

LIBERTY

PROTECTING CIVIL LIBERTIES
PROMOTING HUMAN RIGHTS

Liberty's evidence to the Home Affairs Committee on the Government's Identity Card Proposals

December 2003

About Liberty

Liberty (The National Council for Civil Liberties) is one of the UK's leading civil liberties and human rights organisations. Liberty works to promote human rights and protect civil liberties through a combination of test case litigation, lobbying, campaigning and research.

Liberty Policy

Liberty provides policy responses to Government consultations on all issues which have implications for human rights and civil liberties. We also submit evidence to Select Committees, Inquiries and other policy fora, and undertake independent funded research.

Liberty's policy papers are available at

www.liberty-human-rights.org.uk/resources/policy-papers/index.shtml

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Introduction

1. Liberty has been at the forefront of the campaign to resist the introduction of national identity cards since the idea was floated in the aftermath of the terrorist attacks on the United States in September 2001. Our opposition to the introduction of ID cards is principled – we believe it alters the relationship between the citizen and the state authorities and that it is inevitable that minorities, particularly ethnic minorities, will suffer discrimination as a result of the scheme. We have also raised a number of entirely practical concerns: the cost and operability of the proposed system; the lack of any firm evidence that a national ID card would solve the myriad of problems it is supposed to tackle; the “slippery slope” argument that the functions of the card may well grow over time; and that the scheme would lead to a further increase in the levels of surveillance in the UK.
2. Liberty has long argued that ID cards are a “solution looking for a problem” and we believe that recent political history confirms this suspicion. Initially, the proposal seemed to be focused on tackling terrorism. Since then, Liberty has had a real fear that the justifications put forward for an identity card have shifted with the news agenda. Benefit fraud, illegal immigration and improving the delivery of public services have all been suggested as susceptible to being tackled by the scheme. Liberty takes the view that the potential social benefits of an ID card are so minimal (possibly even non-existent) and that the costs – both financial and in terms of civil liberties - are so high, that the plans should be shelved.
3. This submission, prepared specifically for the Home Affairs Committee, considers the questions raised by the Committee in its press release of 18th November 2003, as well as Liberty’s more general concerns. Liberty does not pretend, or aspire, to be an organisation with great expertise on the technical aspects of the Government’s proposals, although we do raise a number of questions and concerns in these areas which we hope will assist the Committee in its inquiry.

Practical issues involved in the ID database and biometric identifiers

4. Liberty is not persuaded by the Government's ability to successfully implement and manage a technological project on this scale. The identity card scheme would represent the most ambitious project of its type ever undertaken by a British government. We would welcome a more thorough and comprehensive approach to data protection across public authorities. Without wishing to prejudge the inquiry into the police's sharing of data during the investigation into the Soham murders, Liberty believes that there are real grounds of concern in this area. The potential problems that could be caused for an individual citizen in terms of inaccurate data input are substantial.
5. Liberty can understand the Government's desire to use a biometric identifier – such as an iris scan – in an attempt to improve the robustness and security of the scheme. However, we believe there needs to be a thorough investigation into the possible problems associated with the use of biometric identifiers, paying particular attention to iris scanning, as this appears to be the Government's favoured option.
6. One practical concern has to be the number of so-called false positives and false negatives rendered by the system. To give an example, if iris scan equipment was deployed at British airports and used on every passenger, then even an accuracy rate of 99% would render approximately 1.5m false positive and false negatives per annum. With around 150 million passengers using British airports every year, a failure rate of just 1% could still lead to very substantial administrative – let alone security – concerns.
7. Liberty would also welcome research into any possible adverse health risks associated with iris scanning, and a detailed study of public attitudes towards it. Liberty's assumption is that a large number of individuals – even if still a minority of the public at large – may find the process intrusive and an affront to their privacy.

The security and integrity of the system

8. As referred to above, Liberty has real concerns that the system would not be robust. We would urge the Government to consider both the present funding of the Office of the Information Commissioner, and ways in which a culture of data protection can be encouraged throughout the public and private sector before considering proceeding with plans to introduce ID cards.

The operational use of ID cards in establishing identity, accessing public services, and tackling illegal immigration, crime and terrorism.

