Identity and ID cards

An analysis of the national identity card scheme proposed by the
British Government

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Introduction

The British Government is proposing the introduction of compulsory Identity Cards and the replacement of current passports and driving licences with those that contain biometric data.

There was an initial public consultation about Identity Cards the results of which prompted the Home Office to publish in the draft Identity Cards Bill their proposals for legislation. There will be a further period of consultation and feasibility testing before legislation is introduced finally into Parliament.

I am concerned that the issues of Identity Cards and security are not truly understood by the majority of the public. This lack of understanding could result in an uninformed decision being made on an issue that will have a major impact on the future of British society.

The following thesis is designed to allow the reader to become better informed about the proposed Identity Card scheme and then draw his or her own conclusions.

What is identity?

The dictionary definition of identity is:
1. The state of having unique identifying characteristics held by no other person or thing.
2. The individual characteristics by which a person or thing is recognized.
3. The quality or condition of being the same as something else.

[From Latin *idem* - the same]

In a strict sense of identity objects that we might consider identical that share certain characteristics such as shape, size, colour, etc are not the same. In this same way it is clear that identical twins are not the same although they may be physically indistinguishable.

Identity is also in a wider sense an individual's membership of a particular group - such as Gender, Nation, Ethnicity, Social class, Subculture, and so forth.

In terms of systems of security, identity is a core concept of authentication. For example only those individuals who have been authenticated and authorised may gain access to the bank vault or read the Top Secret document.

One's identity may rely on their Name, Address or some Biometric information.

A problem with identity is that people routinely change their identity throughout their lives. A woman will change her name if she marries and takes the surname of her husband and with the increase in divorce and remarriage some people may have a number of different names in their life. People also routinely change address when they move house, the vast majority of people in Britain will have more than one address in their life. However the final aspect of identity, Biometric information is something that should not change during an individual's lifetime.

What is Biometrics?

The dictionary definition of Biometrics is:
1. The study of biological data by means of statistical analysis.

2. The science and technology of establishing identity by means of measurement of an individual's physiological or behavioural characteristics.

[From Greek *bios* – life and *metron* – measure]

Physiological characteristics examples:
- Fingerprints
- Eye retinas
- Eye irises
- Facial patterns
- DNA

Behavioural characteristics examples:
- Signature recognition
- Gait recognition
- Typing recognition

In a modern computerised biometric system, a person will have a biometric measurement taken and the data will be processed by means of a mathematical algorithm to produce a digital representation that can be entered into the computer database.

What is an Identity Card?

The term Identity Card or ID card is used to describe a variety of different pieces of documentation whose purpose is to establish the holder's identity. Typically this document will take the form of a small standard-sized card measuring 86mm by 54mm with rounded corners.

Many organisations produce ID cards to denote membership of that organisation such as library cards or company identity cards for employees. Traditionally ID cards may have only been a piece of cardboard with a few details upon it and possibly a photograph. Modern cards are often hi-tech smartcards made in plastic and capable of being swiped and read by a machine; these still only carry the typical information such as name and address but will in future also hold biometric data.

Where the identity card is issued by the State, it asserts a unique single civil identity for a person, thus defining that person's identity purely in relation to the State. In many cases documents issued by the State for other purposes such as Passport or Driving Licence are used as forms of identity however these are optional documents and so not every citizen will have one.

History of ID cards in Britain

The current proposed Identity Card scheme is not the first such scheme in Britain's history. Compulsory identity cards were first issued in the United Kingdom during World War I, abandoned in 1919 and then re-introduced in World War II. The last scheme was abandoned seven years after the end of that war in 1952, amid widespread public resentment.

The British public has an increased distrust of ID cards due to such fictional works as *Nineteen Eighty-Four* by George Orwell and the television series *The Prisoner* in which citizens were categorized, numbered and controlled by totalitarian regimes.

What is proposed in the Government Draft Bill

On 11th November 2003 the British Government announced its decision to introduce a compulsory national identity card scheme. The scheme is to be introduced on an incremental basis with the first identity cards being issued in 2007-2008. In April 2004 a draft bill was published for further scrutiny and consultation. The Government has however already made a decision on whether to introduce ID cards this consultation exercise is to be on the details of proposed legislation.

