



**PRIVACY INTERNATIONAL**

## **The UK Identity Card proposals**

### **Privacy International's background and analysis of the scheme**

On November 29<sup>th</sup>, 2004, the UK Government published its Identity Cards Bill. In this comprehensive briefing we answer all your questions.

We recommend that this document be read alongside the briefings published by Liberty <http://www.liberty-human-rights.org.uk/privacy/id-card-bill-key-points.PDF> and Justice <http://www.justice.org.uk/inthenews/index.html>

*What stage has been reached with the ID card proposal?*

*Exactly what is the Government proposing to do?*

*Why isn't the scheme called an "entitlement card" any more?*

*What will the Identity Card be used for?*

*Who can gain access to the information on the national register?*

*What use can the police make of the card and the register?*

*What personal information will be contained in the Register and on the Card?*

*Will an identity card will help eliminate benefit fraud?*

*Will an identity card help prevent terrorism?*

*Will the ID system reduce the problem of identity theft?*

*How much will the scheme cost the taxpayer?*

*Who will pay for this scheme?*

*Will the card be voluntary or compulsory?*

*Will children be required to have a card?*

*What if I simply refused to use the card?*

*How will the penalties be applied?*

*Can an ID card be forged?*

*What is a "biometric" system and how would it prevent forgeries?*

*What would the biometric mean in practice?*

*Have similar schemes been proposed or adopted in other countries?*

*Are there any legal protections to limit the scope of an ID card?*

*This scheme will entail an unprecedented use of complex technology. Is the government capable of achieving this successfully?*

**What stage has been reached with the ID card proposal?**

After a two and a half year process, the Government has now introduced and published its *Identity Cards Bill* <http://www.homeoffice.gov.uk/comrace/identitycards/>. This will be debated (in Second Reading) in the Commons on 20<sup>th</sup> December though the Tory Opposition has signalled that it will vote with the government. If passed by the Commons, it will then be considered in Committee in mid January before being sent to the House of Lords sometime in February. The Bill is similar in many respects to the Draft Identity Cards Bill <http://www.homeoffice.gov.uk/comrace/identitycards/publications.html> that the Government published in April 2004 following the public consultation <http://www.homeoffice.gov.uk/comrace/identitycards/publications.html> and the Home Affairs Committee hearings. <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmhaff/130/13002.htm>

**Exactly what is the Government proposing to do?**

Many people believe that the government's ID scheme is just a "simple piece of plastic". The Identity Cards Bill shows clearly that the plastic card is only one small part of a much larger scheme. The government is planning to establish a vast, complex and far-reaching system that will involve an unprecedented use of personal information.

The Bill outlines an identity system that has eight components.

- **The National Identification Register.** The heart of the system. Clause 1 of the Bill imposes an obligation on the Secretary of State to establish a central population register containing a wide range of details of every UK citizen and resident aged from 16 years and 3 months.
- **The code.** Clause 2 (6) requires that every individual must be given a unique number, to be known as the National Identity Registration Number (NIRN). This number will become the "key" for government and private sector organisations to access information on the register and to share that information.
- **Biometrics.** Clause 5 (5) requires individuals to submit to fingerprinting and "other" means of physical identification. This is likely to include electronic face scanning and

iris recognition.

- **The card.** Clause 8 establishes the actual identity card, generated from and containing the information in the Register.
- **Legal obligations.** Clause 15 establishes a requirement to produce the card in order to obtain public services.
- **Administrative convergence.** The number and the card register are used by a variety of agencies and organisations as their administrative basis. 1 (5) permits the bringing together of all registration numbers (National Insurance, NHS etc) used by a person.
- **Cross notification.** Agencies will be required to notify each other of changes to a person's details. Clause 19 authorises the Secretary of State to disclose details from the register to other agencies without the consent of the individual.
- **New crimes and penalties.** The Bill establishes a large number of new crimes and offences to ensure that people comply with the ID requirements.

These elements are set out clearly in clause 5 of the Regulatory Impact Assessment [http://www.homeoffice.gov.uk/docs3/ria\\_251104.pdf](http://www.homeoffice.gov.uk/docs3/ria_251104.pdf) for the Bill.

### **Why isn't the scheme called an "entitlement card" any more?**

The government made a tactical decision in 2003 to change the name. This followed from constant criticism in the House of Lords, where many Peers refused to use the word "entitlement". This resulted by the end of 2002 in Lord's Hansard dropping the description entirely and replacing it with "Identity Cards".

