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Identity, individuality and legitimacy in a modern age

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This *New Statesman* round table, which took place on 30 November 2006, attempted to explore the social significance of identity in a modern age — our individuality, entitlement and legitimacy — and look at how a national identity card would work.

The round table is a part of the *New Statesman* New Media Awards programme, which looks at how information and communication technologies can be applied to make public life better. The whole programme is sponsored by Atos Origin.



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Professor Anthony Grayling

Professor of philosophy, Birkbeck College, University of London



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James Hall

Chief executive, Identity and Passport Service



Professor Angela Sasse

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Philip Chalmers

Director, Atos Origin



Nick Johnson

Director of policy and public sector, Commission for Racial Equality



Richard Thomas

Information Commissioner



Gareth Crossman

Director of policy, Liberty



Carolyn Quinn (chair)

Presenter, *The Today Programme*, BBC Radio 4



Commander Janet Williams

Deputy assistant commissioner, Police of the Metropolis

Who owns your identity?

Carolyn Quinn (chair) Thank you all for coming. Let us make a start. Liam Byrne, welcome.

Liam Byrne I hope that the issue of identity and ID cards in particular is going to come up on the agenda during the next month or two, so I am grateful to the *New Statesman* for bringing us together this morning.

Despite the absence of much conversation in the media about identity and ID cards over the past six months, I think it remains outstandingly popular throughout the country. I recently took a poll of my constituents and an incredible 80 per cent were in support of ID cards. I think the reason is quite simple – they address fundamental concerns about Britain and the world today.

Migration is changing the nature of our country. Up and down the country, the pattern, shape and nature of communities are different. If you look at Canning Town in London, the population born abroad literally doubled between 1991 and 2001. When you have communities in such flux, very often those people who were here already will ask questions about fairness – whether newcomers have greater rights than they have – the concern is whether that fairness is real, and it is an error for government or politicians to deny that concern exists.

The second great concern is around security. I was told last night by our polling company that immigration is no longer the number one issue of concern to people in Britain – it is the number two issue – but that is only because defence and terrorism are at number one. This issue of defence, terrorism and counter-terrorism is, quite rightly, of enormous concern to people. The advent of asymmetric warfare in the past 15 years, particularly suicide attacks, is a big issue and people are worried about it.

The third point is that the nature of the way in which we live our lives is different now. The online world has changed us in all sorts of ways. People live more of their lives, and define more of their identity, online and with that growth of the online world come new opportunities to undermine identity.

Now, for the first time, we have the chance to acquire a new critical national infrastructure to help us manage many of those risks. What we have done

over the past two or three months is to set out some of the ways in which we think identity services will be able to help.

I will start with identity fraud. Since 2000, over 250,000 people have been victims of identity fraud, 50 per cent of consumers do not feel their identity is safe and 65 per cent of people are concerned that they will become a victim of identity fraud. People are looking for things, particularly in the online world, to help protect their identity. One in four criminals uses a false identity; the al-Qaeda training manual advised its people to acquire and solicit multiple identities. One of the September 11 hijackers used around 30 different identities and had incurred about £250,000 of debt. So, false identity is an important part of how terrorists and criminals operate, but we also know that identity technology has great potential to help us to protect our borders in a far more secure way.

We have already found 1,400 people who we have deported trying to sneak back into the country using a different identity. We are introducing a couple of interesting trials at the moment; one is biometric visas. We have the fastest growth in iris scanning barrier gates anywhere in the world. More than 40,000 people have now joined the scheme because it is harder to get through borders now. Identity technology helps us to do that faster and helps us manage risks that people are worried about.

We are having wide debates and discussions today about the nature of identity in Britain in the 21st century. If we want to build stronger communities where there is more diversity, we have to persuade people that the foundation is a set of common rules. Unless people believe that those rules are being observed, you do not get the kind of harmony that is needed in order to live life to the full in the 21st century. Identity systems will help us project the confidence of enforcement in those rules. Out of 55 of the biggest passport issuing nations, 53 are issuing biometric passports. We need to upgrade our infrastructure. We cannot have our passports becoming second class. There will be concerns about money but you have to remember that much of the cost of ID cards is going to be incurred, anyway, whether James and I stop the project today or not.

This issue of defence, terrorism and counter-terrorism is, quite rightly, of enormous concern to people
Liam Byrne

Only 15 per cent of the money will be spent on database technology – a fraction.

People will be concerned about how identity security is policed and I think parliament was right to put in place the protections it did and it is why we are so glad Richard Thomas is in his particular job.

Our next step is to produce an ID action plan before Christmas [2006]. We will publish a report on how we plan to use identity cards and identity systems to tackle illegal immigration. Over the next year, we will be working with a number of partners across government and the private sector to show how identity systems are going to become part and parcel of everyday life in Britain.

Carolyn Quinn (chair) James, how will it work? What sort of information will be held on our passports in future and how effective can they be?

James Hall In 2006, we started to roll out biometric passports. These are the first passports to have a chip in them, on which is recorded a photograph of the holder, together with the other details that are recorded on the back page of the passport. The biometric readers will be rolled out in the UK in 2007 and will be installed at our major ports and locations. It is another anti-fraud device to confirm that the presented image has not been tampered with and that there is a match between what is printed on the back page and what is included in the chip. Some other changes have been made to the physical construction of the passport to make it a harder document to tamper with or forge.

