued at birth and remain valid for life. Additionally, Kenyans will have the option to activate the Maisha Digital ID on their eCitizen portals, which will serve as a virtual representation of their physical ID.

Much like numerous countries around the world, Kenya finds itself in a period where the prevalence of mobile usage and connectivity is paramount, a scenario that shows no sign of abating. The worldwide adoption of smartphones is reaching unprecedented levels, and furthermore, government policies, investments from telecom operators, and declining subscription and phone costs are consistently simplifying global internet access (**Thales Group**). Collectively, these trends bring all the right and necessary infrastructures to launch mobile-based digital identities successfully, making the implications for digital ID profound.

Despite the global progress, and digital ID-systems being a fundamental element of the enabling infrastructure, numerous African nations continue to face challenges in providing their citizens with valid identification. The estimated number of individuals without any type of identification on the continent exceeds **500 million**. Additionally, as of the year 2022, only **12 countries** had implemented national digital identification systems that featured electronic components such as microchips or machine-

readable barcodes, which were coupled with functions related to public service delivery (TONY BLAIR INSTITUTE FOR GLOBAL CHANGE). Together with Angola, Ghana, Lesotho, Mauritius, Morocco, Nigeria, Senegal, Seychelles, South Africa, Tanzania, and Uganda, Kenya stands amongst these pioneering nations.

The Government of Kenya has once again sought to roll out digital identity in the country, which differs from the 'Huduma Namba' program that was launched in 2019. Unlike the previous program, the Maisha Namba digital ID program does not require mandatory participation by the citizens nor will it adopt a fresh mass registration process.

The program aims to digitize service registration, resolving issues related to the identification and verification of Kenyan citizens. Additionally, it seeks to enhance the security of essential registration documents like birth certificates and national identity cards. In the long run, the government anticipates that the centralized identification system will facilitate improved administration of social programs, the provision of vital services, and enhance transparency and accountability in government operations (Ministry of Interior and National Administration).

In spite of the promised benefits, **core concerns** were raised by stakeholders within the civil society ecosystem about the risks of Maisha Namba. Similar to *Huduma Namba*, this program raises issues around inclusion, data protection and security of the personal data of Kenyan nationals and residents and citizen participation in the governance of the country's identification system. In detail, the recommendations from the civil society ecosystem included:

- **The conduct of a comprehensive Data Protection Impact Assessment** which is then made public for scrutiny to ensure that the digital ID system design benefits from improvements and has increased public trust. In addition to this, conducting a Human Rights Impact Assessment aimed at uncovering potential infringements/violations of human rights and to determine appropriate remedies and subsequent measures for mitigation.
- **Engaging in extensive nation-wide public participation** concerning the program's system design, legal framework, and implementation. The CSO community urged the government to guarantee the incorporation and thorough assessment of substantial public opinions and input regarding the proposed digital ID frameworks.

- • Promote the **inclusion of individuals and communities previously marginalized**, by applying affirmative action measures in the issuance of identity documents to all Kenyan citizens. The objective is to avoid exacerbating the exclusion of those who currently lack essential documentation, such as birth certificates or ID cards. Instead, the focus should be on establishing mechanisms that facilitate investment in registration, especially in underserved and minority communities.
- • Ensuring there is a **comprehensive policy and legal framework** governing the digital ID system being fully grounded on Kenya's Constitution and aligning with court precedents already set. This ensures respecting and upholding citizens' rights and freedoms, thereby safeguarding against potential misuse of personal data, clarifying responsibilities of all stakeholders in the digital ecosystem and meeting international standards on digital ID and data protection.

This Stakeholders' dialogue formed part of Lawyers Hub policy efforts and work in support of the development of robust and effective digital identity systems across the African region as well as promoting the continent's data protection and privacy initiatives and policies. Key engagements by Lawyers Hub have included policy contributions to [Kenya's Data Protection Law](#), The Digital Identity and Data Governance in Africa Policy Brief which was developed by delegates at the [Africa LawTech Festival 2020](#) as well as Policy convenings and Hackathons on digital identity such as the [Huduma Namba Bill, 2019-2021](#).

The Lawyers Hub looks forward to further stakeholder and citizen engagement which accommodates joint progress review, addresses challenges and updates ecosystem stakeholders of changes to the proposed systems and governance frameworks as the nation explores pathways for leveraging Digital ID Systems and the use of disruptive technologies.
