Edited by Colin J. Bennett
and David Lyon

PLAYING THE IDENTITY CARD

surveillance, security and identification in global perspective

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National identity cards are in the news. While paper ID documents have been used in some countries for a long time, today's rapid growth features high-tech IDs with built-in biometrics and RFID chips. Both long-term trends towards e-Government and the more recent responses to 9/11 have prompted the quest for more stable identity systems. Commercial pressures mix with security rationales to catalyse ID development, aimed at accuracy, efficiency and speed. New ID systems also depend on computerized national registries. Many questions are raised about new IDs but they are often limited by focusing on the cards themselves or on 'privacy'.

Playing the Identity Card shows not only the benefits of how the state can 'see' citizens better using these instruments but also the challenges this raises for civil liberties and human rights. ID cards are part of a broader trend towards intensified surveillance and as such are understood very differently according to the history and cultures of the countries concerned.

This collection addresses a variety of issues in international and comparative perspective, bringing together articles on existing and proposed identity systems in countries around the globe as well as from the European Union and the International Aviation Authority (ICAO). The articles in the collection explore not only the technical and administrative dimensions but also the historical, international sociological and political economy perspective as well.

Colin J. Bennett is a Professor in the Department of Political Science at the University of Victoria, Canada. His research has focused on the comparative analysis of surveillance technologies and privacy protection policies at the domestic and international levels.

David Lyon is the Director of the Surveillance Project and Research Chair in Sociology at Queen's University, Canada. He has been working on surveillance issues since the 1980s, and has particular research interests in national ID cards, aviation security and surveillance and in promoting the cross-disciplinary and international study of surveillance.

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David Lyon is the Director of the Surveillance Project and Research Chair in Sociology at Queen's University, Canada. Professor Lyon has been working on surveillance issues since the 1980s, and has particular research interests in national ID cards, aviation security and surveillance and in promoting the cross-disciplinary and international study of surveillance. His most recent books are the edited collection *Theorizing Surveillance: The Panopticon and Beyond* (Willan, 2006) and *Surveillance Studies: An Overview* (Polity, 2007). He is currently preparing *Identifying Citizens: Software, Social Sorting and the State* for Polity Press (2008).

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Scott Thompson is a PhD candidate in sociology at the University of Victoria and is currently engaged in research concerning surveillance, classification and its consequences during the pre-electronic period. He has published several papers on surveillance and liquor control in Ontario, Canada and is currently writing a book with Dr Gary Genosko tentatively entitled *Punched Drunk: Alcohol, Identity and Surveillance in Ontario 1927–1975* (forthcoming).

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Preface and acknowledgments

All modern societies have developed systems to establish that their citizens 'are who they say they are'. Those systems have evolved over time as new technologies and the demands of a complex, mobile and interconnected world have provided more sophisticated identity management systems. Forms of personal identification might vary from something you own (such as a passport), to something you know (such as a password), to something you do (such as signing a document or speaking in a typical voice pattern), to something you are (the most modern forms of 'biometric' identifiers, such as a fingerprint, a retinal scan, a hand geometry and so on). The pocket-sized card remains, however, an enduring symbol of the process of self-identification in our many interactions with different state and private agencies.

Identity cards are not just technologies; they are also contemporary tools of governance which may be used to address a multiple and shifting set of social and political problems. They may facilitate travel and hence help control illegal immigration. They may provide a more reliable method of establishing the age of the bearer (both for young and old). They may incorporate medical information for use in an emergency (e.g. blood type, allergies, diabetes etc.). They may assist in crime detection. They may improve access to a range of public services (social benefits, health, education, libraries, employment services) and facilitate the prevention of fraud and identity theft. More recently, they are seen as tools to assist border management and thus contribute to the 'War on Terror'. Advanced card technologies are often seen as solutions that need to be linked to corresponding problems. How that linkage takes place will determine the choices made in different countries and the opposition encountered, raising questions of profound interest to social scientists.

Identity cards vary in terms of their compulsory nature, their contents, their security features, the database support, as well as in terms of the accompanying rules concerning which authorities, under what circumstances, may request their production and access their contents. Most card systems are now designed with sophisticated biometric identifiers. The extraordinary capacity and processing power of advanced card technology now offers a realistic vision that one card cannot only provide more reliable methods of identification and authentication, but can also help the individual engage in a variety of verifiable and anonymous transactions. Cards are now not only forms of identification and transaction; they are also fully

integrated 'smart agents' of data processing. They are, therefore, instruments of power, which might discriminate, infringe civil liberties and contribute to the spread of surveillance. The fact that the manifestation of this policy instrument is confined to the individual's pocket does not alter the larger set of relationships that still tend to be politically determined and that raise a complex range of social, economic, political, legal and technological issues.

This collection addresses these various issues in international and comparative perspective. It brings together papers on existing and proposed identity card systems in 11 different countries (Australia, Britain, Canada, China, France, Hong Kong, India, Japan, South Africa, the United Arab Emirates and the USA), as well as from two international organizations, the European Union and the International Civil Aviation Organization (ICAO). The chapters in this collection explore not only the technical and administrative dimensions but also the historical, international, sociological and political economy aspects. In particular, the book aims to understand how new identification processes contribute to surveillance practices, through the classification of citizens and residents according to varying criteria, thus affecting their life-chances, status and prospects.