There is a general agreement among the Schengen Agreement nations, and more broadly, that this is a first step towards what is called a second biometric passport, which will be issued in 2009/2010. This will add on to the chip at the back information on your fingerprints; we are still working out exactly

how many of your fingerprints will be required. This will provide us with an extra means of authenticating your identity as you go through border control.

So, when Liam commented that we are going to incur a significant proportion of the costs anyway in the National Identity Scheme, you will understand that we have a very big set of changes to go through to provide the infrastructure to capture fingerprint biometric information from individuals as part of the process of obtaining a passport. We have not previously had to do this but it is exactly the same information that we will be capturing for the National Identity Scheme. A single process will allow people to have a passport, an identity card, or both, depending on their particular requirements. The passports and identity cards will be travel documents within the European Union – other countries in Europe already travel on identity cards; passports will be more focused on people who are travelling beyond the borders of the EU.

Carolyn Quinn (chair) Clive Reedman, how safe is it? In the future, won't people learn how to duplicate these cards?

Clive Reedman The criminal fraternity will now spend much more time, effort and money in trying to crack those systems. The problem with the biometric is that it can become the most trusted element of the whole process and, if it does become possible to compromise the biometric in some way, the process can fall over; the biometric then becomes the weakest link and not the strongest.

Richard Thomas I am not yet fully persuaded that what is going to be rolled out over the next few years will solve or reduce identity fraud and theft. There are risks that the problem could get worse rather than better because there is such a huge incentive for the criminal and terrorist fraternity to crack the system, as it were.

Parliament has decided that the system should be put in place, and I respect the parliamentary will. The really important aim should be to allow reliable identification of individuals and not to enable government to identify and record what citizens do with their lives. If there is no trust and confidence in this and in other schemes, I think there will be very severe difficulties.

My office has never been against identity cards or what has been proposed, but we continue to have some concerns about the nature of the National Identity Register. First is to ensure “purpose limitation”, so that the scheme is not used in ways beyond those originally intended. This does raise questions as to the rationale of the scheme in the first place. We are very pleased that the government eventually agreed to include purposes as section one

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Richard Thomas



What will the government need in order to identify you accurately and what becomes a lifestyle issue and a behavioural issue?

Philip Chalmers



of the act. In 1951 a distinguished committee of civil servants looked at the identity card used during the Second World War. In 1939, three purposes were identified for that: to make sure that you were not the enemy, that you were not dodging conscription and that you were getting the right food ration. By 1951, 39 uses had been identified across the whole of government and one of the leading rationales was to prevent bigamous marriages. That is just an illustration of how purposes can extend.

Second, we have concerns about the nature and how much information is collected and held. If there is a record every time you pass through Heathrow, see your doctor or claim benefit, then public support, trust and confidence might ebb away rather sharply.

Third, we have concerns about access. There is a broad framework in the act itself, but that could be widened quite considerably. A lot of power is vested in the Secretary of State. There are some limitations on police and security service access to the data; we will have to see how those controls work in practice but the alarm bells do start ringing to a certain extent. A data trail that leaves an electronic footprint of people's activities over a period of time is a cause for considerable concern.

Finally, there are concerns about what I might call technical and administrative arrangements – the capacity for things to go wrong. If they can go wrong, they will go wrong and some of the consequences could be very serious indeed.

In the report we published last month on the surveillance society, we described it as one where “technology is extensively and routinely used to track and record people's activities and movements, often in ways that are not obvious to ordinary individuals as they are being watched and monitored.”

More and more this intrudes into people's private lives and leads to decisions that can influence how their lives are lived. Perhaps it raises issues of

discrimination and judgements about people by reference to profiled activities, rather than their personal characteristics.

Then there are false matches and mistaken identity, inaccurate facts, inferences wrongly drawn, suspicions taken as reality, breaches of security and so on. There are many, many issues which need to be resolved in the area, not just of identity cards and identity management, but the whole area of surveillance. The fact that technology can do things is not an argument that these things should be done.

Philip Chalmers One of the ways in which we address some of those concerns is partly to start establishing what we mean by “identity” and “identity management”. I am Scottish and I am happy to identify myself as Scottish but I also hold a passport that describes me as British. My 12-year-old daughter identifies herself differently on YouTube and MySpace. She has no difficulty with managing her identity in a digital environment and managing it in a different way.

The private sector has a very clear idea of what it wants from customers' identities. Tesco give out Clubcards because they want to know about the way you purchase things and your buying behaviour, so they can sell to you. That is a consent-based arrangement that everybody is happy with. You get Clubcard points and they get information about you. In many respects, Tesco collects more information about you than certain government departments, so the question is whether it is consent based and who is getting information about who from whom?

Richard highlights that we could end up with a situation where the government has a single view of the citizen without the citizen's consent. It is possible for government to get a single view of the citizen if they recognise that that view is about identity.

Identity is about clarifying a series of points about you. Is your name, date of birth, gender, nationality and the biometrics necessary to lock them down? Is it about your driving licence number? Is that your identity or does it just say that you can drive a car? The question is: what is an identification? What will the government need in order to identify you accurately and what becomes a lifestyle issue and a behavioural issue?

Richard Thomas To a certain extent, because so much is currently fragmented, because technology has not allowed everything to be drawn together, fragmentation may be a good thing. People know that this department holds that information. The fact that it is kept separate might actually be a safeguard. Philip is right that there are risks when one has the capacity to draw it all together. Sometimes the imperfections of these systems can provide comfort and reassurance.

