

Submission to the House of Commons Identity Documents Bill Committee

London School of Economics and Political Science Identity Project

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Executive summary

1. This submission presents an assessment by the LSE Identity Project team on the various issues relating to the Identity Documents Bill that is currently before Parliament.
2. It provides analysis on the question of the cards that are currently in circulation, the distinction between a database of passport holders and the National Identity Register, expenditure on the Scheme to date, “identity cards for foreign nationals” and second generation passports.

About the LSE Identity Project

3. The LSE “Identity Project”¹ provides ongoing research and analysis into the previous administration’s proposals to introduce national biometric identity cards. Since launching its *main* Identity Project report² in June 2005 the LSE Identity Project has published extensively on various aspects of the Scheme. In particular, it has recently published a research monograph reviewing the Scheme in a global context³ as well as providing a review of the challenges of identity policies⁴.
4. Having raised concerns with the original proposals, the LSE Identity Project welcomes this legislation to repeal the Identity Cards Act and to destroy the data held on the National Identity Register. We also welcome the announcement that the opposition will not vote against the Bill at second reading.
5. We note the words of David Blunkett in the Second Reading debate, where he said:

¹ <http://identityproject.lse.ac.uk>

² <http://identityproject.lse.ac.uk/mainreport.pdf>

³ Whitley Edgar A. and Gus Hosein (2010) *Global challenges for identity policies*. Palgrave Macmillan, Basingstoke. (ISBN 978-0230542235)

⁴ Whitley EA and Hosein G (2010) *Global Identity Policies and Technology: Do we Understand the Question?* *Global Policy* 1(2), 209-215. Available as an open-access article <http://www3.interscience.wiley.com/cgi-bin/fulltext/123423268/PDFSTART>

I need to be contrite enough to congratulate Phil Booth from NO2ID, Dr Whitley from the London School of Economics identity project, and others, for the tremendous campaign that they have run, over the past five years in particular, to stop this scheme. I congratulate them because they changed the culture and atmosphere around, and attitudes towards the scheme and its intentions in a way that those of us initially involved could not have conceived. In doing so, they have persuaded large swathes of the normally well-informed population, including vast swathes of the media, that the identity cards scheme and the second generation biometric register were intended to impact on the public and intrude on their civil liberties in a way that was never intended and was never going to happen. That they were wrong should not mislead us into misunderstanding what can happen in a vigorous democracy, and how careful we have to be in explaining our intentions and taking on arguments openly [Column 365].

6. Unlike Mr Blunkett, we do not believe that we deceived the “normally well-informed population, including vast swathes of the media” and, whilst we may have occasionally misspoken, we do not believe that we were ‘wrong’. Rather we sought to understand the Scheme, as best we could given the very limited materials publicly released by the Home Office and the Identity and Passport Service. Indeed, the purpose of this submission is to attempt to inform the Committee’s progress on the Bill by drawing on our analysis of various issues that arose in the Second Reading debate.

Existing holders of identity cards

7. One of the key issues that has arisen in the debates is what should happen to the existing holders of identity cards. However, even determining the take up rate of identity cards has been problematic. For example, written answers typically indicated the number of cards applied for and, occasionally, issued, see Figure 1. Thus, in response to Written Question [303782] Parliament was informed that “Since 20 October, and up to and including 30 November, 1,589 applicants have been enrolled or have made an enrolment appointment for an identity card”. Number of cards applied for is marked A, those issued / enrolled I. Thus, the figure for 27 May 2010 is the total number of cards issued, as reported in the Second Reading debate.