Although some countries have inevitably been omitted, the majority of the world's population is potentially covered within these chapters. We have deliberately gone outside the realm of the 'usual suspects' of North America and Western Europe, also including case studies of identification card systems in Japan, China, India, South Africa and the United Arab Emirates (UAE). We also wanted to look at countries both within and outside the common law tradition, because that distinction has in times past worked as a divider between states with or without such systems. Although we would have liked to have included one or two Latin or Central American countries, or to discuss Malaysia along with Hong Kong, we are confident that this is the most international scholarly treatment of the subject to date.

The authors come from several disciplines: sociology, political science, criminology, communications, law, business and management, and information studies. They were asked to address three questions about the development of identity card systems in their respective countries. What were/are the drivers (both domestic and international)? How is the system designed to work, both administratively and technologically? And what are the lessons? Some chapters emphasize law, others technology, information, politics or policy. Most chapters also give at least a nod – some considerably more – towards the historical background of the ID system discussed. Some chapters lean towards the factual and descriptive; others are explicit in their commendation or critique. Collectively, the chapters allow us to distinguish the more generic and transnational processes from the more specific cultural and institutional features of individual countries. They permit us to understand the impact of post-9/11 security measures in contrast to the historical legacies. They offer an opportunity to understand and compare the opposition and resistance in different countries. They allow a thorough examination of the nature of contemporary surveillance practices.

The collection is based on a research workshop, held under the auspices of the Surveillance Project at Queen's University, Kingston, Ontario in June 2007. It was

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Section One

Setting the scene

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Understanding the significance of identity card systems

David Lyon and Colin J. Bennett

Introduction: Identity cards and identity card systems

Identification systems have become a key mode of governance in the early years of the twenty-first century. People cannot get on with their daily lives without constant demands for identification, usually provided within automated systems dependent on complex relations of plastic cards and networked databases. This is particularly true of the nation-state. National identification systems have been proliferating in recent years as part of a concerted drive to find common identifiers for populations around the world. Whether the driving force is immigration control, anti-terrorism, electronic government or rising rates of identity theft, identity card systems are being developed, proposed or debated in most countries.

The identity 'card' provides the symbolic starting-point for the chapters presented in this volume. In popular consciousness, the average citizen regards the 'card' as the overt manifestation of authority, the carrying and presentation of which defines a host of relations between the individual and organizations. But the card is only the visible evidence of complex and more latent systems of identification. National identity policy comprises a whole administrative and technological regime, and hence a complicated series of social and policy choices. The question is not a binary one; whether to institute a national identity card or not. Rather a range of political, administrative and technical questions require careful analysis and debate. As an influential report from the UK put it:

> All identity systems carry consequential dangers as well as potential benefits. Depending on the model used, identity systems may create a range of new and unforeseen problems. These include the failure of systems, unforeseen financial costs, increased security threats and unacceptable imposition on citizens. The success of a national identity system depends on a sensitive, cautious and cooperative approach involving all key stakeholder groups including an independent and rolling risk assessment and a regular review of management practices.
>
> (LSE 2005: 5)

When individuals identify themselves, they are making a claim about who they are. This claim might be based on a variety of different identifiers – a name, a number,

an address, a date of birth and so on. But these claims do not prove that they are indeed who they say they are. Organizations also, therefore, need to *authenticate*, to establish confidence in individual claims. This is an important distinction. In many of our interactions with authority, the authentication that an agency needs is simply evidence of that individual's entitlement, and not necessarily evidence of identity. New encryption technologies offer some promise of authentication without identification (Privacy Commissioner of Canada 2007).

Many states are seriously developing comprehensive 'identity management' policies to govern peoples' identities through their entire life cycle in order to authenticate their interactions with many agencies, public and private. Identity cards often form an important part of these strategies. Yet some key questions and choices emerge about the roles of identity card systems as identifiers and authenticators. For what purposes will the identity card systems be developed – for a single purpose or multiple purposes? Will the technology permit further functions and uses to be added down the road? Will the ownership and/or carrying of the card be voluntary or compulsory? If the former, will citizens be expected to pay for the privilege? If the latter, what legal restrictions will control the circumstances under which the card might be demanded, and the agents who might demand it? What mechanisms will be introduced to prevent forgery? What are the systems of data storage and how will back-up databases be secured from malicious attack, technical error and human fallibility? What administrative arrangements will be established for the accessing and sharing of personal data? What personal identifiers will be used and how will these be assigned or obtained? What are the costs in terms of human resources, financial expenditures, security risks, as well as social relations? Even for the most basic systems, the choices are complex and the answers have varied.

At the same time, these choices are socially-shaped by powerful interests. In particular, as one of us has noted (Lyon 2007), a 'Card Cartel' involving the state, corporations and technical standards appears to be involved in the production of new identity card systems. Not only is there a close mutual constitutive process between the technologies and the social processes, but also national identity card systems already evince a particular way of seeing the world – indeed, of *being* in the world – and they speak to some specific circumstances and situations in which they appear to 'fit' (see Introna 2007: 325). The world is already framed in the twenty-first century in ways that seem to call for identity cards. For many, they make sense as an idea whose time has come. An identity card is not, therefore, just 'another piece of plastic' in the wallet or the purse (Clarke 1988). The card is just the overt manifestation of complex system of identity control and management.

Identity cards around the world

The diffusion of identity card systems is revealed in Table 1.1. Once, the use of identity card systems by national governments was taken to relate to authoritarian conditions – colonial or communist, perhaps – such as in South Africa or the old Soviet Union, or to the exigencies of war, such as in Britain or Canada, or to a