

## All Party Briefing On the Amendment Concerning Designated Document Powers March 20, 2006

**A number of Lords and MP's have asked the LSE research team for its assessment of the Phillips amendment to be debated in the House of Lords on Monday 20 March, 2005. This amendment would require that the designated document procedure (compulsion through passport application) be delayed until five years after the start date of the legislation.**

While such a circumstance was not precisely envisioned during the course of our research, we have in our previous reports outlined a number of essential conditions and requirements that could be fulfilled by the amendment. We believe that delaying the designated document provision would provide opportunities to remedy many of the core problems identified both in our reports and in parliamentary debates.

We recommend that the amendment be supported, and that the government focuses on promoting and achieving a strong take-up of voluntary ID enrolment in the initial five-year rollout. To minimise cost, applicants could be enrolled using the existing passport IT system, a process that would capture a substantial subset and possibly a complete set of the personal and biometric data envisioned for ID cards. At a future point, if parliament so chooses, this enrolment data may be “exported” onto a national identity register or expanded when people apply for a new or replacement passport.

### **The Government's Position**

The LSE Identity Project bases its assessment and recommendations on government assurances made in recent months indicating that ID enrolment information will be minimal. These assurances are taken at face value but they support our assertion that it is viable to create a national ID



scheme based on voluntary enrolments onto the existing passport system and using the existing passport infrastructure.

Over the past three months the government has presented a definition of the proposed ID scheme that increasingly compares it in almost identical terms to the passport system. This trend follows increasing concern over criticisms of an over-zealous collection of personal information. These assurances pave the way for an amended voluntary scheme that could be based almost entirely on the existing passport system.

On 30 January 2006 Baroness Scotland stated:

“(T)he most significant means of identity is the passport. As noble Lords are aware, passports provide the foundation for our identity scheme proposals.”<sup>1</sup>

Despite our criticism of certain elements of the proposal, we agree that this approach at its core could be both sensible and cost effective. The question we have attempted to answer is whether modifications to the existing passport system could permit a voluntary ID rollout phase using the current IT and administrative infrastructure. On the basis of assurances by ministers we believe this approach is feasible.

<sup>1</sup> Hansard, January 20, 2006, Column 80.

Speaking in the Commons on 16 March 2006 the Home Secretary stated:

“(T)he basic fact is that the biometric data being collected for passports on this basis are broadly the same as those which will be collected for the ID card system.”<sup>2</sup>

In the same debate, the Home Secretary unreservedly confirmed a statement by Martin Linton MP that “name, date and place of birth, address and nationality are the only personal information required on the national identity register”. These fields of personal data are already required during the course of a passport application.

It is clear that the existing passport system is, or will be, capable of storing and processing the required information for an ID application. On 16 January 2006 Baroness Scotland stated:

“We currently have a complex database that contains all the information on passports, and as we move to include biometrics from fingerprints and iris identification, those two will have to be incorporated into the Passport Service.”<sup>3</sup>

There is still confusion about whether the government intends to adapt the passport system into the proposed national identity register, whether a separate NIR would ultimately replace the passport system or whether the two would co-exist. Whatever the decision, it is clear that the ID scheme would involve multiple systems developed over time to achieve multiple functions.

A five-year voluntary regime would not in any way compromise this process, and indeed would enhance it.

We are aware that a voluntary system built into the existing passport infrastructure may not immediately permit a small range of features envisioned in the legislation (audit trails, one-to-many biometric matching and some business functions) but the card would retain many of the functions

that citizens, business and government would consider of great value.

### **Summary of the proposed voluntary system**

- Enhancement of the passport application system will continue as planned. That is, personal interviews for new applications and inclusion of certain biometrics.
- Passport applicants would have the option of applying for ID card registration at the point of enrolment.
- Applicants for a voluntary ID card, whether or not they possess a passport or want to apply for one, could apply for ID registration through existing passport administration. They would be entered onto the passport system as if they were applying for a passport. These people could subsequently apply for a new or renewed passport with minimal administration.
- Foreign nationals resident in the UK for more than three months would apply for ID card registration using exactly the same process as UK nationals, i.e. they would seek a personal interview at a passport office, at which point visa extension applications and so on could simultaneously be processed.
- ID cards issued during the five-year initial phase would be verified locally (i.e. checked through biometric scanning against the card itself) or could in time be verified against the passport system once external access is organised.
- The functionality of the ID scheme could be incrementally developed as demand increased and as the market for ID services matures.
- If parliament so chooses, a fully functioning ID system could be built after 2011 or the passport system could be upgraded to create an audit trail and one-to-many biometric matching.

<sup>2</sup> Hansard, March 16, 2006, Column 1645.

<sup>3</sup> Hansard, January 16, 2006, Column 455.

## **Key arguments in favour of the amendment**

We believe that a delay in compulsion would provide an opportunity to minimise the current leakage of public trust in the identity scheme. A voluntary rollout over five years would provide government with the opportunity to establish that the scheme could evolve as a useful project that has practical use for people enrolled in it. While only a bare majority of people support the scheme, a compulsion regime will create a foundation of resentment and user resistance that will resonate for many years to come. Indeed it is arguable that compulsion at an early stage of the scheme's development might provoke additional hostility that would prove costly and disruptive.

This view is reinforced by continuing uncertainty about the current scheme's capacity to deliver a robust and secure system for all its users. Concerns over its potential negative impact on vulnerable populations that are victim to, for example, domestic violence or incapacity must be resolved before compulsion can safely commence.

There is no evidence that a delay in compulsion would necessarily be more costly than the current proposals for immediate compulsion. A series of less expensive, smaller scale trials and pilots would cost far less than is currently projected in the early phases of development, and would inform refinements to the specification that could only help in achieving best value in the longer term.

It is also clear that if the focus of the scheme's planning and development shifted toward developing and then selling the benefits of the scheme as a tool for the citizen it is feasible that voluntary take-up could substantially eclipse take-up by compulsion.

It is equally feasible that a delay in compulsion would provide an opportunity to secure sign-on to the scheme from throughout the public and private sector. Current planning is hampered by lack of commitment from organisations outside the Home Office.

A delay in the implementation of compulsion will provide more scope to build a system that is

technologically feasible and that has the utility to justify its cost. The history of complex IT projects shows that a hastily built scheme working to a tight timeframe is more likely to encounter cost overruns, user resistance and technical failure.

We believe that the amendment would have the effect of facilitating a more accurate cost estimate of the scheme, and would provide an opportunity for those costs to be publicly disclosed.

The government has announced its intention to make all future passport applications subject to interview and fingerprinting. In those circumstances we see no reason why information on the passport database could not be transferred to a future National Identity Register, enhanced by other data if parliament so decides.

In conclusion, the government has argued that provisions such as that in the Phillips amendment would be too costly because it would involve two databases operating at a minimal level (one for passports and one for voluntary ID card enrolments). This issue can be resolved in a cost effective and simple way by enrolling voluntary ID applicants onto the passport database and then issuing an ID card without the passport.