The proposed scheme is to be carried out in two stages.

Stage one will consist of the establishment of a National Identity Register, the replacement of passports and driving licences with those that contain biometric data and the creation of a voluntary plain identity card. In addition foreign nationals coming to stay in the UK for longer than 3 months will be required to have a biometric identity documents.

The second stage will be a move to a compulsory card scheme in which it would be compulsory to have a card – though not to carry one – and to produce a card to access public services in ways defined by those services.

The Bill will also establish additional legislation associated with identity cards and the National Identity Register.

- Data-sharing powers to conduct thorough background checks on ID card applicants.
- Creation of new criminal offences of identity fraud and misuse of identity cards and the creation of a civil penalty for failure of notification of changes of identity.
- To provide access to the National Identity Register by public and private sector organisations with an individual's consent to validate identity and residential status before providing services.

The National Identity Register will hold the following information about an individual.

- Full name and other names which he or she currently or has previously used (e.g. a stage name or maiden name).
- Date and place of birth.
- Gender.
- Address, this will include the person's principal residence together with any other addresses at which they reside.
- Photograph.
- Fingerprints or other biometric information such as an iris image.
- Nationality, and for foreign nationals, immigration status.

In addition each person will have a "national identity registration number" together with other relevant reference numbers recorded (e.g. national insurance number or existing passport number).

The register would also hold a password or PIN to enable a person to identify themselves remotely and an audit log of each occasion an individual's recorded information has been accessed.

The National Identity Register will only hold information on UK residents aged 16 or over and foreign nationals intending to stay for longer than 3 months. It would not hold information such as criminal convictions or medical conditions.

Why do we need an identity card scheme?

- To deter illegal working
- To tackle immigration abuse
- To strengthen security by disrupting the use of false and multiple identities by terrorists and organised crime groups
- To ensure free public services are only used by those entitled to them
- To help protect people from identity theft

If the proposed scheme did indeed fulfil the above objectives then I believe the majority of the British public would fully support its introduction, as there is much anxiety about terrorism, illegal immigration and identity theft. Now lets take each of the five points and analyse the effectiveness of the proposed ID card scheme in each case.

Secure against terrorist and organised crime groups

The terrorist attacks on the World Trade Center and the Pentagon on September 11th 2001 shocked the world and caused many nations around the world to question their security procedures.

One of the responses of the British government to the threat of terrorism is to introduce identity cards for British citizens. The American government's response is to collect biometric data from foreign nationals entering the United States. Both responses are due to the fact that terrorists are known to use false and multiple identities to help undertake and finance their activities.

But will the systems of the UK and US actually truly establish the identities of terrorists and disrupt their activities or will the systems actually make us as nations less secure.

In an interview with the BBC Home Secretary David Blunkett cited information from the security forces that 35 percent of terrorists had used fake IDs. But that means that the vast majority of terrorists haven't used false identities to facilitate their activities.

Why have the majority of terrorist not used fake identities?

Because in many cases the terrorists are unknown to the authorities for instance most Palestinian suicide bombers have no history of terrorism and are unknown to the Israeli security services. Palestinian terror groups have few resources and are aware that the Israeli security services are extremely good at their jobs so they use young idealistic people that have no links to terrorism who will have more chance of passing through the security checkpoints.

Other examples of terrorist unknown to the authorities are the lone bombers in America. How would a national ID card system of stopped Timothy McVeigh or the Unabomber? Knowing who someone is doesn't tell you what his or her motives are.

But even if we imagine the scenario where terrorists cannot carry out their activities without fake identities will the proposed system actually prevent them from obtaining ID cards in false names.

I believe that terrorist organisations will still have sufficient resources to obtain false identity documents. There are a number of methods of doing this.

- Bribery of officials who process ID card applications in order to receive a genuine document in a false name.

- Hacking the database to alter the data for an individual and requesting a replacement card for that person.

