



Province of Alberta

## GOVERNMENT ORGANIZATION ACT

# IDENTIFICATION CARD REGULATION

### **Alberta Regulation 221/2003**

With amendments up to and including Alberta Regulation 10/2019

Current as of February 1, 2019

### Office Consolidation

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(Consolidated up to 10/2019)

**ALBERTA REGULATION 221/2003**  
**Government Organization Act**  
**IDENTIFICATION CARD REGULATION**

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**Definitions**

**1** In this Regulation,

- (a) "Act" means the *Government Organization Act*;
- (b) "facial recognition software" means software that measures the unique invariable characteristics of a person's face;
- (c) "identification card" means an identification card issued under section 17(2) of Schedule 12 of the Act;
- (d) "Minister" means the Minister of Service Alberta;

- (d.1) “record of birth” means a record of birth issued in accordance with the *Vital Statistics Act*;
- (d.2) “sex” means
- (i) the anatomical sex of a person at birth,
  - (ii) the sex (M, F or X) of a person as declared to the Minister,
  - (iii) following the approval of an application for amendment of sex on an identification card referred to in section 9.1, the sex that corresponds to the requested amendment, or
  - (iv) the sex on a person’s record of birth or birth certificate;
- (e) “student” means a person who ordinarily resides in another province or in a state or country outside Canada but who moves to and resides in Alberta for a period of more than 3 months to attend a school, university, polytechnic institution or college as a full-time student and includes a student who is working as part of an Alberta-based co-op program of study;
- (f) “subsisting identification card” means an identification card that, at the relevant time, is current and has not expired nor been cancelled.

AR 221/2003 s1;35/2007;126/2010;24/2015;104/2018;10/2019

### General prohibition

**2** The Minister shall not issue an identification card to a person unless the Minister is satisfied that the person

- (a) is at least 12 years old,
- (b) is not the holder of a subsisting operator’s licence under the *Traffic Safety Act*, and
- (c) is a resident of Alberta or a student.

AR 221/2003 s2;185/2007

### Application

**3(1)** A person shall apply for an identification card to the Minister in a form and manner approved by the Minister.

**(2)** An application for an identification card must be accompanied by the fee required under section 14.

**(3)** The following information about the applicant must be included in an application for an identification card:

- (a) last name and first name expressed in accordance with subsection (4);
- (b) postal address;
- (c) physical address;
- (d) telephone number, if any;
- (e) sex;
- (f) date of birth;
- (g) hair and eye colour;
- (h) height and weight.

**(4)** For the purposes of subsection (3), an applicant's last name and first name

- (a) must be expressed in letters of the alphabet of the English language,
- (b) must not consist primarily of punctuation or other marks, and
- (c) may include a hyphen or an apostrophe but not other punctuation or other marks.

**(5)** If a parent or guardian is required to consent to an application, the following information about the parent or guardian must be included in or with the application:

- (a) first and last name;
- (b) relationship to the applicant;
- (c) postal address.

**(6)** An applicant for an identification card shall sign the application.

**Applicants under 18 years**

**4(1)** A person who is 12 years old or older and less than 18 years old may not apply for an identification card unless

- (a) a parent or guardian of the applicant consents by signing the application or a consent form in a manner satisfactory to the Minister,
  - (b) the applicant provides proof, satisfactory to the Minister, that the applicant is self-supporting, or
  - (c) the applicant provides proof, satisfactory to the Minister, that the applicant is married or is an adult interdependent partner.
- (2)** Subsection (1) does not apply to an application for a renewal of an identification card, a duplicate identification card or the reissuance of an identification card.
- (3)** The Minister shall cancel an identification card issued to a person
- (a) who is not 18 years old or older and did not submit the consent or proof required by subsection (1),
  - (b) if the parent or guardian of the person, in writing, withdraws the consent given in the application or consent form, or
  - (c) if proof is provided, satisfactory to the Minister, that the person was not self-supporting or was not married or an adult interdependent partner at the time the identification card was issued.
- (4)** The Minister shall not issue a new identification card to a person referred to in subsection (3) unless the person applies in accordance with subsection (1) or is 18 years old or older.
- (5)** The Minister shall not issue an identification card with the sex of the applicant listed as “X” to a person who is 12 years old or older and less than 18 years old, except following the approval of an application for amendment of sex on an identification card pursuant to section 9.1.