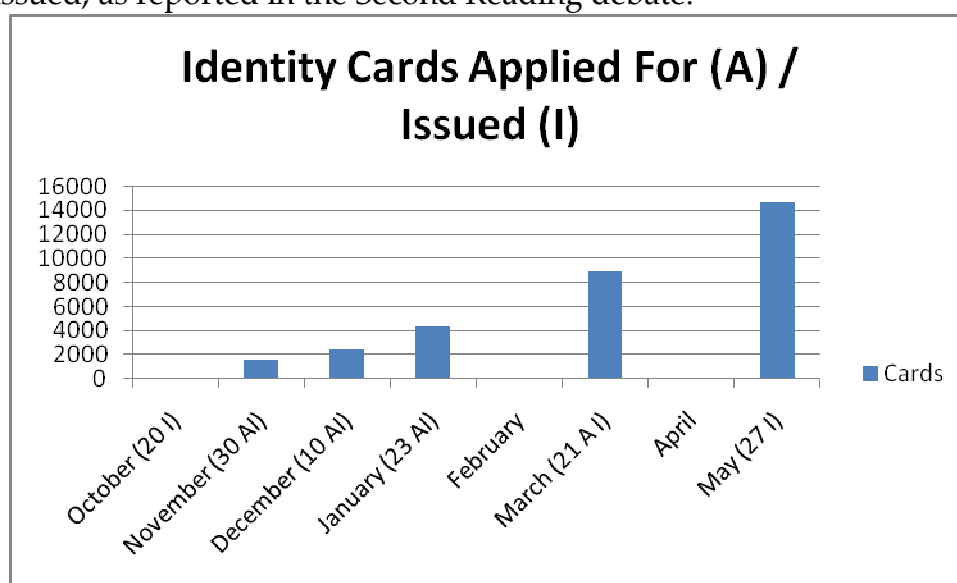


Figure 1 Identity Cards Applied for and Issued

8. It is important to note that at the current time, in order to apply for an identity card, you must satisfy the following conditions⁵:

If you are a British citizen and you want to apply for an identity card, you must:

- be at least 16 years old
- live in the UK
- hold a UK passport that was valid on or after 1 January 2009

You must also fit into one of the following groups:

- people who live or work in North West England
- 16 to 24-year-olds living in London
- airside workers at Manchester or London City airports

⁵ http://www.direct.gov.uk/en/Governmentcitizensandrights/Identitycards/DG_174258

- people who have registered their interest in ID cards with the National Identity Service

That is, in order to be issued with a National Identity Card, applicants must already have held a UK passport that was valid on, or after, 1 January 2009. Thus, at least so far, it does not, in fact provide “a cheap and convenient alternative to a passport for European travel” [Alan Johnson 9 June 2010 : Column 357].

9. Once cards have been issued, it is not a trivial issue to continue to use them as there is a whole infrastructure associated with providing checks that the cards are still valid (e.g. have not been reported lost or stolen). Whilst this service is likely to operate in parallel with the ongoing passport validation service, providing two such validation services rather than one inevitably increases costs. Similarly, for the identity card to remain valid as a travel document within Europe there will be costs associated with maintaining the associated PKI data for the data held on the chip on the card.
10. It has also been suggested that “Sending out two letters to cardholders [to inform them that their cards will no longer be valid] will cost at least as much as it would to give them a credit for a passport” [Meg Hillier 9 June 2010: Column 429]. However, recognising that government “has to deal with practical realities” [Meg Hillier 9 June 2010: Column 425] it should be appreciated that the administrative cost of holding, on file, a ‘credit’ towards a future passport application is likely to be onerous.

A database of passports versus the National Identity Register

11. As we have previously noted⁶

Lying behind the physical identity cards is the National Identity Register (NIR). This is currently presented⁷ as little more than a database storing the details of passport / identity card holders. However, by design, it is intended to be much more than this. The Identity Cards Act specifies that an audit trail be maintained of every occasion on which an identity card is checked against the data held on National Identity Register. There are also financial penalties for anyone enrolled on the NIR who fails to notify the Government of any change in their personal details (name, address etc.). Moreover, once enrolled

⁶ <http://blogs.lse.ac.uk/politicsandpolicy/?p=1244>

⁷ http://www.ips.gov.uk/cps/files/ips/live/assets/documents/PP_1.1_National_Identity_Register_Briefing.pdf

on the NIR a person's details will remain on the system even after their death⁸.

In December 2006, the Government launched their Strategic Action Plan which announced how the National Identity Register would be implemented. It was decided at that time that there would, in fact, be three distinct databases. One storing biometric information (face and fingerprint data), one storing biographical information (details about who the person is (name, address etc.) and one storing technical system data. The Strategic Action Plan also announced the intention to use the Department of Work and Pension's existing Customer Information System (CIS) to store the biographical information about individuals as this would "keep risks and costs down".

Three years later, in January 2010, however, the Identity and Passport Service announced that it had selected a revised option for the biographical store, enhancing the new system being implemented as part of the UK Border Agency's Identity and Asylum Fingerprint System. This decision explains, in part, why the previous Government was not rushing to enrol all UK nationals on the National Identity Register as this key component will not be ready until 2012 (at the earliest).

Expenditure to date

12. Another area of uncertainty is how much has been spent, to date by the Identity and Passport Service. The s37 cost reports, issued every six months and reporting on the expenditure over the next ten years, were intended to guide Parliamentarians on this issue⁹. However, in part because of the delayed issuing of contracts, they have not fulfilled this important role.
13. As each report covers 'the next ten years', each report began by deducing the expenditure for the previous six months before adding the 'extra' six months expenditure for the new time period. For example, in the October 2009 cost report¹⁰ the revised cost estimate was £4580million, from this six months (April 09–October 09) was deducted (£205million) and six months (April 19–October 19) was added, resulting in the current cost report of £4575million.
14. Thus, since the Act began, the following expenditure has 'nominally' been incurred

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http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100201/text/100201w0018.htm#column_91
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⁹ And we note that the most recent cost report (that was due in March 2010) has still not been issued.