<http://www.publications.parliament.uk/pa/ld200203/ldhansrd/vo021202/text/21202-01.htm>

Opposition Peers claimed that the Government was using fluffy language to disguise the true nature of the proposal. The misnomer was also attacked by Education Secretary Charles Clarke. <http://www.guardian.co.uk/guardianpolitics/story/0,3605,1204823,00.html> By the end of 2003 the Home Office formally dropped all reference to "entitlement cards". The central purposes of the card system however have not changed.

### **What will the Identity Card be used for?**

The Bill sets out a number of purposes for the Card and the Register. Some are more open-ended than others. For example, the scheme is described as "a convenient method for such individuals to prove registrable facts about themselves to others". The Bill also says that the card scheme will allow "the provision of a secure and reliable method for registrable facts about such individuals to be ascertained or verified wherever that is necessary in the public interest."

"Public Interest" has a number of dimensions. Clause 1(4) of the Bill defines it as being "in the interests of national security", "for the purposes of the prevention or detection of crime", "for the purposes of the enforcement of immigration controls", "for the purposes of the enforcement of prohibitions on unauthorised working or employment" and "for the purpose of securing the efficient and effective provision of public services."

On the face of it, this definition would imply that the card and the register would be necessary to seek employment [http://www.theregister.co.uk/2004/12/03/business\\_immigrant\\_checks/](http://www.theregister.co.uk/2004/12/03/business_immigrant_checks/) , to gain access to health, [http://quote.bloomberg.com/apps/news?pid=10000102&sid=adIU.\\_FV1Wnw&refer=ukU.K](http://quote.bloomberg.com/apps/news?pid=10000102&sid=adIU._FV1Wnw&refer=ukU.K) benefits and other services, and that it would be used by police, security and immigration officers in the course of their functions. However the words “for the purposes of the prevention or detection of crime” could be connected to financial control and money laundering regulations to provide a means by which the ID system can be used for an almost limitless range of purposes. The could include operating a bank account, using professional services <http://www.accountancyage.com/news/1138822> such as a solicitor or accountant, applying for a permit or license, internal travel, buying property, stocks or shares, applying for credit or using large amounts of cash.

It is likely that the card and register may ultimately be used to verify entitlement to most if not all public services [http://www.out-law.com/php/page.php?page\\_id=idcarddatabaseto1102340874&area=news](http://www.out-law.com/php/page.php?page_id=idcarddatabaseto1102340874&area=news) while the Bill and the Regulatory Impact Assessment paves the way for widespread use by the private sector. The Assessment states that the government will “work closely with private sector organisations to ensure that the [ID card] scheme develops along lines which will meet their business requirements”. This means that links and transactions within private sector records are likely to appear alongside the government-held registrable facts associated with an individual.

The Home Office recently stated: <http://www.vnunet.com/news/1159786> 'We are proposing to make online checks against the register the norm, except in those low risk/low value cases where a visual check is judged to be sufficient". Responding <http://www.parliament.the-stationery-office.co.uk/pa/cm200304/cmselect/cmhaff/uc130-vii/uc13002.htm> to a question of whether libraries and video rental shops might require the card the Home Secretary told the Home Affairs Committee: “Wherever someone is required to prove their identity and those operating that particular service have registered so they can use a reader then that would be fine”.

### **Who can gain access to the information on the national register?**

Clause 19 of the Bill allows the disclosure of information from the register without the individual’s consent to (among other agencies) police organisations, the security services, Inland Revenue, the Department for Work & Pensions, the Serious Organised Crime Agency and Customs & Excise,

### **What use can the police make of the card and the register?**

Under clause 19 (3) of the Bill information from the register can be handed to or accessed by police for purposes of prevention or detection of crime. This provides substantial scope to use the information. Police may, for example, apply to link fingerprint information on the register to “crime scene” evidence. They must however establish that they have taken reasonable steps to seek the information from other sources.

### **What personal information will be contained in the Register and on the Card?**

The Government has continually asserted that the creation of the ID system will result in the collection of less, not more, personal information than already exists. In April, for example, the Home Secretary told BBC1's Breakfast programme: "There will be no more information, in fact a lot less, and much less accessibility than there are for shopping cards at the moment". The Home Secretary repeated this claim during a speech [http://www.homeoffice.gov.uk/docs3/identitycards\\_041118speech.htm](http://www.homeoffice.gov.uk/docs3/identitycards_041118speech.htm) in November, resulting in a robust response [http://news.bbc.co.uk/1/hi/uk\\_politics/4018939.stm](http://news.bbc.co.uk/1/hi/uk_politics/4018939.stm) from the retail sector.