Philip Chalmers It is in the government's interest as well as the citizen's to have a national identity base that identifies the population. There is no point in having a census once every ten years if it is out of date a nanosecond after it is published. Rich information can give you the best policy developments and the best efficiencies from government services. Can you do that without creating a massive risk? I think the answer is yes.

Richard Thomas I agree with you. The more that one can do these things in a privacy-friendly way, looking for anonymisation wherever possible...

Philip Chalmers Anonymisation is the key.

Richard Thomas There are many ways technology can help put in place a system that is not going to be threatening.

Clive Reedman I am a great believer in what I call "genetic memory". Why is it that people are so concerned about the government holding information about their economics, social lives, whatever, when, historically, the roots of identity come from putting individuals into groups; it really takes its roots back in the late 18th and 19th centuries, with the eugenics movement. Identity actually gives you access to a privilege. Usually, the bestower of the privileges would not really care who the person actually is and they do not want to know about their lifestyle histories.

I think the public's concern is that we have gone away from that. That is what a driving licence gives you and what a passport gave you in the past. The public sees that as a key to a whole pool of social and economic data about themselves and the groups that they move in. I strongly believe that we still have that, if you like, in our memory, but we do not want to be

grouped in such a way that the government can classify us in a non-individualistic way.

Carolyn Quinn (chair) Gareth Crossman from Liberty, why are people concerned about government knowing about us?

Gareth Crossman We have spent the last couple of years in parliament trying to examine the justifications for a National Identity Scheme. It did not stand up to examination, but a certain justification has been made out for it. I believe it will, increasingly, be used as a means of identifying individuals on a day-to-day basis. Section 13 of the legislation states that no regulations can be passed requiring compulsion, but that is a different thing from compulsion taking place as a matter of course. There are also protections that no one can be required to produce an identity card. That protection falls apart once you have been compelled to have an identity card. I believe it is still the government's intention that, at some point, everyone will be compelled to carry an identity card.

Once that has happened, it is easy to see how we could reach the point where people might be expected or feel that they have to produce identity cards. Look at the powers of the police under the Police and Criminal Evidence Act, especially those that enable the police to arrest people without a warrant in order to establish their identities – standard policing power. We have exceptional policing powers under the Terrorism Act, which have been used in a way that the Metropolitan Police Authority has said is excessive, that allow for identity to be established without suspicion of committing any offence.

A few years ago, officials could legitimately question people to determine their immigration status if there was a reasonable suspicion that the person was an immigration offender. Of course, current residential status is one of the registrable facts on the scheme. Go forward a few years and imagine the situation once the system is bedded down. That is what we are particularly concerned about.

When foreign nationals, either from within or without the European Community, apply for identity cards, what verification processes will be put in place to ensure that false documents are not used to obtain a legitimate identity card? An international terrorist or criminal would, I imagine, have access to very convincing false documents.

Liam Byrne I will let James talk about the process, but there are two relevant points. What identity systems do is lock you down to a single identity. They are not a silver bullet that will help us tackle terrorism in a way that you all might like. However, identity systems have become a major element in our ability to create a

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more hostile environment for terrorists, to disrupt their patterns of behaviour.

Carolyn Quinn (chair) People say that you have changed the reasons for ID cards over the years and that this is possibly the reason why they lack confidence in your motivation.

Liam Byrne As part of the fundamental review of identity systems I did for the Home Secretary over the summer, we decided that the approach anticipated in the past was perhaps not the right approach. That is why I said we need to produce an action plan to set out a slightly lower risk, lower cost approach. The second part of that review was about getting in place a process detailing how identity cards will be used. I very much agree with Richard that we have to be much clearer about the purposes for which identity systems are going to be used. When you are spending this much taxpayers' money, you have an absolute obligation to be crystal clear about the way you are going to exploit the system and in what order.

The harder you look at identity systems, the more benefits you see, but we do have an obligation to explain how we think the best sequencing of that exploitation should look like over the next few years. So, during the next three or four months we will be pinning down how identity systems will help the people they serve better. For example, if we are going to personalise public services in the future, we cannot personalise public services without the effective use of identity. We are extending Criminal Records Bureau (CRB) checks to a wider group of people. Identity systems will help that. Because of the current security environment we need tough controls at our borders. Identity systems would help us move across borders more securely and much faster.

I want to be able to come back to the country during the next few months and say, "These are best and

most important benefits and this is the order in which we should be exploiting them." Once we have defined those purposes, we can say, "Do we have sufficient assurances about access to that information? If not, how do we make sure they are put in place?" Only if we can define those benefits and those assurances will we try to take up the level that we, as politicians, want.

James Hall On the question about reliability of foreign documents, the Identity Cards Act only relates to UK citizens in the first instance, so the issue of foreign documents relates not so much to ID cards but to residents' permits and biometric visas.

It is our long-term intent that those types of documents should be in a common form, but the process by which documents are verified is managed through the Immigration and Nationality Directorate (IND). Fraudulent documents are a significant issue in that environment. My colleagues in IND have some reasonably developed approaches to minimise risk, but are they 100 per cent successful? No, I am sure they cannot be. Issuing a secure identity token and connecting that to a biometric does not guarantee that the person who presents himself as Mr A can absolutely be guaranteed to be Mr A, but it does make it harder for Mr A to be presented as Mr B or Mr C on multiple subsequent occasions.

Gareth Crossman Does that not require that every entry is matched against every other entry on the register? I have been under the impression that we are capable of identifying a biometric through a particular individual but not of identifying a biometric to every other biometric identifier on the system.

