Submission to the Identity and Passport Service Consultation about the Identity Cards Delivery Plan 2008.

London School of Economics and Political Science Identity Project

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About the LSE Identity Project

1. The LSE Identity Project[1] provides ongoing research and analysis into the UK Government's proposals to introduce national biometric identity cards. The main Identity Project report[2] issued in June 2005 was over 300 pages long and identified six key areas of concern with the government's plans including their high–risk and likely high–cost, as well as technological and human rights concerns.

2. Since the publication of the *main report* in June 2005, the Identity Project has produced a number of further reports and cross–party briefings for key debates in Parliament that helped shape key amendments to the legislation, including issues of cost reporting and compulsion. Since the proposals became law in March 2006, the project has provided evidence for the Science and Technology Select Committee review of the use of scientific evidence by the Scheme, the Home Affairs Committee inquiry into "A surveillance society?" and the House of Lords Constitution Committee inquiry into "the impact of surveillance and data collection". Members have also analyzed information issued about the ongoing costs of the Scheme. They have also analyzed the Strategic Action Plan released in December 2006 and the implications of the Delivery Plan 2008.

3. Although initially focused on the UK proposals, the analysis presented by the Identity Project has also contributed to policy deliberations in related areas including Real ID in the US, the Australian Access Card and similar proposals for Canada.

4. Members of the LSE Identity Project have published and submitted a number of academic articles, including pieces in The Information Society, the European Conference on Information Systems and Communications of the ACM. A book

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[1] http://identityproject.lse.ac.uk

[2] http://identityproject.lse.ac.uk/mainreport.pdf

will be published by Palgrave in 2008. Others are currently under review with other peer reviewed academic journals.

Consultation points

*2.1 Views are sought on: (i) what kind of information about the Scheme the public may need (ii) what kind of information about the Scheme may be needed by organisations that might want to take part in delivering the Scheme (iii) how and where information about the Scheme should be communicated to the public and other users*

5. At the heart of this question, we believe, is a level of ambiguity about the very purpose of this consultation. In a context where: the strategic supplier group has been selected, detailed documentation (reportedly running to thousands of pages) has been shared with suppliers and the government has twice revised its implementation plans (initial plans, Strategic Action Plan 2006 and now the Delivery Plan 2008) it is unclear as to why the public is being 'consulted' about what information it may need as nothing significant about the Scheme is likely to change as a result of this consultation. Public confidence in the process is further undermined when the Prime Minister, presumably suitably briefed, said that the Scheme is adopting the principle of data minimization when it is, in fact, still following an earlier decision that does not minimize the data held and simply stores it in three distinct databases rather than one single one. Limited data separation is not the same as data minimization.

6. If the consultation is to be more than a public relations exercise that attempts to obtain citizen buy–in simply because they were consulted, then there is much detailed information that we believe should be made available. We have previously raised a series of points where further information should be provided in our analyses arising from the publication of the various s37 cost reports[3]. We encourage the IPS to address the various points these reports have raised.

7. In particular, we would encourage the publication of the original gateway reviews of the project, on the basis that the Scheme has fundamentally changed since they were undertaken.

8. We would also encourage the publication of the original KPMG analysis of the Scheme.

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[3] Available http://identityproject.lse.ac.uk/default.htm#First_s37_cost_report ,
http://identityproject.lse.ac.uk/default.htm#Second_s37_cost_report and
http://identityproject.lse.ac.uk/default.htm#Fourth_s37_cost_report

9. In the light of concerns raised by the Independent Scheme Advisory Panel, the Biometrics Advisory Group, the Cabinet Office review of government data handling and the Poynter and IPCC reviews of the HMRC data breach, we would encourage detailed publication of the measures that are currently in place to ensure that the IPS neither has, nor ever will have, "woefully inadequate" data security processes.

10. We would encourage detailed clarification of the extent to which the new biographical and biometric enrolment processes will take place and detailed confirmation of what will happen to the data that is collated for the biographical enrolment process, including what measures are in place to ensure that this collated data is discarded after the enrolment process is completed and details of which data, if any, might be retained.

11. We would encourage clarification as to the likely fees associated with use of the identity verification processes and the level of service that will be offered to both authorized organisations and individual card holders.

12. A series of meaningful, non–trivial cases of how the card can be used in practice, where there is significant added value for the citizen (rather than government) would be very beneficial.

13. We would encourage greater clarity about how the Scheme will operate in practice, particularly whether the verification against the National Identity Register will simply result in Yes/No flags being sent, or whether there are plans for Data Push (e.g. address data) to appropriately authorized users.

