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# The UK National Identity Card

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# THE UK NATIONAL IDENTITY CARD

*Teaching Cases*

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## Abstract

*Currently, the UK government is attempting to relate the rights and entitlements of citizenship with a standard identifier for all British citizens and its representation in a national identity card. This teaching case describes the history of this endeavor as promoted by the UK government and its agencies. It also describes the reaction to these plans on the part of numerous other stakeholder groups within the UK. This is a rich case for examining a number of critical, contemporary issues of relevance to Information Systems practice that are occurring world-wide. On the one hand, such an identity token, if introduced successfully, will act as a significant component in the personal identity management infrastructure supporting e-Government and e-Business in the UK. On the other, its introduction raises major challenges to data protection, data privacy and public trust in the information governance of this nation state.*

# Introduction

John is nine years old. He has been learning about alcohol abuse in one of his school lessons. John is a disruptive pupil in class so his teacher holds a meeting with him to see if he needs extra support. In this meeting John claims that his mother is an alcoholic; he also mentions that his father is in prison. When John is 14 he gets into a fight with some youths and he ends up with a caution from the police. Some ten years later, John applies for a job with one of the UK central government agencies and supplies his national identity number as part of this process. A background-screening program picks up on a history of alcohol abuse and criminal activity in his family. He does not get the job.

Jane is out shopping along her local high-street. Suddenly she collapses. Passers-by call an ambulance and paramedics, arriving quickly on the scene, immediately search her handbag for an identity card. Finding it, they pull down her central patient record from an access device. This tells them that Jane has an established history of heart problems and is on a range of medication for this condition. The information gleaned in this way leads the paramedics to instantly administer appropriate treatment. Jane is safely back at work some six weeks later.

Both these instances, set in a not-too-distant future, rely on data sharing between public-sector information systems. Such data sharing, in turn, relies on the use of personal data by government agencies. Within the UK, the issue of personal data, particularly in terms of its use for the identification of individuals, has become very much associated with an attempt by Government to introduce a national identity card. A law has been passed which establishes the intention to create a national personal identity management infrastructure for the United Kingdom, consisting of a large central registry of personal identity data, and the issuing of identity cards to all UK citizens by 2013.

This teaching case been built from a systematic documentary analysis of material published since 2002 by UK government and its agencies, numerous pressure groups, media outlets, as well as by academic commentators. The case also extends the account published in two previous papers by the author (Beynon-Davies, 2006) (Beynon-Davies, 2007) which considered events in this area up to 2005. The current paper restructures the original material as a teaching case and substantially updates the account with coverage of events that have occurred between the autumn of 2005 and the spring of 2009.

# Teaching Case

In September of 2001 the UK Home Secretary, David Blunkett, was facing pressure to do something constructive to combat the threat of increased terrorism. He indicated that the introduction of identity cards was one of a series of measures that the Government was considering in the wake of the terror attack on the US. But he acknowledged that there was a balancing act between increasing security and personal liberty. '*These things are very difficult issues but they are ones we are going to have to address if we are actually going to protect the most basic freedom of all which is to live in peace without fear*', he said (BBC, 2001).