- Creation of a forged card that resembles a genuine card.

The huge scale of the project (around 40 million individuals) will mean that a large number of people will be needed to process the applications. We cannot ensure that every official will be honest and be above bribery or even worse that a terrorist organisation actually has one of its members become an ID card official.

Bribery is a case of simple arithmetic; compare the annual income of the civil servant that processes ID card applications with the amount of money that the multi-millionaire Osama Bin Laden could pay for a false identity for one of the members of Al Qaeda.

The assumed infallibility of the national identity card system will make us less secure if security guards begin to trust the card more than their own instincts. Airport security guards currently rely on their experience and instincts to catch terrorists and criminals but if they start to rely on the identity register to tell them who is and isn't a terrorist then they will miss people they may have previously caught.

I have used the example of terrorist above but all the arguments apply equally to criminal organisations. The only difference between a terrorist and a criminal is the motive the terrorist is pursuing a political agenda whereas as a criminal has a purely financial agenda.

Deter illegal working

The ease with which people can now move throughout the world coupled with the economic disparity that exist between countries has created a surge in economic migrants. Neither migrants illegally gaining entry to the UK or asylum seekers are entitled to work here.

The proposed scheme would therefore tackle this problem by allowing employers to check the identity of prospective employees and ensuring their right to work.

However most illegal immigrants currently work in what is known as the Black Economy where it is cash in hand and no questions asked. Such employers as the gangmasters that employ cockle-pickers are unlikely to demand to see identity cards. They probably prefer to employ illegal immigrants anyway as they will work for less than minimum wage and in far worse conditions.

In addition how are employers going to check people's identity? They will not have access to the National Identity Register and are unlikely to have the facility to perform a biometric scan. All an employer will have to go on is the physical

card and they will have to trust that it is a genuine card issued by the government.

Even if this proposal works to some extent and illegal working is prevented the illegal immigrants will have no choice but to turn to crime to survive.

Tackle immigration abuse

There are two ways in which people become illegal immigrants and it is unclear how a national identity card scheme will prevent either abuse of the immigration system. They will either enter illegally i.e. get smuggled into the country or they will enter legally via a port and then outstay their visa.

Is the purpose to deter would-be illegal immigrants or to apprehend those that are already in the country?

I cannot see it acting as a deterrent, there are already deterrents to becoming an illegal immigrant to the UK and yet they are still coming.

It is true that illegal immigrants probably will not have sufficient resources to obtain false documents in the same way that I outlined above for terrorists. This will mean that they will tend to avoid the places and situations where identity may need to be determined and an ID card be presented.

The police will not have the power to demand ID cards and therefore can only try to establish the identity and immigration status of those suspected illegal immigrants that have been arrested for some offence.

Immigrants try to be inconspicuous and avoid the attention of police, although if they are turning to crime due to the deterrent to illegal working they will increase the risk of arrest.

Ensure entitlement to free services

The national identity card scheme would actually be an effective measure to ensure only those entitled to receive them actually receives the free services such as social security or treatment on the NHS. However it will only be effective if the system is used in the way it is intended. Putting a lock on your front door is only a useful measure to stop burglary if you close your door and then lock it.

To prevent abuse those people processing applications for services must check and verify the identity of the ID cardholder. This will have to be done correctly or else the card becomes as secure as any other bit of plastic with a photo stuck to it.

In a recent case highlighted by the BBC a man managed to fly to a number of destinations in Europe for a business trip using the passport of his wife that he had mistakenly picked up. None of the officials at the various different passport control points he passed through noticed the error. So it is clear that ID documents only provide security if the people who are supposed to check them actually do their job properly.

Protection from identity theft

Identity theft is the deliberate assumption of another person's identity, usually to gain access to their credit or in rare cases to frame them for some crime. With the spread of the Internet the instances of identity theft has increased alarmingly

to the extent that it now costs the economy at least £1.3 billion every year. Individuals pay for this in general through higher charges for financial services.