Philip Chalmers The question is can you do one-to-many matchings on biometrics?

Clive Reedman We are really talking about fingerprints here as the only key identifier. In criminal systems, which are traditionally the ones where you have one-to-many-type searches, the amount of data and the quality of the data is likely to be very different from what you will catch for an ID card, which could be two fingers, rather than the ten fully rolled impressions the police would want, complete with palms. Once you start going down that road, then you are starting to move the debate even further forward and away from collecting two fingerprints to check the authenticity of the document and the carrier towards something that can be done with very big databases. It is about the use of fingerprint technology or any biometric technology for that one-to-many-type scenario.

Janet Williams Gareth's concern is quite important. People are making false entries on very legitimate

cataloguing, so they are creating a footprint that is checked against. If you could put in a false entry that subsequently delivers you a birth certificate or a wedding certificate, the whole history is false. So the technology may be very viable but, upstream, it may be less secure.

Carolyn Quinn (chair) Angela, can you offer any confidence or sense that it can work?

Angela Sasse I am afraid not. Most of the trials have produced shocking results. I am sure that people in the Home Office had to sit down after they received the results the UK Passport Service carried out for them. There are two things that have never been brought up in the debate. The first is whether the technology is fit for purpose, and the second is what impact it will have on the individual citizen.

Carolyn Quinn (chair) Liam Byrne said that 80 per cent of people in his constituency were in favour.

Angela Sasse I can put against that evidence studies where people have been presented in detail with what is involved. One was carried out by the Open University (OU) and a second was recently done by BT. When it comes to the government holding a biometric database of citizens, people are, in the majority, against it, they do not trust the government's motivation on how the information will be used and they do not trust the government's ability to keep that data safe.

This brings me back to my original point of fit for purpose. I think the reality is that without 9/11 we would not have seen this rush to roll out biometrics on such a large scale. A technology that is relatively immature and which has not been tested in depth is being rolled out and this involves disadvantages for citizens. At the point where citizens who have no

criminal record have to give their fingerprints, they will probably say, "Well, hang on!"

People have not had the experience of what it will be like once these systems are in place. Therefore, saying that people are for it is not a correct statement.

Ian Angell Everyone has been talking about security. The real driver that I can hear as a secondary issue is efficiency; the trouble is that efficiency and security are not compatible. Secure systems introduce inefficiency as a means of safety, to stop the ease of the bad guy getting through. Efficiency is extremely dangerous, yet that aspect of it does not appear in the discussion at all.

Clive Reedman What you have to realise is that identification technology, which we group as "biometric", is still a disparate group of technologies, some of which are very much in an emerging state. If you allow the technology to start driving the process then you have a real issue because unlike telecommunications, which are now reasonably aligned and mature, we will have technologies that are immature that are starting to drive procedures.

Ian Angell But you do not need to go down to that level. We have been talking about ID cards and the register as if it is the same thing. They are actually totally different. They have different semantic underpinnings. If we start talking about them as if they are the same, then you have ambiguity in the debate and the whole thing just disintegrates into something meaningless.

Government should be acting on the informed opinion of the population, not driving the debate from a preconceived-notion utility, which is what is going on.

Carolyn Quinn (chair) What evidence do you have that people do not want ID cards when Liam Byrne said that 80 per cent of people in his constituency said that they are a good idea?

Angela Sasse I have cited two studies, one by the OU and one by BT, producing in-depth analysis and qualitative data. Germany has decided not to establish a biometric database of its citizens. Biometrics are going to be stored on the document itself and the holder has the document. Germany has decided that, with the risks that are involved with the database and also in terms of preserving trust in the process, it is essential that the government does not hold a full database. Ian is absolutely right when he says that the debate is around the register and not so much about ID cards. What the government is proposing for the National Identity Register is unprecedented in western Europe. If you proposed this system in the United States, people would be rather aghast.

At the point where citizens who have no criminal record have to give their fingerprints, they will probably say, "Well, hang on!"

Angela Sasse



Having liberties and being an independent individual carries certain risks that informed and mature-minded people should be prepared to accept
Anthony Grayling



Philip Chalmers Germany is still including biometrics as part of its national identity scheme. They are including fingerprints.

Angela Sasse But they are not setting up a database.

Philip Chalmers Fingerprints are a hundred years old. I think you can say that fingerprints are probably approaching maturity.

Angela Sasse But digital fingerprints used in biometrics is a completely different form of technology from the rolled fingerprints. Again, it is an issue of semantics. Basically it is being made to look like the same thing, but it is not.

Philip Chalmers Absolutely. James was clearly saying that this was about duplication. This was about making sure that you do not get a secondary and third identity. If we were talking about a register that starts with the very first enrolment and Carolyn goes in and enters in her biometric information attached to her biographic information, she will not be able to come back and register as somebody else. You only get one identity. You choose to be somebody different, but you will be that different person.

James Hall Richard started a very appropriate debate about the risks, but are those risks worth taking when measured against the benefits that you believe that you can derive from such a scheme? We are reasonably clear on the classes of benefit, but there is more work to do to break each class down to individual examples. There is a set of activities that probably relates to business, there is a set of benefits that, potentially, accrues to the government and a set of benefits that relates to security. It is wrong to put all the weight of the scheme on to any one of those classes of benefits. You have to look across the piece.