Such an identity card had existed in the UK during the First and Second world Wars but was repealed in the 1950s. For various reasons, a number of Home Secretaries had proposed re-introducing such a card, but these intentions were met with continuous opposition from a range of different stakeholder groups. Like its predecessors, the introduction of a national identity card scheme into the UK has not had a smooth passage. Figure 1 presents the identity cards case as a problem situation. Within this case there are clear examples of stakeholders holding differing perspectives as to what constitutes the 'problem' and whether technologies for personal identity management are an appropriate solution to such problems. The current UK government and its agencies see an identity card as a tool contributing to the battle against terrorism, illegal working and identity fraud. It has therefore made law an Identity Cards Act and produced a strategic plan for an identity cards scheme. This scheme will create a national identity management infrastructure for the UK. The private sector and law enforcement agencies are generally supportive of the government's intentions and are keen to use aspects of the identity infrastructure to help combat identity-related crime. The ICT sector sees significant work opportunities in the program. They also relish the prospect of the proposed infrastructure raising the skills profile of the UK in the area of personal identity management technologies.
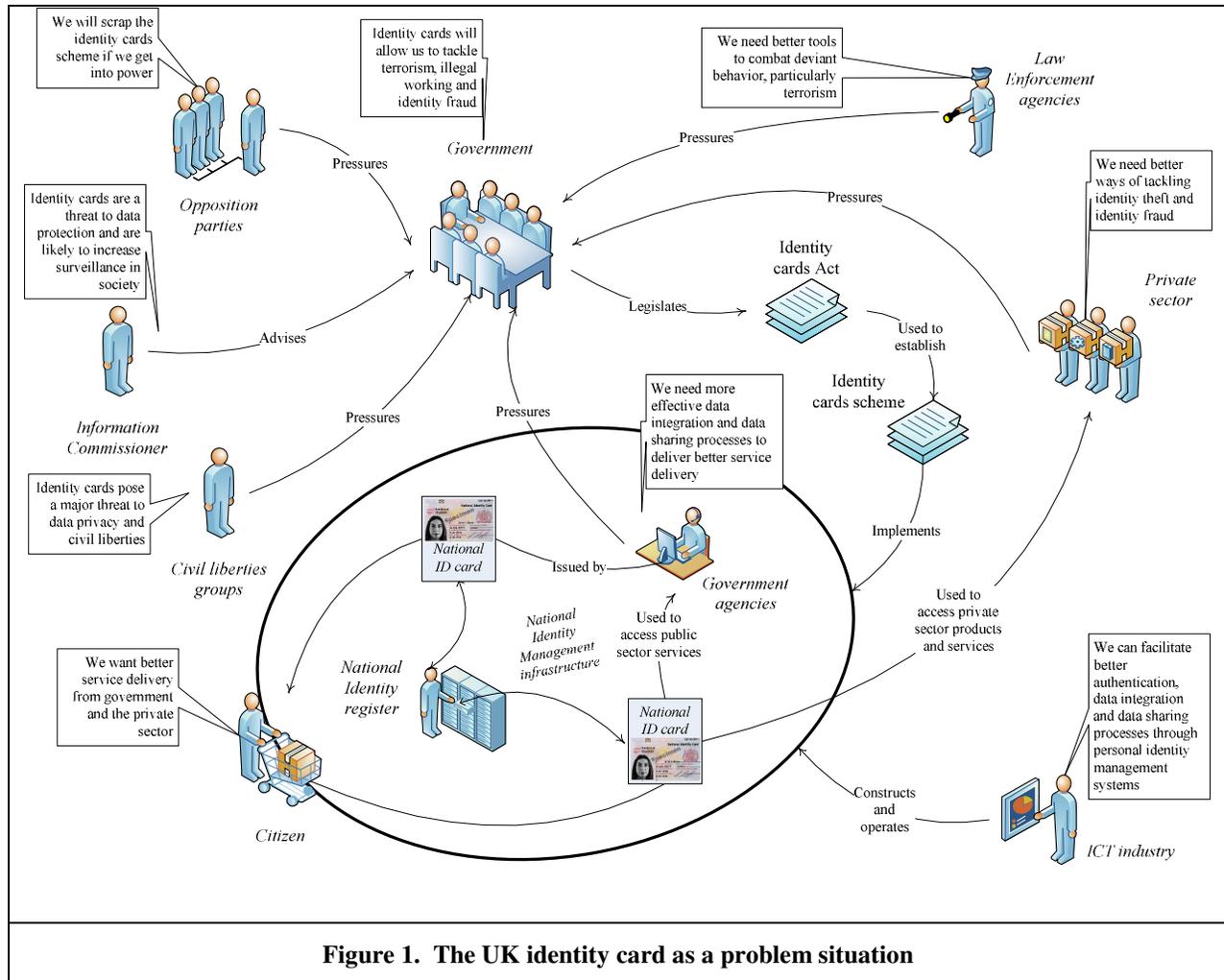
**Figure 1. The UK identity card as a problem situation**

However, there has been significant opposition to the UK government's intentions on the part of a number of other stakeholder groups. Various civil liberty groups perceive the identity card as a major threat to data privacy and civic freedom. This is supported by the watchdog appointed by the UK government to control data protection (Information Commissioner). It particularly views the identity card as a symptom of increasing surveillance in UK society. Not surprisingly, opposition political parties in the UK have indicated their intention to scrap the identity cards scheme if they come to power at the next general election. Not surprisingly, the question is still out as to whether identity cards will be rolled out to all British citizens.

