

Briefing for Commons Consideration of Lords Amendments on the Identity Cards Bill - Monday 13 February 2006

NO2ID remains fundamentally opposed to legislation that would deeply compromise civil liberties, personal privacy and security and which would incur vast, unquantified costs. This Bill represents a profound change in the relationship between the citizen and the State – once the system is in operation, the civic existence of individuals would be determined by executive order. We neither need, nor want, a licence to live.

We do not propose to rehearse again the many arguments against State identity control but since MPs passed the ID Cards Bill in October last year, much has happened to demonstrate the weakness of the Government's case for the Bill.

Terrorism

Most damagingly for the Government, last week Lord Carlisle of Berriew, its own Reviewer of anti-terrorism legislation, whose objectivity is consistently praised by the Government, stated that:

"I can't think of many terrorist incidents, in fact I can think of very few... that ID cards would have brought to an earlier end... ID cards could be of some value in the fight against terrorism but they are probably of quite limited value..."

"They would be an advantage but that advantage has to be judged against the disadvantages which Parliament may see in ID cards. I certainly don't think the absence of ID cards could possibly have any connection with the events of last July."

"There may be a gain from the security viewpoint in the curtailment of civil liberties, but Parliament has to be the judge about whether the proportion is right."

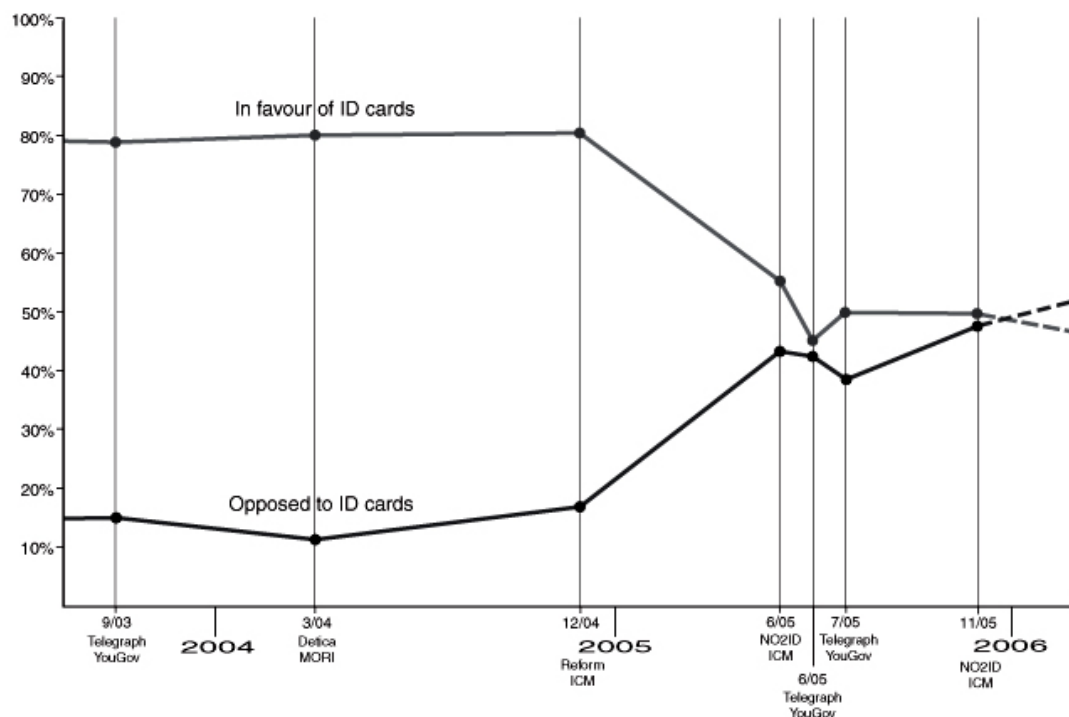
Government ministers have consistently claimed that over a third of international terrorists use false identities and imply that their activities could, therefore, be disrupted by the introduction of ID cards. Clearly they could do nothing to prevent atrocities by 'home-grown' terrorists, or those that use legitimate (or false) forms of ID from other countries.

In the wake of the attempted bombings on 23 July in London, Geoff Hoon, the Leader of the House of Commons, claimed that the flight of one of the suspects to Rome demonstrated the Government's case for ID cards, despite Hussain Osman having travelled unchallenged through existing passport checks at London Waterloo.

Public Opinion

Since the Government first published its plans, public support for ID cards has steadily fallen from a fairly consistent 80% before the Bill was published, to below 50% now. After the bombings on 7th July 2005, public support showed a brief increase but that quickly subsided. All of the major polls conducted over this period [see graph on following page] show public opposition to the Government's plans rising significantly—from an initial 20% to almost 50%.

The more the British people know about the scheme, the risks it poses for increasing identity fraud, the costs and the effect on civil liberties, the less they like it.



House of Lords Amendments

In the House of Lords a cross-party coalition of opposition, crossbench and Labour peers amended the Bill to provide greater safeguards against the risks inherent in the scheme in terms of security, cost and civil liberties.

Compulsion

As has been repeatedly stated by Labour MPs and peers, the Labour Party’s manifesto pledge stated that:

"We will introduce ID cards, including biometric data like fingerprints, backed up by a national register and rolling out initially on a voluntary basis as people renew their passports."

The clear implication was that ID cards would be voluntary until about 2013 – that is during the ‘initial phase’.

However, the Government’s Bill made ID cards compulsory for all people applying for ‘designated documents’. This means initially passports, but potentially other documents which—by the Government’s own admission—would capture about 85% of the adult population in the ‘initial phase’. There would have been nothing stopping the Home Secretary adding further designated documents until almost the whole population was forced to register on the database and apply for a card, even in a supposedly ‘voluntary’ stage.