The Public Private Forum on Identity Management, which the Chancellor set up, chaired by James Crosby, is looking at the benefits to business and what benefits might accrue to business around this scheme.

Ian Angell The more business uses this card, the more insecure it becomes because, if you want to have a safety critical system, you have to minimise the number of accesses, otherwise you introduce an increasing complexity which then creates even greater insecurity.

Anthony Grayling If you look at the documents containing the evidence that was given to the Home Affairs Committee on this subject two or three years ago, almost everything that has been said here was said in that document. Overwhelmingly, the document was very negative in its reaction to the proposal that there should be an ID card scheme. The voices that were in favour of it were part of the security constituency and, of course, the biometric data companies, which have a vested commercial interest in this subject and who may be the main actors in driving this interest forward. There were so many reservations and criticisms of it that it astonished me the government went ahead.

We are at risk of muddling two separate debates, one of which is very important in our contemporary society, and that is the genuine identity debate about who people think they are – what groups in society they most closely associate themselves with and how they want to present themselves to other people in society. Ethnicity, the status of immigrants and religion in our society are the real identity questions and they have nothing to do with technological devices that can track and identify somebody who has given a set of identifiers at an earlier stage. An ID card scheme is a proposal about identification of individuals over time. It has nothing to do with their ethnicity and religion – and so it should not.

I feel worried because of the mixed messages from government. Ever since the idea was first mooted, the number of purposes for which the ID card scheme is said to be needed has changed dramatically.

If there are benefits to be gained from having an identification tracking system, those alleged benefits have to be looked at in the light of an important trade-off against civil liberties. Having liberties and being an independent individual carries certain risks that informed and mature-minded people should be prepared to accept. They should be prepared to take responsibility for safeguarding their own money in banks and the credit cards they use. We are talking about protecting identity when what we really mean is protecting who is using your credit card or has access to your bank account, which are quite different matters. A proper relationship with an individual and

a bank should secure that. That we are confusing a number of separate issues here is very important and, as Richard said, the big elephant at the feast is the question of civil liberties. Are we going to manage our own identities and affairs in the ways that have been suggested in Germany or are we going to be conscripts in a scheme in which there is a central register, with less reliable people in-charge of it, to be used for purposes that we do not see as right.

Nick Johnson I agree with Anthony that they are two completely separate debates, but I want to pick up on the polling issue. From a race and ethnicity point of view, the real concern is disproportionality, the potential for discrimination and how it is delivered. Are different things going to be required from different people? Yes. Is there likely to be racial disproportionality in that? Yes.

Stop and search statistics tell us that, if you are a black man, you are six times more likely to be stopped and searched, compared with a white man. The situation is increasingly disproportionate now for young Asian men in the wake of the terrorist threat. So, who is more likely to be asked to prove their identity? People from ethnic minority groups. The whole argument around cohesion of society will be put in jeopardy because we are in the process of separating people out by some virtue of their identity and their ethnic background. The real issue is in the application.

Gareth Crossman It will concern NHS services, and such like, where the same thing will happen.

Carolyn Quinn (chair) Janet, let me bring you in on the issue of policing and the question of institutional racism within the force. Do you think that this could make the problem even more intense if people think that their identity is being sought simply because of

what they look like or because of what they might be?

Janet Williams I do not think it is exclusively a policing issue, but there will be disproportionality.

Ian Angell It is too simple to write it away as racism. What we have got is a drive to profiling. The attitude among the majority of the population is that terrorists are Asians. The profile is already in place and will reassert itself in the way the ID cards are going to be used. This is not racism. This is profiling. This is a non-linear feedback of the process being in place. We have politicians pretending that they are in control of the consequences and they are not.

Gareth Crossman On the point of profiling, as Richard said earlier, the previous experience of ID cards shows a huge amount of purposes to which they are put. One of the Catch-22s in relation to security and terrorism is that the information to be held on a national identity register will not be of a sufficient level to go beyond what security services presumably already have on those people that they view as being a risk to national security. The only possible way that a register can be of use in relation to terrorism will be to increase the amount of information that is held on the register to identify and profile people who might prove more of a risk.

Richard Thomas As the state, whether through this register or through other means, gathers more and more information about all of us, it makes the trend towards greater profiling easier. It is dangerous to say that's a separate issue. Our surveillance report looked in depth at techniques such as automatic classification and risk-based profiling. This "social sorting" can lead to social exclusion in relation to children's databases. Ministers argue that collecting more information about every child in the country is going to reduce the risk of social exclusion. We fear that it could increase some of the risks of social exclusion by stigmatising children and families in ways that do not bear a relationship to the individual circumstances of that child and that family.

Ian Angell There is a naïve causality here in describing the thinking as if there are no consequences to actions.

Angela Sasse There are a couple of other points that we have not looked at. First, technology is rolled out by various organisations for various purposes. The government now asks you to provide a fingerprint. Next, as we have seen on the news, comes roadside fingerprint screening for people to prove who they are. In some clubs and pubs you have to give your fingerprint and every pint you drink is logged against it. In people's minds these things start to link up – I

So, who is more likely to be asked to prove their identity? People from ethnic minority groups
Nick Johnson



ID cards are not the solution to terrorism or serious and organised crime...Spain has ID cards but it still has bombers
Janet Williams



think they are wrong in thinking these things are being linked up, but you cannot dismiss the perception.