## UK Government Rationale for Introducing a National Identity Card

David Blunkett announced that '*an ID card is not a luxury or a whim - it is a necessity…. I know some people believe there is a sinister motive behind the cards; that they will be part of a Big Brother state. This is wrong - only basic information will be held on the ID card database - such as your name, address, birthday and sex. It will not have details of religion, political beliefs, marital status or your health records*' (BBC, 2003).

Following touting of the idea in 2002, draft legislation was produced which described the intention to create a national identity management infrastructure for the UK. This draft legislation was consulted on for two years. In the original consultation document (Home-Office, 2002), what was then described as an 'entitlements card', was seen as having four main purposes. First, it was to provide people who are lawfully resident in the UK with a means of confirming their identity to a high degree of assurance. Second, it was to establish for official purposes a person's identity so that there was one definitive record of an identity which all government departments could use, if they

wished. Third, it was to help people gain entitlement to products and services provided by both the public and private sectors, particularly those who might find it difficult to so do at present. Fourth and finally, it was to help public and private sector organizations validate a person's identity, entitlement to products and services and eligibility to work in the UK.

UK government ministers particularly described the identity card as a weapon against identity theft and identity fraud. This was seen as a growing threat to the public and private sector and to be costing the economy many billions of pounds sterling per annum (CabinetOffice, 2002). Government ministers believed that an identity card, in association with associated processes of identification, would prove a significant weapon against criminals in areas such as preventing fraudulent benefit claims or the fraudulent use of the health service in the UK by non-residents – so-called 'health tourism'.

Related to this, the UK government maintained that an identity card would prove a significant weapon in the fight against illegal immigration. It maintained that the UK's lack of an identity card acts as a magnet to illegal immigrants who believe that they can work and access state benefits with impunity. An identity card, it was claimed, would make it more difficult for employers to claim evidence of entitlement to work from a vast range of documentation currently used for this purpose.

Implicitly, many commentators suspected that the key rationale for the proposed introduction of the identity card was related to the attempt to combat terrorism following the events of 9/11. A major part of the public debate associated with the national identity card idea in the UK has, since its inception, been associated with benefits provided to security agencies in identifying and tracking suspects of terrorism. It has been particularly seen by such agencies as a way of better managing the cross-border flow of personal identity data.

More recently, the identity card has been discussed in terms of supporting the electronic government (e-Government) and transformative government agenda in the UK (CabinetOffice, 2005). In government policy documentation, a clear relationship is made between citizenship, national identity and the possession of a personal identifier embodied in a national identity card. This card is therefore proposed as a 'key' to enrolment in a range of activity associated with citizenship such as work, social welfare, healthcare, taxation and voting.

Not surprisingly, an effective and embedded national identity management infrastructure has been expressed as having many potential benefits for both the citizen and for government organizations. On the part of the citizen, 90% of people in the UK currently hold some form of card identification, particularly for financial purposes (CabinetOffice, 2002). Proposed benefits are therefore claimed from having one form of identification for individuals rather than the vast range of identification, which individuals currently hold for accessing government services: passport, National Health Service (NHS) Card, National Insurance card and tax reference, to name but a few. On the part of government, if implemented successfully, the presence of a national identity management infrastructure, it was claimed, would facilitate clearer ways of authenticating citizens and thus provide easier integration and inter-operability of government information systems required for service delivery in the information age. Such infrastructure benefits, it was proposed, would lead in turn to more efficient and effective government, particularly by those agencies tasked with law enforcement of various kinds.