¹⁰ http://ips.gov.uk/cps/files/ips/live/assets/documents/IPS_Cost_report_2009_v5.pdf

Transition	Cost report	Amount
CR1-CR2	May 2007	£200m
CR2-CR3	November 2007	£240m
CR3-CR4	May 2008	£220m
CR4-CR5	November 2008	£195m
CR5-CR6	May 2009	£200m
CR6-CR7	October 2009	£205m
	Total	£1260m

15. Between 2003–04 and 2005–06, £41.1 million was spent by IPS. It has also been reported that in 2006-07, £30.9 million was spent, in 2007-08, £61.7 million and in 2008-9 £81.5 million¹¹. These expenditures are on “future development projects”, which presumably includes setting up the initial design of the Scheme, setting up the Strategic Supplier Group and ongoing work on the decision whether to use the CISx as the basis for the National Identity Register.

16. In addition, four contracts have been issued:

- a. CSC for the replacement of core Application and Enrolment processes for passports and the provision of desktop infrastructure for IPS. This was issued in April 2009 with a value of £385million and a 10 year duration.
- b. IBM for the replacement and upgrading of the existing systems for fingerprint matching and storage in connection with immigration and visa requirements and transition to the replacement service. This was issued in May 2009 with a value of £265 million and an initial duration 7 years.
- c. Thales for the development of the Early propositions programme, including the implementation of a Tactical / Temporary National Identity Register. This was awarded in July 2008 at a value of £18 million and a duration of four years.

¹¹ Written answer by Alan Johnson, 20 July 2009 [WA 279615]

17. It is unclear what proportion of each of these contracts has already been expended (for example, the Thales contract required a temporary or tactical National Identity Register to be up and running for October 2009, even if it had limited data sharing functionality).
18. It has been announced that the IBM and CSC contracts have been 'scaled back', but it is unclear exactly what is covered in this scaling back. Of particular significance is the roll out of the network of 69 Authentication by Interview centres. As has recently been reported¹², only eight people have been refused passports on the basis of evidence obtained. Whilst it is likely that some further applications were withdrawn when it became apparent that the applicant would be called in for an interview, the cost effectiveness of this element of the enrolment process for passports needs to be reevaluated.

“Identity cards” for foreign nationals

19. The question of “identity cards” for foreign nationals is causing unnecessary confusion. As part of the media strategy that sought to highlight the successful roll out of “identity cards”, the previous Government sought to label the residence permits for non-EU foreign nationals as “identity cards” to give the impression that significant numbers of cards were successfully being issued. This sleight of hand, which sought to speak to the ‘immigration’ question, confuses the form of the residence permit with its underlying function (and administrative location).
20. In November 2008 the UK government began requiring certain classes of non-European Economic Area (EEA) foreign nationals to apply for biometric residence permits. These were issued in the form of a card under the UK Borders Act 2007 that looks similar to the UK Identity Card. The “Foreign National Identity Cards” issued as part of the UK Borders Act 2007 replace a “vignette” in the individual’s passport and will include a biometric ‘contact’ chip. As such, they are little more than a different physical manifestation of the previously issued vignettes.
21. Although the previous Government could have chosen to designate these cards under the Identity Cards Act, it never did so, and so the details of foreign nationals are not stored on the National Identity Register, don’t come under the oversight of the (soon to be disbanded) Identity Commissioner and are held in systems managed by the UK Borders Agency rather than the Identity and Passport Service and are outside of the scope of the Identity Documents Bill.
22. There are detailed policy questions about the data sharing currently permitted under the UK Borders Act 2007, about the UK leading the

¹² <http://www.telegraph.co.uk/news/uknews/immigration/7823456/Face-to-face-passport-interviews-catch-only-eight-fraudsters.html>

fingerprinting of children over the age of six for these residence permits, the overcollection and retention of biometrics by UKBA (what is the basis for collecting 10 fingerprints when only two are needed). See also ¹³.

Second generation passports

23. Much of the financial basis for the identity cards scheme was the (incorrect) claim that the UK was obliged to introduce fingerprint-biometric passports. Once again, there is much confusion about the generic phrase “biometric passports”¹⁴. To recap, the UK is not subject to the provisions of the Schengen Agreement and UK passports have complied with the US visa waiver programme requirements since 26 October 2006¹⁵.

¹³ [http://www.politics.co.uk/comment/legal-and-constitutional/comment-id-cards-by-the-backdoor--\\$21379223.htm](http://www.politics.co.uk/comment/legal-and-constitutional/comment-id-cards-by-the-backdoor--$21379223.htm)

¹⁴ <http://blogs.lse.ac.uk/politicsandpolicy/?p=1244>

¹⁵ http://ips.gov.uk/cps/rde/xchg/ips_live/hs.xsl/1080.htm