AR 221/2003 s4;185/2007;104/2018

### **Residence**

- 5(1)** An applicant for an identification card must provide proof, satisfactory to the Minister, that the applicant is a resident of Alberta.
- (2)** Notwithstanding subsection (1), a student may apply for an identification card if the student
- (a) provides the address in Alberta where the student is residing while a student, and

- (b) provides proof, satisfactory to the Minister, of the student's enrollment at a school, university, polytechnic institution or college in Alberta.

AR 221/2003 s5;10/2019

#### **Application for operator's licence**

**6** If a person who holds an identification card applies for and receives an operator's licence under the *Traffic Safety Act*, the person shall surrender the person's identification card to the Minister.

#### **Identification**

**7(1)** Before issuing or renewing an identification card or issuing a duplicate identification card, the Minister

- (a) must be satisfied that the applicant is the person named in the application, and
- (b) must require that an image of the applicant's face, for incorporation in the identification card, be taken by equipment provided by the Minister.

**(2)** An image incorporated into the identification card must be an image taken under subsection (1).

**(3)** The Minister may, without limiting the use of other means of identity verification, use facial recognition software for the purpose of the identification of, or the verification of the identity of, a person who has applied for an identification card.

#### **Form of identification card**

**8(1)** An identification card must be in a form approved by the Minister.

**(2)** An identification card must contain the following information about the cardholder:

- (a) last name;
- (b) first name;
- (c) date of birth;
- (d) height;
- (e) weight;
- (f) sex;

- (g) eye colour;
- (h) hair colour;
- (i) an image of the cardholder's face;
- (j) a reproduction of the cardholder's usual signature;
- (k) postal address.

(3) An identification card must also contain the following:

- (a) the identification card number;
- (b) the date of issue of the identification card;
- (c) the expiry date of the identification card;
- (d) the words "To identify persons to the Alberta Government".

(4) An identification card must be signed or sealed in a manner satisfactory to the Minister.

(5) A person who applies for an identification card shall provide the Minister with the person's usual signature to be incorporated in the identification card.

(6) An identification card is issued on the date of issue specified on the identification card.

#### **Change in particulars**

**9(1)** If the name, physical address or postal address of a person who holds a subsisting identification card changes, the person shall, not more than 14 days after the new name or address is effective, apply under section 12(1)(c) for the identification card to be reissued with the person's new name or address.

(2) The Minister may cancel an identification card issued to a person if the person fails to comply with subsection (1).

#### **Amendment of sex on an identification card — eligibility to apply**

**9.1(1)** A person may apply to amend the sex on his or her identification card if

- (a) the person's record of birth has been amended in accordance with the *Vital Statistics Information Regulation*,



- (b) the person is at least 18 years of age,
- (c) the person is less than 18 years of age, but is married or an adult independent partner,
- (d) the person is less than 18 years of age, and is providing the parents' and guardian's consents referred to in subsections (2) and (3), or
- (e) the person is less than 18 years of age, and there is a court order dispensing with the parents' and guardian's consents referred to in subsections (2) and (3).

**(2)** The consent of both parents listed on the minor's record of birth or birth certificate is required for an application under subsection (1)(d) unless

- (a) a parent provides an affidavit stating that the parent is the sole guardian of the minor, or that there are no other guardians by operation of section 20 of the *Family Law Act*, or
- (b) a parent provides an affidavit stating that there is a court order that gives sole guardianship of the minor to that parent or that states that the other parent is no longer a guardian,
- (c) there is a court order that appoints guardians in lieu of the parents, in which case the consent of those guardians is required and the parents' consent is not required, or
- (d) there is a court order dispensing with consents of the parents or guardians who do not consent.

**(3)** Where there is a court order that appoints guardians in addition to the parents, the consent of those guardians to an application under subsection (1)(d) is also required unless there is a court order dispensing with the consents of those guardians.

**(4)** A parent's or guardian's consent referred to in subsection (2) or (3) must include the following information:

- (a) the parent's or guardian's full name;
- (b) the parent's or guardian's current mailing address and telephone number;
- (c) the parent's or guardian's signature;
- (d) the date on which the parent or guardian signed the consent, which must be within one year of the date of the application;

- (e) the full name, address and telephone number of an adult who witnessed the parent or guardian signing the consent and the relationship of the witness to the parent or guardian giving consent, if any;
- (f) the signature of the witness.

(5) A witness referred to in subsection (4) must be at least 18 years of age and cannot be the applicant.

AR 126/2010 s3;24/2015

**9.2 and 9.3** Repealed AR 104/2018 ss5, 6.

#### **Minister's powers and duties**

**9.4(1)** On receipt of an application for amendment to the sex on an identification card and of the documents required to be filed with it and payment of the prescribed fee the Minister shall, if satisfied that the Act and Regulation have been complied with, amend the sex on the identification card accordingly.