### Opposition to the Identity Cards Bill

But UK Information Commissioner, Richard Thomas, was worried about the implications of identity cards and related technologies: "*Two years ago I warned that we were in danger of sleepwalking into a surveillance society. Today I fear that we are in fact waking up to a surveillance society that is already all around us. Surveillance activities can be well-intentioned and bring benefits. They may be necessary or desirable - for example to fight terrorism and serious crime, to improve entitlement and access to public and private services, and to improve healthcare. But unseen, uncontrolled or excessive surveillance can foster a climate of suspicion and undermine trust. As ever-more information is collected, shared and used, it intrudes into our private space and leads to decisions which directly influence people's lives. Mistakes can also easily be made with serious consequences – false matches and other cases of mistaken identity, inaccurate facts or inferences, suspicions taken as reality, and breaches of security. I am keen to start a debate about where the lines should be drawn. What is acceptable and what is not?*" (InformationCommissioner, 2006).

The introduction of a National Identity Card within the UK has therefore not been without its critics. Concerns have been expressed by various groups over the technical complexity of the scheme and its associated cost. Also,

considerable debate has occurred over the data integration and data sharing potential of introducing such a card and the adverse consequences this may have for data protection, data privacy and infringement of civil liberties (LSE, 2005).

Opponents of its introduction argued that the considerable financial cost expended on the introduction of a national identity management infrastructure was excessive (Huber, 2004). Estimates by the UK government of the financial cost involved were initially of the order of £454 million (Home-Office, 2002). However, this figure did not include the substantial costs to government itself of system development and integration. It also did not include the costs to public and private sector bodies which would have to adapt their information systems to meet the needs of a common national identifier (Clarke, 1987). Hence, a figure of £3 billion was mentioned as the total cost of introducing national identity cards in the original consultation document (Home-Office, 2002). However, the Identity Project at the London School of Economics (LSE, 2005) claimed that even this figure substantially under-estimated the likely costs of the scheme. Evidence supports the claims of this pressure group in that the UK government has continuously revised the costs of implementing the scheme upwards since 2002. For instance, the estimated costs of issuing e-passports and identity cards over 10 years is placed at £5.4 billion in a recent strategic action plan (see below).

Concerns have also been expressed over the potential insidious use of identity data in association with other data gathered about the transactions the individual makes in everyday life such as telephone calls, bank credits and retail purchases. The increase in the capture and use of this transactional data has potentially negative effects. Personal identity data combined with historical and transactional data held about the individual would make it theoretically possible for government to build behavioral profiles of the citizen population.

The existence of a national identifier and the government information systems that may be built around it, have therefore raised fears that potential future authoritarian governments in the UK might use it as a weapon of mass control (Guardian, 2003). A national identifier would make it easier for government to build a profile of its citizens, and on this basis, government agencies could make decisions about awarding benefits, employing people or issuing fines. Hence, the existence of a national identity management infrastructure has been criticized for its potential for 'data creep' (Clarke, 1988). Various civil liberties groups claimed that what starts as an identity management infrastructure may end up as an all-purpose system for monitoring and controlling the UK population.

The rise of transactional data has brought to the fore the issue of ensuring the privacy of data held about an individual. Not surprisingly, a number of data protection concerns have been raised in relation to the proposed national identity card (Liberty, 2003). The UK government already holds a vast amount of personal information about citizens, whether it is health records, tax returns, welfare benefit forms, criminal records, local government records or driving license data. But the underlying principle remains, that personal data supplied for one purpose is not used for another. The implications of new purposes described in the draft legislation and based upon the integration of diverse data-sets of personal data held by different government agencies (CabinetOffice, 2002) raised concerns amongst many pressure groups.

Concerns were also raised that a large central registry of personal identity data would prove extremely difficult to maintain. This raised questions of the consequences of inaccurate data held on the citizen. Also, if possession of an identity card is the only way of accessing public services then not having a card, if only temporarily, may cause appreciable exclusion of individuals from activity important to their economic and social well-being. For instance, people might be denied access to health services while they wait a replacement for a lost or stolen card. Access may also be compromised by temporary inaccuracies in personal data held such as a change of address or marital status.

As information systems become more and more a part of everyday economic, social and political activity, one would expect that the volume of criminal behavior experienced in relation to such systems is likely to increase. One would also expect that various reactions would be made in the area of information security to counter this increase in technology-related crime. The value of access to a central registry of personal identity data is likely to be enormous for criminals and terrorists. Concerns were therefore raised over the importance but also the difficulties of securing such a large central register.

