

MISTAKEN IDENTITIES?

I-D Cards: a solution looking for a problem

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The Government has recently announced plans for a national I-D card scheme. The Green Paper published in late May¹ outlines a number of options, but it's most likely to be a computer readable 'smart card' with a computer chip, digitised photograph and fingerprint. Although it would look like a bank card, that's where the similarity ends. Using the best available technology, it could contain the equivalent of around 3,000 words of information about its owner and it could have a wide range of possible uses, including driving licence, social security card, medical records, police records, records of housing, education and employment, as a passport or travel I-D, and many more.²

Under existing data protection laws, there is no guarantee that you would be able to find out what information was held on your card, who had access to it, whether it was accurate, or that you would be able to get it corrected. Information could be read or added to the card by a computer reader/writer device, without the individual's knowledge or consent. The technology exists for this to be done using remote sensors (which are in fact cheaper than contact sensors), meaning that the card could be read or altered without you knowing anything about it at all - e.g. by a remote sensor attached to a doorway

The human rights and civil liberties implications of this kind of technology need to be explored much more closely than they have been in the Green Paper. Liberty has launched a campaign against the government's proposals for a national I-D card scheme on the grounds that it

would infringe the right to privacy, lead to more young people and minority groups being stopped and questioned by the police with no good reason, and would have little impact on reducing crime and other social problems.

Privacy and data protection

Any national I-D card scheme would need a system of Personal Identification Numbers to be set up. This would be lead to an increase in 'data matching' by government departments - the exchange and transfer of information out of context. Despite the principles of the Data Protection Act 1984, this is already widespread, as the Data Protection Registrar has already warned: *"These developments... offer wide possibilities for the wide use and disclosure of information without the individual's knowledge or consent, for the wide replication of errors, for unjust decisions taken about individuals on the basis of a 'profile' which causes them to fall into a group with certain selected characteristics, for automatic decision making on facts of doubtful completeness, relevance or accuracy, and for influencing people's lives... they lead to a loss of freedom to choose, within the normal constraints of our society, the degree of freedom which an individual wishes to have."*³

Liberty's attempts to find out about the extent of data matching have shown that the DSS, the Department of Employment and the Inland Revenue exchange some 60 million items of personal information a year. The Home Office, the DSS, Customs and Excise and the Inland Revenue all have different guidelines, none of which are publicly available. The Inland Revenue stated that it was "contrary to the public interest" to disclose information, whereas the DSS claimed to do so "in the public interest" - whatever this may actually mean. Meanwhile, routine information given to the DVLA in Swansea is automatically transferred to the police, and to the Inland Revenue if requested. Other major users of DVLA data include local authorities, finance houses and insurance companies.⁴

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worse. The Data Protection Act 1984 enshrines some excellent principles, but is riddled with loopholes. In practice, the police are virtually exempt from some of its provisions, as information can be withheld "where it would prejudice the detection or prevention of crime", and access can be withheld from a wide range of data, including, police, medical and tax records. Enquiries can cost up to £10,000 each which of course many people cannot afford.

Some of its weaknesses can be explained by its origins. The Act was commercially driven, passed because the Council of Europe's Data Protection Con-

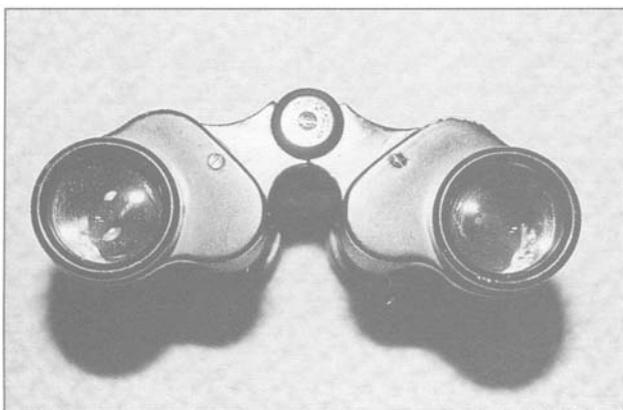
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vention required signatories to withhold transmission of data to countries which had no laws to protect it. British firms have started to lose overseas contracts because businesses in other European Countries were not permitted to transmit data to firms which could not guarantee the confidentiality of information held on computer records.

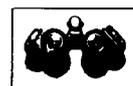
Discrimination

Although a scheme would not be inherently discriminatory, in a society where racism is rife, it is hard to imagine how to stop it becoming discriminatory in practice. Human rights groups in France report that people of North African appearance are frequently stopped and questioned by the police, and asked for identification and contrary to widespread beliefs, the French I-D card scheme is only voluntary. Human rights groups have noted numerous similar complaints of harassment in Belgium, West Germany, Spain and Turkey.