The government believes that a cards scheme will help by providing a secure means to verify identity either in person or where the applicant is not present, by organisations checking with the National Identity Register.

Identity theft is a growing problem that needs to be tackled but I believe that unless individuals begin to take steps to protect their privacy that the introduction of an ID card will make this problem worse.

The problem of identity theft is growing because the general public doesn't understand security and are careless with their personal data. Internet banking is a particular case where thieves will attempt to learn your password so that they can clear out your account. Unfortunately many people will use the same password online for everything and in some cases will tell complete strangers in the street what their password is when asked. I don't see how the proposed ID card scheme will tackle this particular form of identity theft.

Another form of identity theft is more serious and that is when someone assumes the identity of another in order to conceal their own. Typically the identity assumed is that of a person that shares a similar birth date but died as a child. There are other procedures in place to prevent this such as the cross referencing of the register of deaths with that of identity applications. The national identity cards scheme cannot prevent the theft of a dead child's identity, as they will not be in the National Identity Register.

Although it will made far more difficult to steal someone's identity following the introduction of a national identity card system it will still be technically possible as no system can be 100% secure.

A problem arises if the proposed card is used to replace a number of different documents such as your passport and driving licence and if it is adopted by other agencies to replace their own identity cards as well. Instead of having numerous identity documents you will have only one and it will be far more catastrophic if it is stolen and your identity is stolen with it. Including biometric data on the card is supposed to prevent this but I intend to show later that biometrics is not the perfect security solution it is thought to be.

Additional benefits of ID cards

There are additional benefits to the proposed system that have not been mentioned above.

Some groups in society such as those on low incomes or the elderly often do not have the forms of ID such as passport or driving licence that others take for granted. A national identity card will fulfil this need for them and allow them the ability to easily prove their identity.

Another benefit is that a national system that covers everybody will help forge a cohesive society and further the integration of ethnic minorities into British society.

Public Opinion

The British public's overall opinion on the identity card proposal varies widely depending on whom you listen to.

The Home Office held a public consultation on the issue of identity cards in 2002. The government claims that following the public consultation there is a clear public acceptance for the principle of a compulsory ID card. There was however also a large negative response organised by an ID card opposition group, which the Government treated as one reply.

Opposition groups argue that the government is ignoring any dissenting opinions on the scheme and that the consultation process was flawed and does not truly reflect the opinions of the public at large.

Subsequent opinion polls produced by the BBC and others still indicate that many people are in favour of the proposal particularly if the cards are free. The cards will not be free and even if they were they would have to be financed by the Treasury and thus would be paid by taxpayers anyway.

Interestingly polls also indicate that the majority of people believe their data will be illegally disclosed but as law-abiding citizens they have nothing to fear.

Do Law Abiding people have nothing to fear?

A common argument in the debate on ID cards and similar infringements on privacy such as surveillance cameras is that "A law abiding person has nothing to fear" or "Why should I worry, I have nothing to hide."

However given a little thought it becomes clear that there are many scenarios where law abiding citizens do have something to fear about private information about them becoming more widely accessible. Also most people have information that they would prefer to keep private from other individuals.

People may hide information from their friends or family for the following reasons.

- A person who is homosexual but their family does not know.
- An adulterer.
- A person having a relationship with someone of a different race or religion, whose family would forbid it.
- A woman seeking help to get away from her violent partner.
- A son or daughter visiting an estranged parent without the knowledge of the parent they live with.
- Someone attending classes of religious instruction prior to converting to another religion that fears the vengeance of their family if their apostasy becomes known.
- Someone going to church, synagogue or mosque who fears the scorn of his or her secular friends, colleagues or family.

People may hide information from their employer for the following reasons.

- A person who has unpopular political beliefs of left or right that might lose them their job or promotion.
- Someone that is attending interviews for a new job but doesn't wish to jeopardize their present employment if they fail to get the other job.
- Someone who is trying to move on from their past such as an ex-criminal seeking to go straight or someone who is going to Alcoholics Anonymous.

There are also cases of mostly law-abiding people who participate in illegal activities that they would prefer to keep private such as people that smoke cannabis for whatever reason.