Some groups expressed the view that a national identity card could potentially contribute to an increase in identity-related crime rather than a reduction in this form of deviance. If an identity management infrastructure was not secure then it was suggested that its existence could actually lead to increased levels of fraudulent activity, as counterfeiting of cards would have greater potential benefits for criminals. The wider scope of use opened up by

such a card would enable criminals at one stroke the possibility of multiple interactions with a vast range of public and possibly private sector organizations.

The claims made by the UK government of the time that a national identity card would prove a significant 'weapon' in managing identity issues associated with illegal immigration and working as well as terrorist activity (Home-Office, 2002) were also questioned. For instance, the proposed correlation between the existence of national identity cards and the prevalence of terrorist activity was contested by many civil rights groups. They raised the case of Spain, which although having a National Identity card still suffered terrorist attack (Graham-Rowe, 2005).

### *The Identity Cards Act*

David Cameron, the shadow leader of the House of Commons at the time, now leader of the Conservative party in the UK, remained unconvinced by the need for identity cards. '*The argument keeps changing about why we need ID cards, from the threat of terrorism to immigration to crime. The evidence given by the government is very flimsy…They remain unclear about what the benefits would be.*' Mark Oaten, a spokesman for the other major opposition party in the House of Commons, the Liberal Democrats, put it this way: '*A piece of plastic will not stop a suicide bomber and illegal workers have documentation. It would be better spending money on the police rather than on a piece of plastic'* (BBC, 2004).

Despite such opposition, a draft bill for an Identity Cards Act was first introduced through Parliament in the autumn of 2004. But this bill failed to reach its second reading before Parliament was dissolved for a general election in April 2005. A slightly revised second bill was therefore introduced to both houses of the UK Parliament in the autumn of 2005. Much debate ensued and a number of amendments to the Identity Cards Act were included in the final bill that became law on March 30th 2006.

The Identity Cards Act provides the legal framework required to establish a National Identity Register (NIR) and to issue identity cards to those on the register (figure 2). The statutory purpose of the NIR is described as 'the provision of a convenient method for individuals to prove their identity and to provide a secure and reliable means of identifying individuals where it is considered to be in the public interest'. Implementing such a national identity management infrastructure is likely to involve establishing a population register for the some 67.5 Million people resident in the UK and aged 16 or over, with one record for each person on this register.



**Figure 2. Mockup of a proposed identity card**

The identity cards scheme will involve issuing cards to every person registered as entitled to remain in the UK for longer than 3 months. This also includes powers to designate existing forms of identity such as passports as documents with which the identity card will automatically be issued. Any person applying for a designated document will simultaneously need to apply for an identity card unless he or she already has one. However, individuals can choose to opt out of this arrangement until 1st January 2010. The act includes powers to allow personal identity data to be captured and recorded. However, identity cards will have a limited validity depending on the category of individual. For instance, an elderly person may have an identity card issued for the rest of her life. In contrast, foreign nationals who reside in the UK for less than three months but who regularly visit and work in the UK will have a much more limited period in which their identity card is deemed valid.

The act makes provision for biographical checks to be made against other databases to confirm an applicant's identity and guard against fraud. Such checks can also be made in relation to the issuing of British passports.

The NIR will hold core data about the individual such as name, residential address, date of birth, place of birth, sex, nationality and two or three forms of physical characteristics of the individual. Interestingly the act excludes the recording of any identification number on the register that would reveal sensitive personal data such as a Police National Computer reference number. However, the act provides for every person entered on the register to be assigned a unique number known as the National Identity Registration number. It also allows storage of other 'personal reference numbers' such as a driver number or a national insurance number. Other information such as emergency contact details may only be included at the request of the person applying to be included on the register.

A personal identification number (PIN) may be stored against the record of the individual in the NIR to allow verification against the register by individuals and organizations in service transactions. This includes powers to link future access to specified public services with the production of an identity card and suitable checks against the NIR. This effectively establishes the possible use of the identity card as a way of gaining access to key public services.