The government's claim is deceptive in that it confuses data on the identity card (as a chip embedded in a piece of plastic) with the national database, which is where almost all the personal information will be held. (The Bill does not specify what information should be contained in or on the card itself, and leaves this to regulation.)

However, clause 1 and Schedule 1 of the Bill sets out more than fifty categories of information required for the register (subject to change by regulation):

- 1) Name
- 2) Other previous names or aliases;
- 3) Date and place of birth and, if the person has died, the date of death;
- 4) Address
- 5) Previous addresses in the United Kingdom and elsewhere;
- 6) Times of residency at different places in the United Kingdom or elsewhere;
- 7) Current residential status;
- 8) Residential statuses previously held;
- 9) Information about numbers allocated to the applicant for identification purposes and about the documents to which they relate;
- 10) Information about occasions on which recorded information in the Register has been provided to any person;
- 11) Information recorded in the Register on request.
- 12) Photograph
- 13) Fingerprints
- 14) "Other" biometrics (iris recognition);
- 15) Signature
- 16) Nationality;

- 17) Entitlement to remain in the United Kingdom; and
- 18) Where entitlement derives from a grant of leave to enter or remain in the United Kingdom, the terms and conditions of that leave.
- 19) National Identity Registration Number;
- 20) The number of any ID card that has been issued;
- 21) National insurance number;
- 22) The number of any relevant immigration document;
- 23) The number of any United Kingdom passport (within the meaning of the Immigration Act 1971 (c. 77)) that has been issued;
- 24) The number of any passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;
- 25) The number of any document that can be used (in some or all circumstances) instead of a passport;
- 26) The number of any identity card issued by the authorities of a country or territory outside the United Kingdom;
- 27) Any reference number allocated by the Secretary of State in connection with an application made for permission to enter or to remain in the United Kingdom;
- 28) The number of any work permit (within the meaning of the Immigration Act 1971);
- 29) Any driver number connected to a driving licence;
- 30) The number of any designated document which is held by the applicant that is a document the number of which does not fall within any of the preceding subparagraphs;
- 31) The date of expiry or period of validity of a document the number of which is recorded by virtue of this paragraph.
- 32) The date of every application for registration;
- 33) The date of every application for a modification of the contents of his entry;
- 34) The date of every application confirming the contents of his entry (with or without changes);
- 35) The reason for any omission from the information recorded in his entry;

- 36) Particulars (in addition to its number) of every ID card issued;
- 37) Whether each such card is in force and, if not, why not;
- 38) Particulars of every person who has countersigned an application for an ID card or a designated document;
- 39) Particulars of every notification given by the applicant for the purposes of regulations under section 13(1) (lost, stolen and damaged ID cards etc.);
- 40) Particulars of every requirement by the Secretary of State for the individual to surrender an ID card issued to the applicant.
- 41) The information provided in connection with every application to be entered in the Register, for a modification of the contents of entry in the Register or for the issue of an ID card;
- 42) Information provided in connection with every application confirming entry in the Register (with or without change);
- 43) Particulars of the steps taken, in connection with an application mentioned in paragraph (a) or (b) or otherwise, for identifying the applicant or for verifying the information provided in connection with the application;
- 44) Particulars of any other steps taken or information obtained (otherwise than in connection with an application mentioned in paragraph (a) or (b)) for ensuring that there is a complete, up-to-date and accurate entry about that individual in the Register;
- 45) Particulars of every notification given by that individual for the purposes of section 12.
- 46) A personal identification number to be used for facilitating the making of applications for information recorded in his entry, and for facilitating the provision of the information;
- 47) A password or other code to be used for that purpose or particulars of a method of generating such a password or code;
- 48) Questions and answers to be used for identifying a person seeking to make such an application or to apply for or to make a modification of that entry.
- 49) Particulars of every occasion on which information contained in the individual's entry has been provided to a person;
- 50) Particulars of every person to whom such information has been provided on such an occasion;
- 51) Other particulars, in relation to each such occasion, of the provision of the information.

The Bill contains no provision for Parliament to decide what information will be stored in or on the card. This will be left to the discretion of the Home Office.

