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To: Select Committee on the Constitution

Subject: The Impact of Surveillance and Data Collection upon the Privacy of Citizens and their Relationship with the State

Executive Summary

1. We prefer, in the UK, to be able to respect the government even if we do not always agree with them. In the evidence below, several examples are given of illogical behaviour by the government in connection with ID cards and ePassports. It is hard to respect an illogical government. And if respect goes, what will be next? Obedience? The government have set out, quite unnecessarily, on a dangerous path. This is a plea for them to turn back. For their own good and ours and as an example to other countries embarked on a similar course.

Credentials

2. David Moss of BCSL has nearly 30 years experience in IT and has spent over four years researching ID card schemes, with the following findings. Crime prevention, crime detection and counter-terrorism can best be assisted by making more use of the global mobile phone system, which we already have. ID cards and the unreliable biometrics which go with them would be of little assistance and even that would be delayed for years while we get the infrastructure installed.

Evidence

3. According to an April 2004 booklet¹ issued to UK employers by the Home Office, it is our responsibility to ensure that we offer jobs only to people who are legally entitled to work. The booklet includes a list of 18 documents we can use to establish that entitlement.

4. According to the Home Office's October 2006 cost report² on the ID cards scheme: "Currently, employers do not have a reliable means of establishing whether a job applicant has the right to work here or not" (p.5).

5. Logically, the Home Office could simultaneously believe neither of these statements, or just one of them, but not both.

6. The October 2006 report is at pains to say how hard it can be to identify people, not just for employers, but also for the criminal justice system: "It is difficult and resource intensive to ascertain the identity of prisoners suspected of being foreign nationals and those arrested by the police" (p.5).

7. And the problem does not end there. The Criminal Records Bureau Registered Bodies (CRBRBs) are no better off: "It is currently very difficult for [CRBRBs] to establish an applicant's identity efficiently ... It is already known that on some occasions, individuals are matched against the wrong criminal record ... this can lead to delays in processing their applications. In a small number of cases, people known to the police have been able to proceed through the system undiscovered" (p.5).

8. The solution to the identification problem proposed by the Home Office is biometrics (mentioned 41 times in their brief report): "Biometric checks and reduced reliance on paper documentation will help ensure that claimed identities are real, not fabricated or stolen. Each person registered will have a quick and secure way of proving who they are whenever needed, for example via a quick online match of their ID Card and biometrics or unique reference number. Individuals can only register once as their biometrics will be linked to a single identity, which will prevent the creation and use of multiple identities" (p.6).

9. Three biometrics have been considered by the Home Office – biometrics based on facial geometry, irisprints and fingerprints.

10. As far as facial geometry is concerned, the Home Office were warned four years ago³ by the National Physical Laboratory that: "Face recognition on its own is a long way from achieving the accuracy required for identifying one person in 50 million" (p.11), "even under relatively good conditions, face recognition fails to approach the required performance" (p.15) and "facial recognition is not a feasible option" (also p.15).

11. Why, in that case, do the Home Office continue to give credence to biometrics based on facial geometry? Has something changed in the meanwhile?

12. It seems not. The Commissioner of the Metropolitan Police is quoted⁴ in June 2005 as saying: "Identity cards are only going to work if we have a biometric answer – that may be iris recognition but it is unlikely to be facial recognition". And the National Audit Office (NAO) say in their February 2007 report on ePassports⁵, which incorporate biometrics based on facial geometry, that: "Facial recognition software is not reliable enough to use with large databases" (para.3.4).

13. As far as irisprints are concerned, the Identity and Passport Service of the Home Office have decided not to proceed with them⁶ for the moment, citing "cost and technical uncertainties". At the same time, the Border and Immigration Agency of the Home Office are proceeding with irisprints for their eBorders programme⁷: "IRIS (Iris Recognition Immigration System) is a quick, convenient and secure way to clear immigration controls, open to British citizens, and foreign nationals with permission to enter the UK" (para.5.12).

14. How can the same technology be too unreliable for one bit of the Home Office while it is simultaneously acceptable to another bit of the Home Office?

15. Which leaves us with fingerprints. Most people are confident that traditional fingerprints are reliable. Rolled prints, taken by police experts using ink, are admissible as evidence in court. But this is not the technology being offered by the Home Office. Instead, they are offering flat prints, taken by putting your fingers on a photo-copier. This technology is different from traditional fingerprinting and is not admissible as evidence in court. It is something of a confidence trick to give the same name, "fingerprinting", to two such different technologies.