9. Liberty remains unconvinced of the efficacy of an ID card scheme in tackling these very real social and political problems. To begin with the issue of terrorism, it is worth noting that all of those involved in the 9/11 atrocities had either legitimate identification papers or very compelling forgeries. It is not easy to see how an identity card – particularly based on a scheme which stores limited information – would assist in apprehending potential or actual terrorists. Furthermore, sophisticated terrorist networks are likely to have access to the means of producing counterfeit cards, or at least copies of papers, which could assist an individual in securing an actual card.
10. Illegal immigration is also unlikely to be tackled through the introduction of an identity card. Illegal entry to the country, and illegally working once here, are – by their nature – black market activities carried out by those who are willing and able to bypass government checks, balances and paperwork. Illegal immigrants tend to take very low paid jobs, paid cash in hand by unscrupulous employers who are all too aware that they are using an illegal workforce. At present, for example, such employers tend not to ask for the individual's National Insurance number. Given this, it seems optimistic to assume that they will ask for national identity documentation in future.
11. The merits of demanding an individual establish their identity is of questionable benefit in many areas. Liberty understands that in the area of benefit fraud, for example, that the crime rarely relies on an individual

attempting to pass off a false identity. Benefit fraud tends to be based on an individual being honest about their identity but lying about their circumstances. It is rare for a Mr. Smith to pretend to be a Mr. Jones for the purpose of securing benefits, but is rather more common for Mr. Smith to admit that he is indeed Mr. Smith but not to disclose, for example, that he earns £15,000 per annum cash in hand. Lying about one's circumstances is not going to be prevented by a national ID card.

12. Crime more generally is unlikely to be deterred by the scheme the Government is proposing. Liberty is heartened that, from the outset, the Government made it plain that they would not entertain the idea of an “on the spot” police power to demand an individual produces their identity card. However, Liberty remains concerned that such a power could easily be added in future through a simple amendment. The Government has failed to adduce any powerful evidence from those Western European countries with ID card schemes to suggest that they are a helpful tool in reducing crime. In particular, these examples have not shown to be cost effective. The test must not be just whether identity cards help reduce crime, but whether they are the most effective means of doing so. One can seriously question whether the billions being spent on ID cards will have any impact at all, but it seems an even stronger case to argue that several billions of pounds spent on police recruitment, retention and training would be more effective.

13. When the Government dubbed their favoured scheme a “universal entitlement card”, the focus appeared to be on access to public services. Liberty believes that whilst there may be a case for reviewing the robustness of present procedures (the national insurance card scheme and the NHS card), there is no need for, and indeed considerable dangers in, a national ID card. It raises the difficult question of how individuals would be treated if their card was lost or stolen, and potentially puts the medical profession in a difficult position. Liberty believes it is implausible and unreasonable to expect doctors to withhold treatment from those requiring it, even if they suspected that the individual concerned was, for example, an illegal immigrant.

Issues to be addressed in the longer-term, including compulsion

14. Liberty remains opposed in principle to a compulsory national identity card system. We are concerned that even if the scheme were to begin with the collection of relatively minimal and uncontroversial data, there will be inevitable pressures towards “function creep” once the scheme is in place (In Greece, for example, religious affiliation was, for a short time, added to their ID card scheme). Whilst the Government may believe that the long-term introduction of the scheme on the back of passport and driving licence applications will be administratively easier than establishing an independent ID card, the 20% of the population who have neither a driving licence nor a passport are likely to be those who need it most.
15. The Government also needs to consider the YouGov polling evidence published in the Daily Telegraph on 8th September 2003. Whilst the poll indicated majority support for the scheme, 7% of the population indicated that they would absolutely refuse to carry an ID card, with a further 11% indicating that they would be sympathetic to such a protest and may even join in. By percentage these numbers may be small, but in sheer numerical terms they amount to millions of British adults.

The estimated cost of the scheme

16. As indicated in the introduction, Liberty does not have the technical expertise to provide a full costing of the scheme. We understand, however, that some industry estimates have judged the cost of introduction to be as high as £7bn. We would further note the tendency of public sector technological projects to run over budget, often substantially. We would therefore take the Government’s financial estimates to be at the conservative end of the spectrum. Liberty has used the figure of £3.5bn as a rough estimate of the cost of introducing the scheme.
17. The Committee may wish to consider another aspect of the YouGov poll findings in this context. Only 1% of the electorate indicated that they believed

£40 was a reasonable charge for an ID card, with around 86% believing there should be no charge at all.

Conclusion

18. Liberty believes that a national identity card scheme poses many real dangers and threats whilst providing no guarantee of real social benefits. In France, for example, there are very real concerns that the application of their ID card system has led to worsening race relations (those of North African appearance are asked to prove their identity considerable more often than the white population). The size and scale of the database that could be created as part of a national identity card system also gives rise to serious misgivings. Even if the amount of information initially collected were to be limited, there is a real possibility that this could be expanded in future. Furthermore, it is difficult to be confident that such information would be stored in a sensitive and secure manner.

19. Given the threats and costs of an ID card scheme, Liberty believes the burden of proof lies firmly with those favouring their introduction. After two years of debate and an extensive public consultation exercise lasting some six months, it is a burden which has not been discharged.

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23 December 2003