Civil liberties arguments

Civil liberties groups have raised concerns over the scheme and the privacy violations that they believe will result from its implementation.

The compulsory nature of the scheme is of primary concern as the notion of liberty is the freedom to choose when and where we disclose private information about ourselves. Of the other nations that have identity card schemes some do not have compulsory schemes and many do not have the capabilities of the proposed British scheme.

The computerised database of citizens with personal information tied to biometric data is also of concern. There is a fear that this is just one step towards the world of *Nineteen Eighty-Four* by George Orwell in which citizens were categorized, numbered and controlled by a totalitarian regime. *Nineteen Eighty-Four* was a work of fiction but there are real historical precedents also such as the Nazi policy of tattooing KZ numbers on Jews during the holocaust.

Is it possible to avoid having a compulsory ID card?

A recent **YouGov** poll showed that if the plans go ahead, around three million people would refuse to acquire the card even if that means breaking the law.

Although compulsory would it actually be possible to exist without one?

This will depend on what scenarios one will be required and if it would be possible to avoid such situations. It will certainly be required in most situations involving a government body such as a claim for benefits or treatment on the National Health Service. In addition if the ID card replaces passports and driving licences then any situation that would require either of those documents also.

I believe it is possible to avoid all of the situations just outlined as I have myself done so without really trying for the last couple of years. I don't claim any social security benefits, haven't been to the doctors or hospital in years and cannot remember the last time I showed my driving licence to anyone. The only exception is my passport as I have travelled recently.

I should point out that if the scheme were to become compulsory then failure to acquire an identity card would be a crime that would be punishable by a fine of up to £2500.

The cost of security

According to the Home Office in a statement published by the BBC in November 2003 the initial cost of the system will be around £186m but the total cost is estimated to be £3bn.

In clause 1.6 of the Home Office publication Legislation on Identity Cards: A Consultation (CM 6178) it states that 'the costs of the identity cards scheme will be recovered from fee income'.

The current estimates of what the fees for identity cards will be are:

People will have to pay about £77 for a combined passport identity card, compared to the current £42 charge. A plain identity card will be about £35.

Cards will be free for under 16-year-olds and retired people above the age of 75, while those on low incomes will pay a reduced rate of about £10.

Assuming the following breakdown for the 60 million population of the UK.

10 million will pay no fee
10 million will pay a reduced fee of £10
40 million will pay the full fee of £35

This will raise a fee income of £1.5 billion, which is only half of the estimated £3 billion that the project will cost. But is even this figure a realistic estimate of the cost. Government IT projects are notorious for going well over budget and for being completed late and the surplus is likely to come from the Treasury and hence from the taxpaying public.

Given the costs of the proposed scheme it should be debated whether the British public is getting value for money, are the benefits of the system worth the expense?

Is Biometrics a silver bullet?

The British and other Governments have put a lot of faith in Biometric systems as being the sure-fire method of verifying identity, a silver bullet to slay the monster that is fake identities and the people that use them.

Biometric systems work by taking a picture of a characteristic such as iris or fingerprint and then converting the image into a digital form known as a template. When a person needs to have their identity verified, another image is taken and processed into a form that allows comparison with the template. It is thought that each individual has unique characteristics that can be used to distinguish him or her from other individuals.

But in practice are biometric technologies up to the task required of them. In February 2003 the National Physical Laboratory performed a biometrics feasibility study on behalf of the Home Office, DVLA and the UK Passport Service.

They studied the feasibility of the use of recognition systems for face, iris and fingerprint on the scale needed to cover the population of the UK. No biometric system is perfect and a balance needs to be found between false matches and false non-matches.

A false match is where the biometric template of an individual is matched to that of a different individual i.e. Vera Duckworth of Manchester is falsely recognized as Pauline Fowler of London.

A false non-match is where an individual is scanned and are not matched to their own biometric template i.e. the system has failed to recognize them.

The results of the study were:

- Iris recognition can achieve a false match rate of better than 1 in a million with a false non-match rate of below 1 in 100.