14. We would encourage clarification on the role of the Scheme in the follow up to the Citizens Information Project and, if this is now not likely to arise, what effect this will have on the overall financial projections for the Scheme.

15. If there are plans for fewer data items than those listed in the legislation to be collected, this decision should be formally announced. For example, the formal decision to effectively drop iris biometrics should not have to be inferred from careful reading of cost reports and from a careful reading of the 2007 report of the Biometrics Advisory Group.

16. A key concern for the presentation of information about the Scheme is that of consistency, rather than presentation and emphasis that varies according to the political whim of the day. For example, in February 2008 Meg Hillier wrote to the Financial Times stating that the Scheme will provide "a modern means of

confirming identity as well as protecting against the rising problem of identity fraud and all the criminal activities that identity fraud enables" whilst the foreword to the Delivery Plan 2008 has Jacqui Smith stating that in addition to this aim, the "Delivery Plan sets out the case for the importance of identity cards for our national security, and identifies how their introduction from next year can increase public protection in sensitive areas of our society".

*2.2 Views are sought on: (i) what sort of advice and support should be provided to the public and other users of the Scheme (ii) how to involve non–government organisations in the provision of advice and support about the Scheme to the public and other users*

17. It is unclear what is meant by (i). We assume that the government is fully aware of the diverse needs of society, particularly those who are likely to become uncredentialed as the Scheme rolls out, for reasons of biographical history etc. or who may face physical difficulties enrolling into the Scheme.

18. On point (ii) we hope that the IPS has learned from earlier experiences of non–government organisations seeking to provide advice about the Scheme.

*2.3 Views are invited on: (i) how to involve the public in independent scrutiny and oversight of the Scheme (ii) how potential and established users of the Scheme might be involved to bring independent scrutiny and oversight*

19. We have previously noted the potential problems that will arise from the twin reporting lines to the Scheme Commissioner (who reports to the Home Secretary) and the Information Commissioner (who reports directly to Parliament). What is less clear, however, is what powers the Scheme Commissioner will have and what penalties he will be able to impose should there be problems of data mis–management or abuse with the Scheme.

20. (ii) We encourage the involvement of citizen panels in the oversight of the Scheme although we note that whilst a further independent panel might provide some insights into the scrutiny of the Scheme, we are concerned that this will further confuse the lines of responsibility and authority for the Scheme.

*3.1 Views are sought on the introduction of a requirement to enrol in the Scheme as part of a pre–employment check for employees working in sensitive roles or locations, such as airports.*

21. We understand that, as a size limited group in a politically sensitive area, there are benefits to rolling out a temporary version of the NIR to these employees to learn from the experience. However, we fail to understand how this will address

the claimed benefits of the Scheme. Security vetting is not and should not be confused with identity assurance.

*3.2 Views are invited particularly from young people on: (i) the best way of rolling out identity cards to them, including how and where to enrol in the Scheme (ii) what services the Scheme could provide to them that would make it particularly attractive for them to enrol for an identity card*

22. We have no comments on this point other than to note that there are many existing schemes that allow young people to prove their age, e.g. http://www.pass-scheme.org.uk/

*3.3 Views are invited from organisations providing services to young people on the best way to deliver benefits from the Scheme to the people they work with.*

23. We have no comments on this point

*3.4 Views are invited on how to deliver benefits from the Scheme to those who hold a separate identity card, passport or both when the Scheme is enrolling large volumes on the NIR.*

24. We are unclear as to what this is intending to address as the benefits will surely apply to all "documents" in terms of verification against information held on the NIR. The particular choice of token held / carried by an individual should be irrelevant to this concern.

*3.5 Views are sought on: (i) the ways to create an effective market to deliver fingerprint enrolment capability for the Scheme (ii) what needs to be done to make participation by the private sector in delivering this capability an attractive proposition*

25. We are particularly concerned that, in an effort to reduce the headline cost of the Scheme, this key element of the enrolment process is being left to the market. We would encourage considerable clarity as to the security expectations of the enrolment process. Standardised processes and technologies would also clearly assist in this process. We are concerned that the most likely way to encourage private sector participation will be through direct or indirect subsidy.

26. We would like to see further information about any fallback position should a large market for biometric enrolment not exist in time for the roll out of the Scheme. In particular, the possibility that some locations (e.g. large cities) might have many fingerprint enrolment capabilities, whilst others (e.g. rural locations) might have none might raise disproportionate costs of enrolment to some citizens.

27. We would also welcome clarification of the way in which the existing ABI facilities, which will be used for biometric enrolment of foreign nationals, might fit into the free market process.

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The LSE Identity Project is more than willing to provide further details / clarification as required.