Second, it is a huge system. It would require an unprecedented level of competence to roll out such a large-scale IT scheme and, frankly, the government has no form on it. I have not heard a single squeak from the Home Office or government about what they are going to do different, so that the problems we have had with tax credits, the CSA and the National Programme for IT, are not going to bedevil a system that will have a serious impact on people's lives.

Clive Reedman I do a lot of work with the demand side of identification technology, the retail sectors and the banking sectors. Believe me, there is no way they wish to re-use government credentials in their own environments. They will issue their own because they understand this debate and do not want to get into the quagmire about public perception about what the data is about. In terms of the technology, if you ask government, you will be told that the industry is driving the technologies forward, but it is not. It is stumbling forward and doing what it thinks it should be doing because the government does not engage with the industry.

Janet Williams My background is in terrorism. ID cards are not the solution to terrorism or serious and organised crime. Look at the bombers in Madrid. Spain has ID cards but it still has bombers. Identity is a power-breaking issue for us. When somebody is under reasonable suspicion by the state, I think we would want to know who they are. When people want services from the state, we ought to be able to determine if they are entitled to those services. It is not about ID cards, it is about identity and trying to establish who people are.

In terms of how ID cards might be seen on the street, it depends where you go and who you ask.

People whose grandparents were in Auschwitz or people in new communities who feel vulnerable will give you a very different response to the white middle-class people represented around this table.

Carolyn Quinn (chair) Who sitting around this table would carry an ID card?

Clive Reedman At the moment, I would be reticent to do so because I do not know what the real purpose would be. If there was some demonstrable benefit to me that I did not feel threatened by, then, yes, I would carry one.

Ian Angell I disagree totally with the idea that companies would not use the government. If I was a bank, I would do it immediately. An ID card is a revenue stream for a company.

Clive Reedman Yes, but the greatest commercial benefit is in issuing their own credentials in their own environment and making twice the amount of money from doing that. They will mirror the scheme in a way that it is not threatening to the Tesco Clubcard.

Anthony Grayling Clive made a point much earlier about the high value of identity once it becomes an important commodity to the criminal fraternity. They will be able to produce identity cards which, even if they do not link into the national register, will fool most people most of the time. We will just create huge opportunities for a criminal industry.

Janet Williams I think we are saying that, if someone is presenting and we are concerned about that, what databases is it linked into? There would be an automatic demand to link into databases to have greater information to act upon.

Anthony Grayling That is Gareth's point. If the system is going to work, it has got to be totalised. It has to be much more than we are thinking it is going to be.

Richard Thomas That is my point. It's about extensive surveillance. As the various schemes link together, are there going to be links with the immigration records, social security records, electronic health records? We have to be absolutely adamant that these links are not established. "Function creep" is one of the anxieties.

Philip Chalmers At some point you have to make a decision and say: "We want to go forward to some degree". You cannot bind future governments.

Richard Thomas What about the point that was made earlier, that one-to-one recognition, where a biometric is held on the card without a huge amount

of information held on a database, may be a more incremental and sensible way forward?

Philip Chalmers You can limit the number of things that genuinely identify you by taking away those things that identify your lifestyle.

Richard Thomas We have had no assurance at all that these will not involve a collection and retention of information about people's activities. If it is purely name, address and date of birth – basic core demographic information – a lot of the debate may be less dramatic. But we have had no reassurance yet that there will not be retention of information about the use of the card.

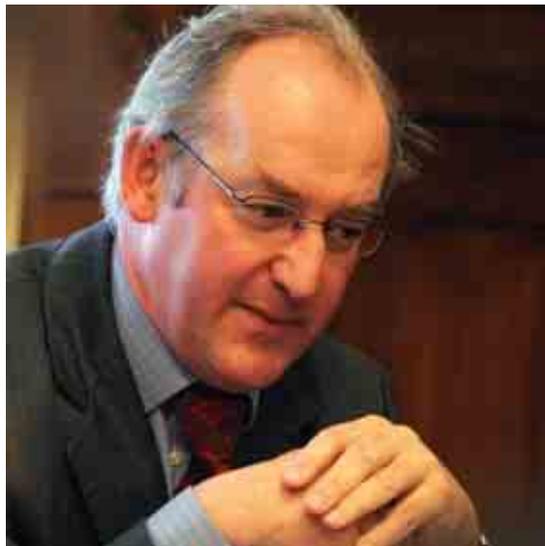
Philip Chalmers Unless based on individual consent.

Richard Thomas Consent is dangerous and slippery. Consent has to be fully informed and genuine.

James Hall The data to be held about each individual on the register is laid out in the act. It is the core biographic information about who you are, where you live, when you were born and what gender you are, together with the core biometrics which, in the first instance, will be a photograph and some fingerprints to connect it to your biographic data.

The tricky part is around this audit trail because here you are damned if you do and damned if you don't. The point of the audit trail is to create for each individual a record of the occasions on which their record has been accessed for the purpose of verifying their identity, in the same way you can find out the number of people who have done credit checks on you over a period. That is a reasonable expectation for the public. On the other hand, you can deduce something from that same audit trail about an individual's pattern of activities.

The point of the audit trail is to create for each individual a record of the occasions on which their record has been accessed for...verifying their identity
James Hall



Ian Angell There is an example where an individual would want to know not how many, but exactly who checked their identity.

Clive Reedman And the reality is that the more times you are checked, the lower your credit rating gets because you become a risk.