### **Will an identity card help eliminate benefit fraud?**

The government has not provided evidence to support such a claim. David Blunkett went so far as to dismiss the significance of identity fraud in welfare, advising Parliament [http://www.publications.parliament.uk/cgi-bin/ukparl\\_hl?DB=ukparl&URL=/pa/cm200102/cmhansrd/vo020703/debtext/20703-05.htm](http://www.publications.parliament.uk/cgi-bin/ukparl_hl?DB=ukparl&URL=/pa/cm200102/cmhansrd/vo020703/debtext/20703-05.htm) "benefit fraud is only a tiny part of the problem in the benefit system". The majority of fraud on the benefits system is through under-reporting of income, or non-reporting of financial and family circumstances. Benefits agencies worldwide agree that false identity is not a key issue. The Australian Department for Social Security estimated [http://www.privacy.org/pi/activities/idcard/idcard\\_faq.html](http://www.privacy.org/pi/activities/idcard/idcard_faq.html) that benefit overpayment by way of false identity accounts for only 0.6 per cent of overpayments, whereas non-reporting of income variation accounts for 61 per cent.

In evidence <http://www.parliament.the-stationery-office.co.uk/pa/cm200304/cmselect/cmhaff/uc130-vi/uc13002.htm> to the Home Affairs Committee, the Parliamentary Under-Secretary at the Department of Work and Pensions, Chris Pond MP, confirmed that false identity represented a tiny fraction of the benefit fraud problem. He said his Department advised that of the estimated £2 billion total annual benefit fraud, £50 million came from people not being who they said they were when making a claim.

It is likely that the cost to government of establishing a new ID infrastructure for benefits would amount to many times the annual loss through false identity.

### **Will an identity card help prevent terrorism?**

The government appears to have no idea. On July 3<sup>rd</sup> 2002, in response [http://www.publications.parliament.uk/cgi-bin/ukparl\\_hl?DB=ukparl&URL=/pa/cm200102/cmhansrd/vo020703/debtext/20703-05.htm](http://www.publications.parliament.uk/cgi-bin/ukparl_hl?DB=ukparl&URL=/pa/cm200102/cmhansrd/vo020703/debtext/20703-05.htm) to a question by Chris Mullin MP, David Blunkett said "I accept that it is important that we do not pretend that an entitlement card would be an overwhelming factor in combating international terrorism". Six minutes later, in answer to a question from Sir Teddy Taylor MP, he said he would not rule out the possibility of "their substantial contribution to countering terrorism".

The Government's current line is that an ID card will help in the fight against terrorism. However the essential facts are disputed. David Blunkett has told parliament that the security services have advised him that 35 per cent of terrorists use false identification, However Interpol general secretary Ron Noble told [http://www.theregister.co.uk/2004/12/02/noble\\_wows\\_lords/](http://www.theregister.co.uk/2004/12/02/noble_wows_lords/) the House of Lords Home Affairs Committee that all terrorist incidents involve a false passport. He was unable to present evidence to support this claim.

The published evidence refutes these claims. In 2004 Privacy International published the findings <http://www.privacyinternational.org/issues/idcard/uk/id-terrorism.pdf> of the only

research ever conducted on the relationship between identity cards and terrorism. It found that there was no evidence to support the claim that identity cards can combat terrorist threats.

The report stated: “The presence of an identity card is not recognised by analysts as a meaningful or significant component in anti-terrorism strategies.”

“The detailed analysis of information in the public domain in this study has produced no evidence to establish a connection between identity cards and successful anti-terrorism measures. Terrorists have traditionally moved across borders using tourist visas (such as those who were involved in the US terrorist attacks), or they are domicile and are equipped with legitimate identification cards (such as those who carried out the Madrid bombings).”

“Of the 25 countries that have been most adversely affected by terrorism since 1986, eighty per cent have national identity cards, one third of which incorporate biometrics. This research was unable to uncover any instance where the presence of an identity card system in those countries was seen as a significant deterrent to terrorist activity.”

“Almost two thirds of known terrorists operate under their true identity. The remainder use a variety of techniques to forge or impersonate identities. It is possible that the existence of a high integrity identity card would provide a measure of improved legitimacy for these people.”

“At a theoretical level, a national identity card as outlined by the UK government could only assist anti-terrorism efforts if it was used by a terrorist who was eligible and willing to register for one, if the person was using their true identity, and if intelligence data could be connected to that identity. Only a small fraction of the ninety million crossings into the UK each year are supported by comprehensive security and identity checks.”