In Britain, Home Office figures for 1994 show that 42% of people stopped and questioned by the Metropolitan Police were from ethnic minorities, although such groups only make up 20% of the population. Again, an I-D card scheme would make existing problems worse especially if they were used for immigration control. Not only would people from minority groups be asked for proof of identity with increasing frequency and for the most trivial of reasons, but this in itself would also have the side-effect of creating and heightening prejudice among the minority community.



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Crime

There are many claims made for the role which a national I-D card scheme could play in fighting types of crime. But none stand up to any kind of scrutiny, and all are easily refuted.

Credit fraud: It might help to reduce credit card fraud, but there's no need! Although credit card fraud cost the banks £130 million in 1994, fraud has dropped by 35% over the past twelve months because the banks have increased the proportion of transactions which require authorisation. The Royal Bank of Scotland has reduced fraud by 90% by putting photos on credit cards, and further improvements are expected by this and other means.

Benefit fraud: In 1994, social security fraud cost an estimated £654 million. However as Peter Lilley recently told the House of Commons, only 5% of this is due to impersonation. Most of it is due to failure to declare true circumstances (eg working and claiming), where an I-D card would have no effect.

Illegal immigration: This problem is so greatly exaggerated that the argument barely merits a response. Even so, an I-D card scheme would be a very impractical way of controlling it. Because most illegal immigrants are 'overstayers' who have overstayed a short term visit, any I-D card scheme used to control immigration would need a constantly updated database on the citizenship and immigration status of every citizen in the UK - not just citizens and permanent residents, but also the 5 million or so people who come to Britain as visitors every year. This would be an expensive administrative nightmare.

Bogus officials: One of the more bizarre claims made is that vulnerable people such as the elderly would be less inclined to let criminals posing as bogus officials into their homes. As officials always carry on official I-D anyway, it is difficult to detect exactly what differences an I-D card would make.

It is difficult to imagine which crimes remain unsolved because the police have a suspect but are unable to establish their identity. Moreover an I-D card would be no help at all in establishing guilt. Since the abolition of National Registration in 1952, the police "have noted no reduction in their efficiency, nor was identification normally an issue they found difficult to resolve."⁵ Rather, an I-D card scheme could well lead to more crime. Issuing 50 million I-D cards over a reasonable time without being overtaken by new methods of forgery or misuse would present a major challenge.



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Voluntary or compulsory?

It's clear from reading government documents that they would like as many people as possible to carry a card. In the 'Camden Papers' - a bundle of internal cabinet memos which somehow found their way into the public domain last January when

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they turned up in a filing cabinet in a junk shop in Camden -, it is suggested that "take up could be maximised by arranging an opt-out system" - in other words, anyone not actively objecting to the card would be given one. Much is made of the need to focus public attention on the benefits to the card holder, and a cabinet paper summarising the CCTA report suggests that "concerns about the spectre of a police state" will need to be allayed by "making the cards an attractive, practical proposition." A similar suggestion appears in an Association of Chief Police Officers report in 1992, which suggested that voluntary cards could be made mandatory and subject to production to the police on demand as "a longer term objective after, perhaps, shops required the introduction of an I-D card before a non-cash transaction were made." There are many examples of countries where a voluntary scheme has become compulsory in all but name. Because so many benefits and services depend on the production of an I-D card, not having a card becomes impractical.

The claim that the innocent have noth-

ing to fear from an I-D card scheme is often extended to imply that anyone objecting to carrying an I-D card must have something to hide. It's easy to see how anyone who wished to exercise their right not to carry a card would, in time, become the target of suspicion. In order to justify restrictions on individual liberties, it is up to the Government to prove that these restrictions are necessary to protect the liberties of others. Many claims have been made for an I-D card scheme, but there is no evidence for any of them. It's a solution looking for a problem. ■

References

1. Identity Cards: a consultation document, CM2879, HMSO 1995
2. CCTA Smartcard Report (May 1995), one of a bundle of internal government documents which found their way into the public domain in January 1995, in a filing cabinet in junk shop in Camden (the so-called 'Camden Papers')
3. Fifth Report of the Data Protection Registrar, HMSO, 1989
4. Does maximisation of government information systems jeopardise civil liberties? National Council for Civil Liberties, 1991
5. Tenth Report of the Data Protection Registrar HMSO 1994

If you would like to help our campaign against I-D cards, or if you would like more information about the subject, send us a £1.00 coin and we'll send you a campaign pack, including 32pp report on I-D cards. No I-D Card Campaign, Liberty, 21 Tabard Street, London SE1 4LA