Being given no choice is compulsion, by any reasonable definition. The right to travel abroad, and potentially to drive a car, work in certain professions (e.g. nursing or teaching) or do voluntary work, would be dependent on registering on the National Identity Register and applying for an identity card.

Amendments 16, 21, 22 and 23 confirm the Lords decision to make registration entirely voluntary. We strongly urge support for these amendments.

These are backed up by **Amendments 19 and 20** which, by deleting Clauses 6 and 7 of the Bill, would require the enactment of further primary legislation to make the scheme compulsory for all. Only once the full consequences of the scheme become clear could Parliament be in a position to consider a move to universal registration.

We understand that the Government has conceded this point, and welcome their acknowledgement that the case for compulsory registration has not been made. This being the case, we urge MPs not to ignore the far more significant—even simply in terms of the number of citizens liable to be registered—and insidious forms of compulsion that remain in the Bill. An ID system founded on coercion cannot be trusted.

Peers also insisted on several amendments to other clauses to improve the security of the scheme, restrict the disclosure of information to third parties, and strengthen its oversight by the Identity Register Commissioner, principally by making the post a Crown appointment accountable to Parliament, not a ministerial appointment.

Risk

Fundamental questions remain about the risks which the scheme poses for misuse of personal data and an increase in identity fraud and other crime.

Last week the Home Office put out inflated costs for identity fraud of £1.7bn. A significant proportion of the Government's estimates were either unsubstantiated or immediately refuted by independent authorities, e.g. APACS placed the cost of identity fraud for the payments industry at under £37 million, as opposed to the £504 million claimed by the Home Office. There was also no indication of how ID cards would be able to prevent much of this fraud, though ministers attempted draw a direct comparison between a spurious 'cost per person' of identity fraud and the proposed price of an ID card.

The head of the ID card programme (reported in the Guardian on 15/9/05, 'If biometrics isn't foolproof, what is the point of using it?') has already admitted that biometrics will not prevent criminals obtaining multiple identities, just that the task will be made harder. Once this is achieved, correcting mistakes or identifying fraudsters on the official Register will be virtually impossible. The Home Office has never explained how it will stop registration by identity thieves in the personae of innocent others, nor how it plans to issue citizens with new fingers and irises if the biometrics in the Register are ever compromised.

Charles Clarke claims that ID cards will help prevent identity theft, but international experience—in the US and Australia—has shown that assigning a 'unique identifier' which links together personal information can actually lead to a massive increase in identity theft. Just when best advice says we should be shredding things which carry pieces of personal information like name and address, the Home Office want to do exactly the opposite and link all our details together.

Use of the ID card and verification services will spread our National Identity Register Numbers (NIRNs) across a multitude of insecure public and private sector databases, neatly indexing our personal information for hackers and thieves. The internet will be an ideal place for criminals to gather NIRNs and the PIN numbers that are supposed to protect them. Far from being a 'gold standard', the ID scheme—especially during the initial registration phase—will present a golden opportunity to fraudsters and organised crime.

Delay implementation

The absence of convincing arguments from the Government about the precise purposes of the scheme, how it will work, and the costs to the Exchequer, the taxpayer and the ID card holder, mean that the further amendment by the House of Lords to

delay the implementation of the scheme until a detailed cost and benefit analysis has been presented to Parliament, is only sensible (**Amendments 1, 68, 69 and 70**).

The Home Office has stuck to its prediction that the scheme will cost just “£584 million per year”, though inflation alone at 2.5% would raise this to £729 million by the tenth year. In past weeks, the NAO have seriously criticised Home Office accounting and we remind MPs that KPMG—who have had more access to Home Office costings than Parliament—examined only 60% of the scheme and reported only on assumptions and methodology, not the costs themselves.

During scrutiny of the Bill in the House of Lords, ministers refused to quantify the costs of the scheme to departments other than the Home Office. Baroness Scotland said that individual departments would have to decide on a case-by-case basis whether to join the scheme and how much it would cost them.

This blows a massive hole in all aspects of the Government's case. They claim they already have a credible cost for the scheme, but now admit that many of the benefits they have claimed for it are not included, and may never be realised. The value of economy and convenience by which the cards have often been sold to the public will also not materialise if only the Home Office is involved. To date no other Government department has published its cost or benefit estimates and, despite having had almost two years to convince them, no department outside the Home Office has committed to using the ID system.

The purported cost to the individual of £93, or £30 for a stand-alone ID card, cannot hold if it is planned that other departments use the scheme. The cost of integrating databases, equipment and training will be multiplied many times over. This cost will have to be borne either by an increased charge for the ID card, general taxation, or charges for verification by card holders when using public services. Ministers' assertions that all additional costs will be met from efficiency savings are not credible, when significant investment will be required before any savings are even possible.

Ministers have rejected this amendment on the basis that ‘commercial confidentiality’ prevents disclosure of detailed costs. This is an insult to MPs as well as the public. By their own admission this scheme is the most ambitious IT project ever proposed by government, when IT projects across Whitehall are regularly failing. It is the most extensive intrusion into personal privacy ever proposed, but Ministers say that ‘commercial confidentiality’ is paramount.

The message from debates in the Lords and recent public pronouncements is clear - if the Government really wants the ID cards scheme to work, it should stick to its manifesto commitment and make it voluntary. When or if it can prove that the scheme is viable and secure through voluntary registration—and NO2ID do not believe that it can—then Parliament can then be asked to make the scheme universal.

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