The Bill also contains a fundamental condition that nullifies most of its claims to support counter-terrorism. David Blunkett has told the Home Affairs Committee that in order to prevent the creation of “ID card martyrs” <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmhaff/130/4050405.htm> the government would not make it a criminal offence to refuse to be registered for a card. Instead, refuseniks would be liable for a civil penalty. In view of the widespread and entrenched hostility to the scheme, this approach makes tactical – and politically essential - common sense. However, astute critics have pointed out that wealthy people <http://www.telegraph.co.uk/opinion/main.jhtml?xml=/opinion/2004/12/03/do0303.xml> or those backed by criminal organisations can avoid an ID card or registration simply by paying the recurring £2,500 fine. This fine would effectively become a tax on criminals and terrorists operating in the UK.

The government appears to be incrementally backing away from its original assertion that the card system would be a tool to prevent terrorism. In a recent press briefing, Home Office minister Des Browne said <http://management.silicon.com/government/0,39024677,39126226,00.htm> "It (the ID system) does not stop it but it helps you police it and interdict it".

**Will the Identity system reduce the problem of Identity theft?**

The government has heavily promoted the need to combat the problem of identity theft, consistently citing its estimate [http://www.homeoffice.gov.uk/docs/id\\_fraud-report.pdf](http://www.homeoffice.gov.uk/docs/id_fraud-report.pdf) of £1.3 billion per year lost because of the activity of identity fraudsters.

While identity theft is indeed a crime that can have a devastating impact on the victim, this estimate has been called into question. A 2004 conference <http://www.lawsociety.org.uk:80/influencinglaw/policyinresponse/view=article.law?DOCUMENTID=166478> organised by the Law Society heard that the figure was derived from a “best guess”. When the data is more closely analysed, it dissolves. Credit card fraud is frequently confused with identity theft, and estimates of the two activities frequently intersect.

At first sight it appears logical to argue that a national identity system will help combat identity theft. There is, however, a substantial body of evidence to show that the establishment of centralised identity can increase the incidence of identity theft.

The clearest example of this relationship exists in the United States, where the Social Security Number <http://informationweek.com/story/showArticle.jhtml?articleID=54800697> has become an identity hub and a central reference point to index and link identity. Obtaining a person’s SSN provides a single interface with that person’s dealings with a vast number of private and public bodies. Hence the level of identity theft in the US is extremely high.

This situation applies equally in Australia, [http://www.privacy.gov.au/news/speeches/sp5\\_04p.html](http://www.privacy.gov.au/news/speeches/sp5_04p.html) where the introduction of a Tax File Number has also increased the incidence of identity theft beyond the levels experienced in the UK.

The key factor behind identity theft is the widespread availability of a central number, linked to a range of personal information. Consumer groups in the US have recently criticised the Senate Banking Committee for failing to take action to reverse this trend. The Consumers Union argues [http://www.consumersunion.org/pub/core\\_financial\\_services/000407.html](http://www.consumersunion.org/pub/core_financial_services/000407.html) that identity theft will continue to rise until the relationship between the SSN and the publication of personal details in the finance sector can be reduced.

### **How much will the scheme cost the taxpayer?**

The government estimated in 2002 that the scheme would cost somewhere in the order of £3.1 billion. When in 2004 the Home Affairs Committee asked the Home Secretary to clarify the exact amount he refused, citing commercial secrecy. By the time the final Bill was published in November 2004 the government acknowledged that the cost <http://news.ft.com/cms/s/fbc6527a-4276-11d9-8e3c-00000e2511c8.html> of the scheme over ten years would be £5.5 billion. Industry specialists have warned <http://www.computerweekly.com/Article134763.htm> that the complexity and uncertainty of the scheme’s architecture and technology could drive this cost even higher.

### **Who will pay for this scheme?**

We will pay for it largely out of our own pockets. An “enhanced” biometric passport, which includes entry on the national register, will cost around £85. An ID card without a passport will on current estimates cost [http://news.bbc.co.uk/1/hi/uk\\_politics/4034699.stm](http://news.bbc.co.uk/1/hi/uk_politics/4034699.stm) between £35 and £40. There will be a charge for the renewal or replacement of cards.

Clause 37 also allows the Secretary of State (with the permission of the treasury) to pass regulations to apply additional charges for a range of circumstances such as disclosure of information and modification of information on the register.