Richard Thomas When you say “could deduce something”, I think that is slightly under-selling the point, James, because, as the record of all these activities is being built up, it is more than just deducing something. There has been no real public debate about this. The act says that this information “may be collected and retained”, so it is not mandatory. You could give people choices: “Do you want to have a record kept for audit purposes or would you rather not have a record kept of your activities?” Why not have a sampling technique, just to make sure the system is not being abused?

James Hall I think the debate is inevitable and appropriate. No doubt we will have it with you. When the scheme commissioner is appointed, no doubt we will have it with him or her as well and this is not a one-off debate to be had and put to bed.

Nick Johnson To pick up on a couple of points that Janet made, first of all, if you look at some really vulnerable communities, then this is likely to impact disproportionately on them – refugees and the gypsy and traveller population. There might be real technical problems in tracking data with a mobile population, and the stigmatising of groups that are already vulnerable in society is going to be exacerbated by this scheme.

Janet said it is not a solution to terrorism, but government attacks you for disagreeing with the purpose of it rather than the means of achieving it. We get into debates about, “Oh, you don't want us to be secure” or “You don't want to protect people's identities”, but it is not about that. It is about how it will work in practice and by what means.

Gareth Crossman Let me make an observation on the debate about identity cards. It is not just the uninformed debate that Ian was talking about. Sometimes, it is the informed debate of how much of this is about criminality instead of privacy?

The way in which privacy and criminality have been referred to almost seems to imply that only criminals put any premium on their privacy. The rest of us, because we have nothing to hide, have absolutely nothing to worry about.

Carolyn Quinn (chair) But that is always the question, is it not? Why would you be scared if you have nothing to hide?

But that is always the question, is it not? Why would you be scared if you have nothing to hide?

Carolyn Quinn



Gareth Crossman Exactly, so, “I am not a criminal so my privacy is not of any worth.” A lot of people who are taking this attitude have nothing to hide and nothing to fear. This is not really, I think, the appropriate attitude to take, whether or not you are a criminal.

Angela Sasse Even if we accept that we want to improve our security, this has not really been debated in any detail. Does it really lead to improved security? You have limited resources to spend on improving security and, at some point, there will come the question of whether you spend it on additional intelligence officers who trail suspects around, or whether you spend it on the technology? If you have to drop surveillance on people who you already know you should be worried about, such as happened prior to 7/7, because you do not have the money, then we have to ask the question: “Is it the technology that gives us better security?”

Ian Angell What if it fails? Where are we then?

Clive Reedman A lot of people will put the blame on technology, particularly if it fails, but do not blame the technology providers, blame the people who do not give the information in the first place.

Ian Angell There is an underlying philosophical fallacy that technology is perfectable. It is a social construction. It is about the social environment in which it is operated.

Clive Reedman The debate at the moment with the National Identification Register always seems to be that the biometric will secure all the data. At this point in time, that is far too much of an assumption to make, unless you are going to go down the line of taking ten rolled fingerprints from everyone who signs up for an ID card.

Anthony Grayling One often hears the phrase “joined-up government”. What one tends not to see is joined-up logic in government. The Prime Minister announced this week the idea of a new social contract in which individual citizens will play their part, for example, by not getting overweight and, therefore, not overburdening the NHS. It is a matter of us having our role to play in society if we are going to be users of the goods society provides. One of those goods is, of course, security. There has been an unchallenged assumption so far that the first duty of government is to protect the security of its citizens. Of course, it is not. The first duty of the government ought to be, if we take Lord Atkins seriously, to protect our liberty. To maximise the liberties of the individual is to expect the individual to take some responsibility for their own security and to play their part in protecting themselves against crime, terrorism and so on.

We ought to be saying to people that the government could never, even if it tried, lock us up in our homes, which is the logical limit of protecting our security. So instead of trying to do it via this expensive and doubtful means, they should ask us to take some responsibility for it, too, in the interests of our civil liberties.

Gareth Crossman The way in which the argument was originally started was very much along the lines of: “This is what we are going to do. If you have got a problem, justify it”, whereas, surely, if you are going to introduce a scheme that is something that will fundamentally change the relationship between the individual and the state, the starting point must be a convincing argument for that to happen in the first place. It is not just the size of it. It is also the nature of it. We are being compelled to register our identity with the state. During the Second World War, identity cards were probably justified, but I do not believe that this scheme is justified.

Philip Chalmers Are there not compulsory schemes in the rest of Europe?

Angela Sasse Yes, but they have a different way of going about it. In Europe you have compulsory local registration laws. In most countries, within three days of moving, you have to register, either with the local authority or the police. These are the people who you go to to apply for a passport or for an identity card, which means that you have got a fairly resilient bureaucratic system. That system does not exist in the UK. The quality of the documents that you are verifying identity against is completely different to what you have in those countries.

Philip Chalmers But those systems are good national identity schemes.

Gareth Crossman There is a big difference between the civil and common law jurisdictions. Civil law jurisdictions tend to have stronger constitutional privacy protections.

Nick Johnson Actually, if some of the elements of this scheme were more compulsory, there would be less potential for racial discrimination within it. If everyone had to have one then it is probably more equal. Just from a racial equality point of view, I would far rather see that than a scheme that would be applied in different ways to different people in different places.

Clive Reedman I think that is a very good point. The minister was saying that the great advantage was one identity, one person. Is that actually true from the citizen's perspective? We have never really been issued with identities by government before. We are who we want to be as long as we use that identity legally. I bet the poll did not ask the question "What do you think about us actually giving you an identity and us telling you who you are?" You still are free, even in the countries that have compulsory IDs, to have multiple identities and use them in given ways. Whether we can emulate that and continue that successfully is my question.