- Against a single finger, some fingerprint systems are able to achieve a false match rate of 1 in 100, 000 with a false non-match rate of approximately 1 in 100.

- Face recognition has worse figures than either of these and is judged as unfeasible to be used.

One of the purposes of the National Identity Register is to prevent multiple applications by a single individual, but the rates of false matches and non-matches makes this problematic. A person who is falsely matched to another's template already in the Register will be refused the ID card they are entitled to and someone that is falsely non-matched will be able to obtain a second ID card that they are not entitled to.

The solution to this is to improve the error rates by requiring multiple biometric templates per individual i.e. iris scans of both eyes or fingerprints of more than one finger.

Another physical problem associated with biometrics is that some people simply lack the necessary body part for the scan. Many people lack fingers due to either birth defect or accident and others lack fingerprints due to manual labour that has worn the prints away. Some of the population have irises that are unsuitable for a biometric scan due to accident or illness and in the case of the inherited condition aniridia 1 in 70 000 people are born without an iris.

As well as the problems outlined above there may be individuals who will intentionally attempt to make the system fail and create a false identity. The term for this is spoofing; an individual may either attempt to spoof the registration system or the identity verification system.

Commercial fingerprint scanners have been proved to authenticate a fake fingerprint made from gelatine. Tsutomu Matsumoto, a Japanese lecturer at Yokohama National University along with his students were able to create a mould of a live finger and then fill the mould with gelatine to create a fake finger that was able to fool fingerprint detectors about 80% of the time. He was able to take a fingerprint left on a piece of glass and then enhance and photograph it with a digital camera and computer. He then etched the fingerprint onto a copper printed-circuit board to create a three-dimensional mould into which gelatine was poured to produce the fake finger. There has not been a similar experiment to try to fool a system based upon iris scans but that does not mean that it won't be possible.

Another probable attack on the system would be on the data created by a registration in storage in the computer database. Someone with access to the database whether they are authorised or not will have the capability to make alterations to the template stored in the database or search for another individual with a similar biometric template in order to steal their identity.

The worse thing about biometrics is the faith in its infallibility, your biometric template is merely a fancy password and it's one that can never be revoked. The proposed system treats the biometric template as the core of your identity with all the other information about you such as your name and address of secondary importance. If the details of your biometrics can be stolen and accurately faked then your whole identity can be stolen.

Is the card redundant?

With a central register containing identity information tied to biometric data do we actually require a card, which contains the same information? We are automatically carrying around our identities and biometric data anyway in the form of our bodies. The government official needs only to scan my iris and look me up in the National Identity Register to establish my identity, why do I need to carry a card that is possible to lose or have stolen?

The Identity Card draft bill states that the police will not have the power to demand ID cards and ID cards will not have to be carried. But will the police have the power to perform on-the-spot biometric scans? This would in effect be the same as a demand to see an ID card and yet is easier to carry out, as it is not reliant on the individual to be carrying their ID card.

The only reason to require a card is if the person checking the identity doesn't have access to the National Identity Register and thus has to rely on the card to verify the holder's identity. Why then have biometric information contained on the card, unless there is a scenario where the person checking has no access to the register and yet has the facility to perform a biometric scan.

A traditional photo-ID required the citizen to hold a document containing their information and a photograph that could be visually checked by the official simply by looking at the cardholder. If the biometric data is not checked then the proposed identity card is no better than a normal photo-ID.

Final considerations

When we consider how the scheme will actually be put into practice we encounter a number of issues that will have to be considered. The draft bill produced by the home office does not lay down the detailed specification for identity cards or the detailed arrangements for making applications. These will be set out later in regulations.

One particular criticism that has been made about the ID card system is the paradox that if the present forms of ID are so flawed as to need replacing how can you reliably prove your identity in order to obtain the new ID card. In addition how can those people without any form of identity document prove their identity to obtain the ID card?

The system is designed not to establish your true identity but merely to tie you via a biometric template to a name and address in the Register. There is simply no way for the Government to ascertain the true identity of any individual making an application for an ID card. Thus you could use any name and address and receive a legitimate ID card in that identity, however your biometric template would then forever tie you to that identity.