16. In the Home Office's evidence to the House of Commons Science and Technology Committee, reported in July 2006⁸, they acknowledged that flat print fingerprinting is not 100% reliable and stated that the maximum acceptable false non-match rate is

0.01 (para.18). By which they imply that if up to 1% of people find that the technology falsely reports that they are not themselves, that will be acceptable, but anything above would not be acceptable.

17. In fact, when the flat print technology was tested in the UKPS biometrics enrolment trial⁹, the false non-match rate was 19% (para.1.2.1.4). 19 is greater than 1. By the Home Office's own criteria, the technology is therefore unacceptable.

18. Instead of acknowledging this fact, the Home Office argued that the biometrics enrolment trial was not really a test of reliability: "When questioned in an oral evidence session about the false non-match rates that resulted from the Atos Origin trial, Katherine Courtney said that 'I think it is important to reiterate that the enrolment trial was a trial of process and customer experience. It was not designed as a trial to look at performance of the technology *per se*' ..." (para.88). In that case, why do Atos Origin list these performance figures in the *Management Summary* under *Key Findings*?

19. Given that this flat print fingerprinting is so unreliable, it is a consolation to discover that the UK, Ireland and Denmark are exempted from EC 2252/2004, a directive which instructs other EU countries to incorporate flat prints in their ePassports. That consolation is short-lived. According to the NAO's February 2007 report: "The UK is not obliged to comply with the EU regulations as it is not a signatory of the Schengen Agreement but has decided to do so voluntarily" (para.1.7). Why has the Home Office volunteered without debate to spend taxpayers' money deploying a technology which is known not to work?

20. Further, according to the NAO report: "... although there is spare capacity on the chip [in the ePassport] to store two fingerprints, the current model of chip has insufficient capability to accommodate the enhanced operating system and electronic key infrastructure required to protect fingerprint data" (para.3.14). So, in order to comply with this directive, which we do not need to comply with, to deploy identification technology, which does not identify people, at great expense to the taxpayer, we will have to recall the 2.2.m ePassports issued by September 2006 (para.2.1), and all the ePassports issued subsequently, and reissue them with bigger chips.

21. In his foreword to the November 2005 Cabinet Office paper on transformational government¹⁰, the Rt Hon Tony Blair MP, then Prime Minister, said: "But most of all we have to have the right people with the right professional skills to plan, deliver and manage technology based change". The examples above of illogical planning, delivery and management, suggest that we do not have the right people and that we should therefore abandon the ID cards scheme and the plans for transformational government based on them before any more taxpayers' money is wasted and before it becomes impossible to respect the government.

¹ *Documents employers should use to check the right to work – Changes to the law on preventing illegal working: short guidance for United Kingdom employers*, April 2004, Home Office: IND Corporate Communications

² *Identity Cards Act 2006 – first section 37 report to Parliament about the likely costs of the ID cards scheme*, <http://dematerialisedid.com/PDFs/costreport37.pdf>

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- ³ *Feasibility Study on the Use of Biometrics in an Entitlement Scheme*, Tony Mansfield and Marek Rejman-Greene, Version 3, February 2003, http://dematerialisedid.com/PDFs/feasibility_study031111_v2.pdf
- ⁴ *ID technology 'must be foolproof'*, <http://news.bbc.co.uk/1/hi/uk/4095830.stm>
- ⁵ *Identity and Passport Service: Introduction of ePassports*, National Audit Office, 7 February 2007, <http://dematerialisedid.com/PDFs/0607152.pdf>
- ⁶ *Iris use dropped in ID card plans*, <http://www.itweek.co.uk/computing/news/2171789/iris-dropped-id-card-plans>
- ⁷ *Securing the UK Border – Our vision and strategy for the future*, Home Office, March 2007, http://www.ind.homeoffice.gov.uk/6353/aboutus/Securing_the_UK_Border_final.pdf
- ⁸ *Identity Card Technologies: Scientific Advice, Risk and Evidence*, House of Commons Science and Technology Committee, 20 July 2006, <http://dematerialisedid.com/PDFs/1032.pdf>
- ⁹ *UK Passport Service Biometrics Enrolment Trial*, Atos Origin, May 2005, http://dematerialisedid.com/PDFs/UKPSBiometrics_Enrolment_Trial_Report.pdf
- ¹⁰ *Transformational Government – Enabled by Technology*, Cabinet Office, November 2005, <http://www.cio.gov.uk/documents/pdf/transgov/transgov-strategy.pdf>