The act defines circumstances in which certain public authorities such as the police could be provided with information held about the individual without the individual's consent. The reasons for providing such access are defined within the act as 'being in the public interest' and include national security, prevention and detection of crime, enforcement of immigration controls, enforcement of prohibitions on unauthorized working or employment and efficient and effective provision of public services. It also provides for the creation of a National Identity Scheme commissioner who is expected to have oversight of the scheme, to collaborate with the UK Data Protection (Information) commissioner and to report to the Secretary of State and to Parliament on the operation of the scheme on a regular basis. The legislation also creates new criminal offences relating to the misuse of identity cards and identity fraud.

**A Revised National Identity Management Infrastructure**

The focus of the identity cards agenda has shifted subtly over time from arguments based around crime, illegal immigration and terrorism to one based around providing better public services. In a review of such services provided by UK government agencies, Sir David Varney came to the following conclusion: '*The Government historically delivers services through departments. The department might deliver the service directly, through agents or agencies, alone, or in cooperation with local government. Each solution is a child of its time and circumstances, with little over-arching view of the Government's relationship with the citizen…The end result is that the citizen who needs multiple services is left to join up the various islands of service to meet his or her needs. As departments do not appear to accept each other's identification of the citizen, the citizen has to validate his or her identity at each service transaction.*' He cites the actual case of someone whose mother died following a road traffic accident in support of his argument for change. The son of this person had a total of 44 contacts with a number of separate government departments over 180 days in his attempt to resolve outstanding benefits issues (Varney, 2006).

Since the passing of the Identity Cards Act in 2006, the UK government has moved forward into a phase of gradually implementing parts of a national identity management infrastructure. Later that year, the UK Home Office published a strategic action plan for the introduction of a national identity card, which described plans for the rollout of the scheme over the next decade (HomeOffice, 2006).

What is interesting is that as a by-product of the identity card scheme, significant structural changes have occurred amongst central UK government agencies and ministries. A *Ministry of Nationality, Citizenship and Immigration*

was created in 2006 with a specific remit to manage not only the rollout of the national identity card but also common personal identity issues across government. To bring this to fruition the management of personal identity information was added as a function of the then *UK Passport Service* to create a new *UK Identity and Passport Service*.

The timetable contained in the strategic action plan indicated that in 2008 the *Immigration and Nationality Directorate* would issue electronic identification to foreign nationals. In 2009, the *Identity and Passport Service* would start issuing identity cards to British citizens and in 2010 these would be issued alongside British passports.

Five major parts to the scheme were discussed in the strategy: application, storage of identity data in the NIR, issuing identity cards, checking identity and securing the scheme. As part of the strategy, a number of new *Identity and Passport Service* local offices would be created to support applications, particularly the capture of personal identity data from applicants. The strategy suggested that the card would typically need to be renewed every 10 years and that it is intended to be used to enable access to many public services as well as a replacement for passports in travel situations within the European Union. There is an explicit move to make the identity card compatible with 'Chip and Pin' services provided by the private sector in the UK, thereby encouraging work in integrated public/private sector identity checking. In the shorter term, the intention is to provide private sector organizations such as financial institutions with verification information accessed from the NIR to ensure authentication on the lines of an existing passport validation service scheme.

Much of the strategy seeks to allay fears of the dangers to personal data privacy and discusses measures for securing the scheme. Great emphasis is placed on holding data on physical characteristics of the individual as well as biographical and administrative data in separate databases. However, the strategy takes what it refers to as a pragmatic approach of building upon or re-using existing information systems infrastructure rather than constructing entirely new information systems. Some see this as an acknowledgement that costs were grossly under-estimated in the original plans and that the cost of constructing a bespoke, independent NIR would be prohibitively expensive. This appears supported by the apparent removal of iris recognition as one of the intended physical characteristics to be stored within the register.

Therefore, the strategic action plan discussed use of personal identity management systems used by the *Asylums Seekers and Biometric Visas Services* in the short term for the capture of data on the physical characteristics of the individual and the related use of the *Department of Work and Pensions'* customer information technology for storage of biographical data. The *Identity and Passports Service* information systems were also highlighted for use in the storage of identity and administrative data held about the individual. Services will also be provided to allow individuals to view their personal data and to make changes to individual records such as change of address. It was estimated by the authorities that re-use of infrastructure in this manner would save £1 billion of the total required to implement the national identity cards scheme.