The National Identity Register is a Government Information Technology project of unprecedented size in Britain and is far more complicated than you might imagine. Essentially it will be a database containing identity data on all the inhabitants of the UK aged 16 or over. The sheer volume of data will mean that it will be housed on hundreds if not thousands of computers plus an even greater number of backups of the database in case of disaster.

There are problems with creating such a large IT project that will contain important private information. Building the register is technically possible but will require many computer professionals and a substantial period of time to

complete. No computer project is ever error free and yet the National Identity Register needs to be to function properly, there will need to be a prolonged testing period to ensure it functions with minimal errors.

There will also be possible human errors associated with the register. With the sheer volume of identity data that needs to be entered into the database it will be a difficult task to ensure that it is all entered correctly. In addition there will need to be procedures for the modification of database entries when there is a change in details for an individual such as a change of name or address.

Government agencies such as the UKPS and DVLA already deal with the above issues but the new register will be larger in that it will contain more individuals and include more personal data for each person.

Another issue is if the National Identity Register is used to replace the various existing registers of the UKPS and DVLA. Having a single register in place of many creates a single point of failure, which is bad security, as it will increase the problems of loss or robbery of what is now an individual's sole identity document. Also it would mean a single computer database, which again is more vulnerable than several different ones. Redundancy is a good thing. What happens if catastrophe hits and the database is damaged or destroyed does Britain shut down or do we carry on without it and concede that establishing Identity is not of critical importance.

The very final consideration concerns the audit log associated with an individual's entry in the National Identity Register. The audit log will record each occasion an individual's recorded information has been accessed. This is an important tool to ensure that no one accesses an individual's private information improperly or without authorisation.

However if the ID card becomes an item that is routinely required in a number of situations such as any financial transaction or a purchase from a shop then the log becomes an important record that is open to misuse. The audit log in that case will be a record that tracks an individual's movements and is a clear infringement on a person's liberty and right to privacy.

Ideally the audit log should be secured so that absolutely no one may access it without the authorisation of the individual of whom it concerns.

What next?

For further information see the following websites

Home office identity card site
- http://www.identitycards.gov.uk

Privacy International - identity card FAQ
- http://www.privacy.org/pi/activities/idcard/idcard_faq.html

Liberty – human rights concerns
- http://www.liberty-human-rights.org.uk/issues/id-cards.shtml

BBC – identity card Q&A
- http://news.bbc.co.uk/1/hi/uk/3127696.stm

UK ID Cards - the case against
- http://www.trevor-mendham.com/civil-liberties/identity-cards/index.html

If you have any concerns or comments you may address them to your local
Member of Parliament (http://www.locata.co.uk/commons/) or directly to the
Home Office at the following address.

Robin Woodland
Legislation Consultation
Identity Cards Programme
Home Office
3rd Floor
Allington Towers
19 Allington Street
London SW1E 5EB

Comments may also be sent by fax or email.
Fax: 020 7035 5386
E-mail: identitycards@homeoffice.gsi.gov.uk

If commenting by e-mail please include the words "consultation response" in the
subject title.

All comments should be submitted to arrive no later than Tuesday 20th July
2004.

The following Government publications may be of interest as well.

Identity Cards: A Summary of Findings from the Consultation Exercise on
Entitlement Cards and Identity Fraud (CM 6019)
- http://www.homeoffice.gov.uk/docs2/identitycards_summary_of_finding_031111.pdf

Identity Cards: The Next Steps (Cm 6020)
- http://www.homeoffice.gov.uk/docs2/identity_cards_nextsteps_031111.pdf

Legislation on Identity Cards: A Consultation (CM 6178)
- http://www.homeoffice.gov.uk/docs3/identitycardsconsult.pdf

Appendix A

Frequently Asked Questions

1. Are you speeding up the introduction of ID cards?
No. There has been no change since that set out in Identity Cards: the next steps (CM 6020) back in November in which the Home Secretary confirmed that the introduction of the first ID cards will, on current plans, start from 2007/08. What the Home Secretary has published on 26 April is the draft legislation required to enable the scheme to be introduced.

