



UK Identity Cards? The case is not proven, says DPR

In the September issue of the newsletter (p. 21), we reported that following the Government's Green Paper entitled *Identity Cards: A Consultation Document*, issued in May 1995, the UK Data Protection Registrar (DPR), Elizabeth France, invited individuals to submit their views. Over 1,000 people responded to this request, of which 54% were opposed to the introduction of any identity card.

In October, the DPR published her response to the Home Secretary, Michael Howard, in a report entitled *Identity Cards: A Consultation Document CM2879 Response of the Data Protection Registrar*. Mrs France says that she is concerned at the growing invasion on the right to private life that flows from a growth in the need to prove identity.

While there is a need to prove identity, a card can be of practical benefit to individuals. And a balance has to be struck between the privacy of individuals and social needs. But Mrs France concludes that the very existence of an identity card and its supporting database brings a privacy threat. The existence of such systems facilitates what has been called the *Surveillance Society* (PL&B Newsletter Dec.1989 p.29).

There is no simple answer to the question of whether we should have a national identity card. But, from her perspective, Mrs France says the benefits identified do not seem to outweigh the privacy and data protection costs.

Data protection and privacy issues

These are the key points in the Registrar's response to the Home Secretary's proposal:

- confirmation is needed that an ID card scheme would be subject to the *UK Data Protection Act 1984*, supplemented as appropriate by any additional safeguards that may be required.
- There should be recognition of the fact that the identity card debate is one which goes beyond pure identity - what is the *minimum information required to distinguish one individual from another* so that the card carries no extraneous information?

- A new dedicated database would have to be established with information obtained directly from those to whom it relates, and followed by scrupulous checking.
- the *purpose of the identity card* should be clarified before any other steps are taken.
- The Data Protection Act 1984 should be extended to ensure comprehensive and effective regulation of *data matching activities*.
- If a personal identification number (PIN) were to be introduced, it should be subject to statutory limitations on its use and disclosure. The inclusion of *coded personal information* within the new number should not be allowed. Misuse by another of an individual's PIN may amount to misappropriation of that person's identity.
- Holding *biometric information* (for example, fingerprints and DNA samples) raises concerns about ensuring that this information would not be used for unspecified purposes.
- Over time, a voluntary scheme may gradually evolve into a *de facto compulsory scheme*. Individuals may find themselves disadvantaged if they are not in possession of an identity card.
- What becomes important in the case of both voluntary and compulsory cards is not the card itself but the *legal duties to identify oneself*, and to whom. The card is a means to this end.

The Registrar also makes the important point that, although 1,000 people responded, this is a largely self-selecting group and cannot be representative of the population at large. Nevertheless, there is a clear disparity of view, and it would be difficult to argue on the basis of the responses received that there was clear support for an identity card.

The Report, *Identity Cards: A Consultation Document CM2879 Response of the Data Protection Registrar*, is available free of charge from: Ms. Sue Lawrence, Publicity Officer, Office of the Data Protection Registrar, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, UK

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