### **Is the card compulsory or voluntary?**

The Home Office has been clear that the intention has always been to create a compulsory regime, but until recently the government has convoluted this crucial point. Government ministers have almost unanimously ruled out the option for legal compulsion to carry a card, and indeed clause 15 (3) of the Bill specifically rules out any provision (within the ID cards Bill) for requiring people to carry the card at all times. This clause also rules out compulsion to submit a card to receive a benefit or any public service. However, this clause does not provide protection to anyone who has been ordered to register for a card under the “compulsion” clause of the Bill. Following approval of an order, 6 (1) empowers the Secretary of State to order anybody or everybody to register for a card. This might include benefits recipients, new employees, people wanting to open a bank account, people of a particular ethnicity, people who have been in contact with law enforcement or, indeed, the entire population. Although the government has speculated that this clause may not be brought into force for some years, there is no time period established in the Bill. Parliament could approve the order to do so at any time it wishes.

The government's stated definition of "compulsory" used to be: "not required to be carried by each individual at all times". Now the official line is that the card will eventually become universal and compulsory. That is, it will become compulsory to be entered onto the National Identification Register. Clause 2 (4) of the Bill allows the Secretary of State to enter a person onto the National Identity Register without that person's consent. Clause 5 allows the Secretary of State to propose “designated documents” that will require entry onto the Register. This power will apply, for example, when a person applies for or renews a passport or when a foreign national seeks a residence permit. Passport holders will automatically be entered onto the identification register. For those people who do not have a passport 6 (1) will allow the government to require you to be registered.

In its final report

<http://www.publications.parliament.uk/pa/cm200304/cmselect/cmhaff/130/13002.htm> on the Draft Identity Cards Bill the Home Affairs Committee warned: “The move to compulsion is a step of such importance that it should only be taken after the scrutiny afforded by primary legislation: the proposed "super-affirmative procedure" is not adequate.” The Committee urged the government to consider compulsion only through the introduction of fresh legislation. This recommendation was entirely rejected by the government. In fact, the Home Secretary pre-empted even the limited mandate of Parliament by issuing a statement [http://www.homeoffice.gov.uk/n\\_story.asp?item\\_id=1124](http://www.homeoffice.gov.uk/n_story.asp?item_id=1124) in which he said: “I will now bring forward legislation to bring in a compulsory, national ID card scheme.”

### **Would children be required to have a card?**

The government has addressed the matter of issue of cards for children from the age of 5. In its consultation <http://www.homeoffice.gov.uk/comrace/identitycards/publications.html> paper it identified 36 possible uses of cards in such circumstances as entry to “12 Certificate” films and ownership of a pet.

The Bill establishes the minimum age for card registration at 16 years and three months. However, 2 (7) of the Bill permits the Secretary of State by order to lower the minimum age. This option may be pursued. The government's consultation paper states: "For an entitlement card scheme to be an effective proof of age card, it would need to be available to young people over the full range of age restrictions that apply to various goods and services".

Children's rights groups have expressed concern <http://www.arch-ed.org/chldrnbill.htm> that provisions in the Identity Cards Bill may allow a link with data held in the forthcoming national children's database permitted by the Children's Act. The Children's Act has been criticised [http://www.out-law.com/php/page.php?page\\_id=childrenbillrepeat1096381311&area=news](http://www.out-law.com/php/page.php?page_id=childrenbillrepeat1096381311&area=news) by the Parliament's Joint Committee on Human Rights <http://www.publications.parliament.uk/pa/jt200304/jtselect/jtrights/161/16102.htm> over its potential breach of the right to privacy.

### **What if I simply refused to use the card?**

You will not be required to use a card unless you wish to work, use the banking or health system, travel or receive benefits. As Mr Blunkett advised <http://www.publications.parliament.uk/pa/cm200102/cmhansrd/vo020703/debtext/20703-07.htm> Parliament: "The issuing of a card does not force anyone to use it, although in terms of drivers or passport users, or if services - whether public or private - required some proof of identity before expenditure was laid out, without proof of identity and therefore entitlement to do it I doubt whether non-use of it would last very long."

It is important to keep in mind that the card will be buttressed by a vast array of new state powers and criminal penalties. The Bill creates a score of new offences including refusal to obey an order from the Secretary of State (6(4)), failure to notify authorities about a lost, stolen, damaged or defective card (13(1)), failure to renew a card (9(2)), failure to submit to fingerprinting (9(4)(b)), failure to provide information demanded by the government (9(4)(d)), failure to attend an interview at a specified place and time (9(4)(a)) and failure to notify the Secretary of State of any change in personal circumstances (including change of address) (12(1)). Failure to obey an order to register or providing false information will also constitute an offence. Penalties range from £1,000 fine to two years imprisonment. A penalty of up to £2,500 can be levied for failure to attend an appointment for a scan of your fingerprints and iris. This fine can be repeated for every subsequent failure to attend.