(2) The Minister may require any applicant or person to return to the Minister any previously issued identification card in the applicant's or the person's possession.

AR 24/2015 s3

#### **Expiry**

**10(1)** An identification card expires

- (a) if the applicant's next birthday is 6 months or less after the date of the application, 5 years from that birthday,
- (b) if the applicant's next birthday is more than 6 months after the date of the application, 4 years from that birthday, and
- (c) if the identification card is issued as a renewal of a previous identification card, 5 years from the expiry date of the identification card being renewed.

(2) The Minister may issue an identification card that expires before the time set out in subsection (1).

#### **Leap year**

**11** If the expiry date on an identification card is shown as February 29, the identification card expires on March 1 if the year in which the identification card expires is not a leap year.

**Renewed, duplicate or reissued identification card**

**12(1)** A person may apply to the Minister in a form and manner approved by the Minister

- (a) for a duplicate identification card if the person holds a subsisting identification card that is lost, destroyed or unreadable,
- (b) for a renewed identification card if the person holds an identification card that is about to expire or has expired, or
- (c) for a reissued identification card if the person holds a subsisting identification card and the person's name, physical address or postal address has changed.

**(2)** If a person has more than one version of an identification card, the person shall keep the most recent version and destroy all others.

**(3)** An applicant for a renewed identification card, a duplicate identification card or a reissued identification card shall include the information listed in section 3(3) and the signature required by section 3(6) in the application.

**(4)** Despite subsection (1), if a person does not renew an identification card within 6 months after the date on which the identification card expires, the person shall apply for an identification card under section 3 as if the expired identification card had not been issued.

**Cancellation for misrepresentation or error**

**12.1(1)** The Minister may, on 15 days' notice in writing to the holder of an identification card and on providing the card holder with the opportunity to make representations, cancel an identification card on the grounds that

- (a) misrepresentations, false information or inaccuracies were contained in
  - (i) the card holder's application for the identification card, or
  - (ii) a document that was provided to the Minister as proof that the card holder was a resident of Alberta,

or

- (b) an error was made in issuing the identification card.

**(2)** Notice under subsection (1) may be sent by ordinary mail to the postal address provided by the card holder on the application

for the identification card and shall be deemed to have been received 5 days after the date on which it was mailed.

**(3)** Unless the Act or this Regulation requires otherwise, the holder of an identification card that is cancelled under subsection (1) shall return the card to the Minister immediately.

AR 104/2018 s7

#### **Surrender of cancelled identification card**

**13** The holder of an identification card that is cancelled under section 4(3), 9(2) or 12.1 shall surrender the identification card to the Minister immediately.

AR 221/2003 s13;104/2018

#### **Fees**

**14(1)** Subject to subsections (2) to (4), the fee for an identification card is \$8 for each year of the identification card from the applicant's next birthday to a maximum of \$40.

**(2)** The minimum fee for an identification card is \$8.

**(3)** The fee for the renewal of an identification card is \$8 for each year of the renewed identification card from the expiry date of the identification card being renewed.

**(4)** The fee for issuing a duplicate identification card or reissuing an identification card is \$13.

AR 221/2003 s14;39/2011

#### **Identification card refund**

**15(1)** If an identification card is surrendered for one of the following reasons, the Minister may authorize a refund of \$8 for each complete unexpired year of the identification card:

- (a) the holder of the identification card requests that the card be cancelled;
- (b) the death of the cardholder;
- (c) the emigration of the cardholder from Alberta;
- (d) the cardholder is not qualified to retain or renew the identification card;
- (e) another reason considered appropriate by the Minister.

**(2)** The Minister may deduct a fee of \$10 from a refund authorized under subsection (1).

AR 221/2003 s15;39/2011

**Release of identification information**

**16(1)** In this section,

- (a) “identification information” means recorded personal information about an identifiable individual supplied to the Minister in an application for an identification card;
- (b) “Registrar” means Registrar as defined under the *Traffic Safety Act*.

**(2)** Identification information may be recorded in the Registrar’s motor vehicle information system.

**(3)** Identification information recorded in the Registrar’s motor vehicle information system shall not be released by the Minister except to the persons to whom and in the circumstances under which information may be released under the *Access to Motor Vehicle Information Regulation* (AR 140/2003).

AR 185/2007 s3

**17** Repealed AR 104/2018 s9.







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