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voluntary v. compulsory regime

Department of Information Systems

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THE LSE IDENTITY PROJECT

House of Lords: All Party Briefing for Report Stage

Amendments 38 & 54, and 46 & 52: Voluntary v. compulsory regime

This briefing provides background on the various ID card regimes, both voluntary and compulsory, across the EU and assesses the merits of both a voluntary and a mandatory scheme for the UK. It establishes two conclusions that are intended to inform debate on the amendments:

Experience across the EU indicates that when ID cards involve a high unit charge (as is proposed in the UK), only a voluntary scheme is deemed acceptable to the public. The average price charged for a compulsory ID card across the EU is £3.90. Keeping the charge down to this nominal level is considered to be essential to maintain public support for a mandatory system. The charging regime for compulsory cards is remarkably consistent across the EU and reflects an understanding among other governments that compulsion is a potentially divisive issue, particularly in relation to the issues of price.

At the unit charge it is proposing (£30), the UK Government would be unwise to establish any compulsory element within its ID card proposals until a solid foundation of public trust has been established for the scheme. Such a foundation of trust does not presently exist. In the absence of such a foundation of trust, it is likely that a compulsory card in Britain may antagonise the relationship between the citizen and the State.

Background and analysis

A large minority of EU countries (ten) have compulsory ID cards. A further ten have voluntary cards, while Denmark, Ireland, Latvia and the UK have no ID card.

The majority of EU countries charge less than £10 for an ID card. In the EU the average price per country, including both voluntary and compulsory cards, is £8.60. This compares unfavourably with the UK Government's proposed direct charge of £30.

Historically, compulsory ID cards such as the one proposed for the UK are culturally and politically cost-sensitive. One of the primary ways that EU



countries have avoided public controversy over their cards is by keeping the unit price low.¹ The average charge of a compulsory card across the EU is only £3.90. The highest charge for any compulsory card is Germany, at £6.

Countries that have adopted voluntary cards, such as Austria, Finland and Slovenia, have developed their systems with the aim of delivering proven benefits to the citizen and thus building a resilient foundation of public trust. This evolution is necessary to make the cards attractive and desirable. Thus the average charge across the EU for a voluntary card can be justified at a higher unit price than a compulsory card, i.e. £14.40.

¹ For a discussion of public acceptance of cards across the world, see our June 2005 report, pp.93-97. Data is missing on the costs in Malta and Poland. Both countries have compulsory schemes.

COUNTRY	REQUIREMENT	CHARGE (£)
Austria	Voluntary	39
Belgium	Compulsory	3-10
Bulgaria	Compulsory	n/a
Cyprus	Compulsory	6
Czech Republic	Compulsory	3
Denmark	No Card	
Estonia	Compulsory	n/a
Finland	Voluntary	28
France	Voluntary	Free
Germany	Compulsory	6
Greece	Compulsory	Nominal
Hungary	Voluntary	4
Ireland	No Card	
Italy	Voluntary	4
Latvia	No Card	
Lithuania	Voluntary	0
Luxembourg	Compulsory	3
Netherlands	Voluntary	21.50
Portugal	Voluntary	5
Slovakia	Compulsory	0
Slovenia	Voluntary	12
Spain	Compulsory	4
Sweden	Voluntary	30

Of the fourteen EU countries that do charge for an ID card, eight countries charge the equivalent of between £3 and £6 for their cards, two charge between £10 and £12 and two charge between £20 and £29. Only two countries (Sweden and Austria) are charging at least £30 (the UK Government's proposed charge), putting the proposed UK card at the very upper end of European practice in this area.²

The highest charge for any compulsory card is £6 (Germany and Cyprus).

Basis of public trust

The “foundation of public trust” referred to above can be measured by conventional opinion polling.

All opinion polling conducted over the past six months has indicated that public opinion is sharply divided over the ID card proposals, with most (ICM, MORI, YouGov et al) showing between 50-55 per cent support for the scheme although the figures have declined in the last 12 months.³ In such an environment of suspicion it would be unwise and counter productive to compel individuals to be placed on the National Identification Register. A voluntary regime would provide the potential for the scheme to prove itself a useful device that can deliver true benefits in day-to-day life rather than being a costly imposition.

Legal obstacles

A number of concerns have been raised regarding the legality of compulsion of the kind set out in the legislation: (a) the Information Commissioner has expressed the view that there could be a breach of the Data Protection Act; (b) the Joint Committee on Human Rights has expressed the view that the scheme in this form could breach Articles 8 & 14 of the European Convention on Human Rights; (c) Legal advice published in the LSE's first report on this scheme suggests that the Bill also creates a possible conflict with the right of freedom of movement throughout the EU for EU citizens; and (d) the Lords Constitution Committee has raised a wide range of concerns about the constitutional position and legislative authority of elements of the Bill.

A move to a voluntary regime would resolve many, if not all, these issues.

² Data from Home Office Research, 'Chart 1, update to Annex 3 of the Home Office publication 'Entitlement Cards and Identity Fraud: A Consultation Paper', published October 2005.

³ See our Research Status Report of January 2006 pp.15-18.

International obligations

The Government's continued claims that the UK is under 'international obligation' to develop biometric passports and that, as a result, most of the work required for biometric ID cards already needs to be done does not stand up to scrutiny. As the table below shows, the inclusion of all ten fingerprints and iris scans into passports is not required by international standards or even American law. In claiming that the UK proposals are an international obligation the Government has systematically misled the public and parliament.

This table indicates the current 'international obligations' for implementing biometric passports and travel documents and compares these with the current proposals for the UK's biometric pass-

ports and ID cards. The 'EU requirements' are listed for information purposes only, because the UK is under no legal obligation to follow the EU guidance on this matter. We also include details of what the U.S., France, Germany, and Spain are doing in terms of biometric passports and ID cards.

Neither our research nor the data presented by the Home Office identifies a single other country that is adopting passports of this type, complexity and cost. Even the new U.S. passport will only be including a digital photograph on a contact-less chip that is protected using a variety of technologies. No other country is planning on introducing a passport of the type proposed by the Home Office because no other country is trying to turn their passport infrastructure into an identity card.

	DIGITAL IMAGE OF FACE	TWO FINGER-PRINTS	TEN FINGER-PRINTS	TEMPLATE OF FACE	TEMPLATE OF IRIS	CENTRAL REGISTER
ICAO AND U.S. REQUIREMENTS	Y	N	N	N	N	N
EU PASSPORT REQUIREMENTS	Y	Y	N	N	N	N
U.S. BIOMETRIC PASSPORT	Y	N	N	N	N	N
GERMAN PASSPORT	Y	Y	N	N	N	N - Illegal to do so.
UK BIOMETRIC PASSPORTS	Y	Y	Y	Y	Y	Y
UK IDENTITY CARDS	Y	Y	Y	Y	Y	Y
FRENCH BIOMETRIC CARD	Y	No Information	N (6-8)	Y	N	Y - Thin database
SPANISH IDENTITY CARD	N	Only for Foreign Nationals.	N	N	N	N
U.S. ID CARD	None	None	None	None	None	None