### **How will the penalties be applied?**

Many of the offences set out in the Bill are civil penalties. That means it is unlikely you will secure legal aid to help your defence. You can object to the penalty by writing to the Home Office, but the Secretary of State has the right to increase the penalty if you choose to do so (34(3)). If you have the financial means to bring a case, you can appeal to the courts (35(1)).

### **Can an ID card be forged?**

Invariably, yes. The technology gap between governments and organised crime has now narrowed to such an extent that even the most highly secure cards are available as blanks weeks after their introduction. Criminals and terrorists can in reality move more freely and

more safely with several fake "official" identities than they ever could in a country using multiple forms of "low-value" ID such as a birth certificate. Forgery of ID cards has been detected and prosecuted even where terms of imprisonment of ten years are threatened.

Prosecutions for dealing with or creating false ID cards and high-level identity documents have been pursued in Britain, <http://news.bbc.co.uk/1/hi/uk/548559.stm> Hong Kong, [http://www.thestandard.com.hk/news\\_detail\\_frame.cfm?articleid=52102&intcatid=42](http://www.thestandard.com.hk/news_detail_frame.cfm?articleid=52102&intcatid=42) Pakistan, <http://www.jang.com.pk/thenews/oct2003-daily/29-10-2003/main/main13.htm> Ireland, <http://www.ir.gov.ie/debates-03/1Apr/Sect10.htm> Malaysia, [http://www.mmail.com.my/Current\\_News/MM/Friday/National/20041210100244/Article/index.html](http://www.mmail.com.my/Current_News/MM/Friday/National/20041210100244/Article/index.html) Yemen, [http://news.bbc.co.uk/2/hi/middle\\_east/1058085.stm](http://news.bbc.co.uk/2/hi/middle_east/1058085.stm) Czech Republic, [http://www.mvcr.cz/dokumenty/bezp\\_si00/angl/crime2.html](http://www.mvcr.cz/dokumenty/bezp_si00/angl/crime2.html) Venezuela, <http://www.analitica.com/archivo/vam1996.06/asleg1us.htm> India, <http://www.kashmirsentinel.com/june2003/18.html> Italy, [http://www.chinadaily.com.cn/en/doc/2003-12/21/content\\_292183.htm](http://www.chinadaily.com.cn/en/doc/2003-12/21/content_292183.htm) and Sri Lanka <http://www.dailynews.lk/2004/08/10/new24.html> where the forgeries were supplied to suicide bombers. This year the Israeli government estimated <http://www.globes.co.il/DocsEn/did=834696.htm> that "hundreds of thousands" of fake ID cards are in the hands of its population.

In many cases the false identity was secured merely by bribing an official or by providing counterfeit documentation at the point of registration.

### **What is a "biometric" system and how could it prevent forgeries?**

A biometric is a measure of identity based on a body part or a behaviour of an individual. The most well known biometrics are fingerprints, iris scans and signatures. The government says some biometrics are extremely secure and reliable forms of ID, and it appears very keen on the idea of fingerprints and iris scans to establish one's identity or, at least, one's uniqueness.

### **What would the biometric mean in practice?**

Your biometrics would be taken upon application for a card and for entry on the National Identification Register, and would be used thereafter for major "events" such as obtaining a driving license, passport, bank account, benefits or employment. Your eye would be scanned, and matched both against the biometric on your card, and against a national database.

### **Is a biometric totally secure?**

All biometrics have successfully been spoofed or attacked by researchers. Substantial work has been undertaken to establish the technique of forging or counterfeiting fingerprints <http://www.cryptome.org/gummy.htm> while researchers in Germany have established that iris <http://www.heise.de/ct/english/02/11/114/> recognition is vulnerable to simple forgery.