The strategic action plan was simultaneously published with a *Borders, Immigration and Identity Action Plan*. This plan clearly utilizes some of the early rationale for the introduction of national identity cards, i.e., to tackle illegal immigration and benefit fraud by foreign nationals. However, interestingly the use of identity management in the fight against terrorism was not mentioned explicitly in this plan. The action plan was really a subset of the national identity management scheme, based primarily on the introduction of electronic identity visas, background checks on identity amongst the working population of foreign nationals and the creation of identity checking services at border control points such as UK airports (HomeOffice, 2006).

Many concerns still continue to be expressed in the UK over the potential for use of identity management for greater government control of the populace. In 2006, for instance, the *Office of the Information Commissioner* (InformationCommissioner, 2006) published a report commissioned on the 'surveillance society'. This report considered the rising use of surveillance technologies within UK society and raised concerns over its effect on issues such as personal privacy and liberty. The identity card scheme is explicitly mentioned within this report as one potentially powerful aspect of government surveillance technology which will impact on these areas. It called for a re-assessment of regulation in these areas in the light of such technological developments.

More recent events in the UK have raised questions over the competence of government departments in the administration of personal data and have raised further questions about the efficacy of building a National Identity Register. In October 2007 the records of 25 million individuals dealt with by the *Her Majesty's Revenue and Customs* in relation to the provision of child benefits were lost. Shortly after, a number of agencies such as the *Driver and Vehicle Licensing Agency* reported loss of substantial amounts of personal data. As a consequence,

opposition leaders in the House of Commons questioned the wisdom of the UK government going ahead with the National Identity Card scheme, given its proven difficulties in ensuring the privacy of citizen data.

In March 2008, Sir James Crosby published a report calling for a more 'consumer-driven' approach to the introduction of a personal identity management infrastructure in the UK (Crosby, 2008). He specifically proposed the term 'identity assurance' as a more consumer-focused concept and suggested that measures are needed to address the issue of consumer trust with identity and its management. Such measures include ensuring that the operation of an identity management scheme be operated independently of government, that identity cards be issued free to citizens and that citizens should 'own' their entry on any personal identity register.

Shortly thereafter the Home secretary announced changes to the planned rollout of the National Identity Register and the issuing of identity cards with the expressed aim of making plans more 'consumer-friendly' (News, 2008). The full rollout of identity cards has now been moved back to 2017 rather than 2013. The plan to issue identity cards in association with passport applications to UK citizens would also apparently be dropped. This opens up the possibility of citizens deciding to hold one or more legitimate forms of identity to access government services – identity cards, passports and/or driving licenses.

Despite such continuing concern, the Identity Cards scheme continues at the time of writing. In late 2008 identity cards started to be issued to students from outside the UK and to people with marriage visas. Originally it was planned that identity cards would be issued to all UK airport workers and to air-side staff in 2009. After opposition from Trades Unions this was reduced to a planned 18-month trial at Manchester and London City airports. At this time, plans were also announced to introduce the issuing of identity cards to young people on a voluntary basis in 2010 and to everyone else from 2012. The Home Secretary, Jacqui Smith, also planned to talk to retailers such as the Post Office about setting up booths within their outlets for the gathering of biometric data.

Opposition continued both within and outside Parliament. The Conservative and Liberal Democrat parties both indicated that they intended to scrap the identity cards scheme if they gained power. Following this, the NO2ID campaign suggested that the government will struggle to find private firms willing to bid for elements of the identity card scheme contract, since the expectation is that it will be cancelled by any new government administration .

A report published in March 2009 added further fuel to the controversy. The Joseph Rowntree Reform Trust (Anderson, Brown *et al.*, 2009) claimed that of all the government information systems projects which they investigated, that 46 are illegal under human rights or data protection law. Fewer than 15% of these projects are considered effective, proportionate or necessary. They therefore called for a major rethink of the need for a national identity card and for data sharing amongst government agencies.

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