If I want to be Fred Farquarson at Tesco, why can't I be? Tesco give me the right to be Fred Farquarson and not Clive Reedman.

Ian Angell In Italy, they have ID cards, but they have to go to a lawyer to prove that it really is their ID. You get this crazy secondary system. All technology fails, so you have to have secondary systems in place. We are talking about primary systems here. You cannot discuss the primary system without talking about the secondary systems, and there is no mention of secondary systems.

Clive Reedman Asian females are going to be difficult to enrol into the fingerprint system. So, there is an issue straightaway from both a technology and a social perspective.

Ian Angell You have to conform with the database. The database does not conform with you. If you do not conform with the database, you have got a problem. So what secondary systems are in place for that problem?

James Hall Clearly, there are groups of people for whom collecting accurate biometrics is difficult and, in the detailed design of the scheme, we are going to have to take account of that and work out how to do it. Do I have all the answers today? No.

Carolyn Quinn (chair) How can you have a compulsory scheme, though, if there are those problems?

James Hall Because we are collecting a set of data both biographic and biometric. Take a simple example: there are some people who do not have any fingers so we are obviously not going to be able to take their fingerprints. There are other technologies that we could use. Iris has been mentioned. We will not be collecting iris information in the early part of the scheme. We will probably be collecting photographs, as we do today for a passport, and fingerprints. We may develop that in due course.

Ian Angell But there are always errors.

James Hall In terms of the secondary systems, and the ability to correct data held about you which is wrong, you are absolutely right and we will put in place sets of systems that allow people both to understand what information is held about them on the National Identity Register and to correct that information if it is wrong.

Carolyn Quinn (chair) So, will everyone be compelled to carry an ID card?

Gareth Crossman The legislation says that no regulation can be passed that will compel a person to produce an identity card, but that is very different from having a *de facto* situation where people, once the scheme is rolled out and embedded, will carry identity cards.

Richard Thomas Let me tell a story that combines some of these elements. Four weeks ago I had a haircut and my hairdresser asked what I did, and I said "I am the Information Commissioner". He said, "Oh, that is about surveillance. I have read about it".

Six months previously, on his own admission, he

I bet the poll did not ask the question "What do you think about us actually giving you an identity and us telling you who you are?"
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drove a bit stupidly. He came out of a side turning and a police car followed him for about a mile to his block of flats. A policeman jumped out and said, “Stay there. We have been checking on you. You are driving while disqualified. We have checked on our computer while following you.” For two hours, he was held with no legal obligation in the back seat of a police car, with all his neighbours passing by. After two hours, they established that there had been a mistake. It could have been a manual error or a computer input error, but there was a problem.

We must have safeguards to prevent this happening. We must have data repair and other systems in place because public trust and confidence is fundamental. We all recognise that.

We did a survey on people’s most pressing social concerns. They put education and health at the top of the list. Protecting and safeguarding personal information has come third in the list of people’s concerns for the last two years – ahead of concerns about the environment, discrimination, freedom of speech and national security. Every survey can be read in its own way, but people are increasingly worried about how their personal information is being safeguarded.

Anthony Grayling Richard’s anecdote has reminded me that the riots that took place in Paris last year were said to have been initiated by the deaths of two youths who ran into an electricity sub-station after the police had asked to see their ID cards, but they couldn’t show them because they had left them at home.

If ever it got to the stage in the future where the law was changed and we have to carry them, that would be exactly the kind of situation which we might find repeated.

Richard Thomas A partner in one of the top three City law firms, was transferred to the Brussels office

and was stopped one day; he did not have his identity papers with him. He was held in a police cell for four hours. In Belgium I think the police are entitled to see your papers.

Nick Johnson I think the trigger point for the riots in France was that they were ethnic minority youths, and therefore were stopped far more often to prove their identity. The identity card came to symbolise the way that the French state had treated them as alien citizens.

Richard Thomas It is when the white middle-class community really feels disadvantaged by this that the balloon will go up. Look at what happened in this country in the second half of the 1940s. Everyone accepted the case for the paper identification card during the war, but the public reaction to it in the period between 1946 and 1951 was phenomenal.

Anthony Grayling Looking at historical precedents, in the late 1980s, the Australian government proposed an ID card scheme which had something like an 80 per cent approval until the debate began and the information got out, and then it was voted down. They have only just begun talking about it again now.

Richard Thomas But they are only talking about a public access card. I have one here. This is a mock-up of the Australian card. The debate going on in Australia is light years ahead of the debate going on in this country. It is a citizen’s access card, with very clearly defined safeguards and limitations in place.

Ian Angell But they have also got some very crazy ideas of trying to implement it in a two-year period and it has a seven-year lifespan. So they will have civil servants doing nothing for five years while they wait for the next two-year round. There are much more complex systemic realities that have to be considered.

Gareth Crossman Something we have not talked about today, although Richard has touched on it, and it is one of the things that has been overlooked, is the auditing of the register, because the quality of the information will determine how effective it is.

Also, anecdotally, I used to practise as a criminal lawyer. The number of cases where the police might actually have been helped by the existence of an entry on the National Identity Register or the possession of a national identity card is less than the fingers on one hand.

Carolyn Quinn (chair) We shall leave it there. Thank you everyone. That was tremendous. More questions were raised than I thought existed. It sounds like this debate is definitely going to continue.



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