<http://www.biometricsinfo.org/whitepaper1.htm>

### **Have similar schemes been proposed or adopted in other countries?**

Yes. Malaysia, <http://www.vericardsys.com/MyKad.htm>

Singapore and Thailand have very similar card systems. China [http://english.peopledaily.com.cn/200403/30/eng20040330\\_138863.shtml](http://english.peopledaily.com.cn/200403/30/eng20040330_138863.shtml) is moving rapidly in this direction with the development of a compulsory ID database and card system but abandoned <http://www.cardtechnology.com/cgi-bin/readstory.pl?story=20030911CTDN261.xml> the biometric element after it concluded that the technology was unworkable with large populations. The US military in Iraq is developing a similar card and biometric system to control [http://www.theregister.co.uk/2004/12/09/fallujah\\_biometric\\_id/](http://www.theregister.co.uk/2004/12/09/fallujah_biometric_id/) access to Fallujah, while the UNHCR [http://www.un.org.pk/unhcr/press/Oct\\_10\\_03.htm](http://www.un.org.pk/unhcr/press/Oct_10_03.htm) has deployed an iris biometric system to control refugee traffic across the Pakistan-Afghan border. The UAE <http://www.biometritech.com/enews/031903d.htm> also uses an iris system for border control.

However no Common law country <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmhaff/130/130we37.htm> in the world has ever accepted the idea of a peacetime ID card. The Australian <http://www.anu.edu.au/people/Roger.Clarke/DV/OzCard.html> and New Zealand <http://www.scit.wlv.ac.uk/~c9479633/cp3349/smrtid.html> public have rejected similar proposals outright. Following widespread criticism, <http://www.canoe.ca/CNEWS/Canada/2003/10/06/218966-cp.html> Canada abandoned its proposed biometric ID card system in early 2004. ID card proposals have always been rejected by the United States Congress. No European country has such a comprehensive or invasive card system.

### **Are there any legal protections to limit the scope of an ID card?**

Not really. The Data Protection Act provides some limited protections for the individual, but will not prevent the government from establishing an ID system. The first principle of the Act allows any such scheme provided legislation has been passed to regulate the card and its uses. The others merely set out fringe limitations <http://www.hmso.gov.uk/acts/acts1998/80029--1.htm#sch1pt1> on how data can be used, rather than whether data can be collected or matched.

There would, for example, be no fatal legal barrier - including the provisions of the Human Rights Act - to the government using a card and numbering system to create a "real time" link between employment, bank account data, the Home Office and Inland Revenue. The government has already signalled <http://www.dca.gov.uk/majrep/datasharing/update.htm> such intentions through the recent Cabinet Office report "Privacy & Data Sharing". The consultation makes clear that the government believes the ID card plan complies "with its obligations under the Human Rights Act."

### **This scheme will entail an unprecedented use of complex technology. Is the government capable of achieving this successfully?**

The government has failed to successfully implement almost every large IT system it has ever undertaken, resulting in the loss to the public [http://www.guardian.co.uk/uk\\_news/story/0,3604,517008,00.html](http://www.guardian.co.uk/uk_news/story/0,3604,517008,00.html) of more than a billion pounds between 1997 and 2000. David Blunkett told Parliament: [http://www.publications.parliament.uk/cgi-bin/ukparl\\_hl?DB=ukparl&URL=/pa/cm200102/cmhansrd/vo020703/debtext/20703-05.htm](http://www.publications.parliament.uk/cgi-bin/ukparl_hl?DB=ukparl&URL=/pa/cm200102/cmhansrd/vo020703/debtext/20703-05.htm) "I agree that it is important to recognise the past failures of Government technology systems".

Billions of pounds of public money are wasted each year on such failures. The Child Support Agency, <http://www.publictechnology.net/modules.php?op=modload&name=News&file=article&sid=2087> Passport Agency, Inland Revenue, [http://news.bbc.co.uk/1/hi/uk\\_politics/661987.stm](http://news.bbc.co.uk/1/hi/uk_politics/661987.stm) the Court Service, <http://www.computerweekly.com/articles/article.asp?liArticleID=133395&liArticleTypeID=1&liCategoryID=2&liChannellID=28&liFlavourID=1&sSearch=&nPage=1> National Air Traffic Services, <http://www.pcw.co.uk/news/1155581> the Criminal Records Bureau, [http://www.findarticles.com/p/articles/mi\\_m0COW/is\\_2004\\_Feb\\_17/ai\\_n6027823](http://www.findarticles.com/p/articles/mi_m0COW/is_2004_Feb_17/ai_n6027823) local authorities, the Ministry of Defence, the Home Office, [http://www.theregister.co.uk/2001/02/15/govt\\_scraps\\_163\\_80m\\_computer/](http://www.theregister.co.uk/2001/02/15/govt_scraps_163_80m_computer/) the Prison Service. The list goes on and on. Each expensive project promises to deliver better and cheaper services to the public. Each inevitably fails to do so.