2. Isn't a draft Bill a waste of time?
No. The Government is committed to publishing more of its Bills in draft before they are formally introduced in Parliament and to submit them to a parliamentary committee for pre-legislative scrutiny. Publishing the Bill in draft gives the public and Parliament more time to comment on Government proposals for legislation before a Bill is introduced into Parliament.

3. Why do you need to legislate now?
We need to provide the legal framework to enable the scheme to be introduced. This includes:
• the creation of a National Identity Register of basic personal information;
• powers to issue a family of ID cards based on new and existing documents;
• powers for card issuing organisations to verify data supplied by people applying for ID cards as part of making the process more secure;
• disclosure of National Identity Register information to law enforcement and security agencies in specified circumstances and ensure there is independent oversight of these arrangements;
• criminal offences and civil sanctions required to make the scheme effective;
• enabling organisations to require identity checks for the provision of public services; and
• the power to set a date in the future when registration for an identity card could be required.

4. What are the next steps?
The Home Affairs Select Committee is carrying out an inquiry on all aspects of identity cards. In addition, we welcome the Committee's announcement of its intention of examine the draft Identity Cards Bill. Comments are also being sought from individuals and organisations. The Government will take full account of all comments on the draft Bill before it introduces substantive legislation as soon as Parliamentary time allows.

5. When will the scheme be compulsory?
The date for moving to compulsion will have to be agreed by Parliament following the Government's consideration of a number of issues. These are explained in Identity Cards: the next steps (CM 6020).

6. How would the scheme become compulsory?
The draft Bill sets out a "super -affirmative' process whereby,
(1) the Government must publish a report setting out its case for the move to compulsion;
(2) the report must include a proposition on how compulsion would work;
(3) the report must be laid before Parliament for debate and vote in both Houses. Both Houses may amend the proposition;

(4) the Government then lays an order for compulsion via affirmative resolution. The order must be consistent with the proposition agreed by Parliament;
(5) there would be a debate and vote in both Houses.
If either House did not approve the proposal or the Government was not content with the proposal as modified by either House, the Government must go back to (1) if it decides to make the case again for a move to compulsion.

7. How do you prevent function creep of the Register?

The statutory purposes of the Register as defined in the draft Bill set boundaries for its use to prevent function creep. The types of personal identity information, which may be held on the Register, such as name, address, place and date of birth are described as the "registrable facts". These registrable facts are listed in the draft Bill to set limits on the types of information which may be held on the Register and do not include sensitive personal information such as medical records or religious opinions. Only Parliament would be able to change the statutory purposes of the scheme or the information which could be held by the scheme. It would need to do this via new primary legislation that would receive full Parliamentary scrutiny.

8. Will information be disclosed without an individual's consent?

We expect most identity checks using the register to be done with consent. Information may be disclosed without consent to Security and Intelligence Agencies to ensure that the scheme helps in the fight against terrorism. The Police, Customs, Inland Revenue and Department for Work and Pensions may also be disclosed the types of personal identity information described in the Bill as the "registrable facts", e.g. name, address, place and date of birth, minus the audit trail of card use for law enforcement and related purposes. The more sophisticated types of disclosure to these organisations, for example, to look at card use, would only apply in cases of serious crimes. The draft Bill ensures that disclosures will be properly regulated and subject to independent oversight.

9. Will it be compulsory to carry a card?

No. The draft Bill explicitly excludes the possibility of making it a requirement for individuals to carry a card.

10. Will it be compulsory to use the card?

Many people will choose to use a card as a convenient way to verify their identity when accessing public or private sector services. However, a requirement to make use of the card a condition of the provision of services could only be made once the scheme becomes compulsory. This is not an automatic requirement and there would need to be a separate decision for each service. The draft Bill allows for exceptions. For example, the Government has said that emergency medical treatment or benefits would not be denied to people who are unable to produce a card.