

Entitlement Cards

Prof. Simon Rogerson

Dr. N Ben Fairweather

**Originally published as ETHicol in the IMIS Journal Volume 13
No 2 (April 2003)**

Seven years since the UK government of the day proposed to introduce a multifaceted smart identity card, a new but somewhat similar proposal has been put forward by the current government under the guise of entitlement cards. The concerns raised in 1995 remain. Technological advances have tended to increase the criticality of such concerns as well as introduce new ones.

It is disingenuous for the Government to call the cards “Entitlement Cards”. According to section 1.3 of the consultation document “A card scheme would entail: establishing a secure database which could potentially hold core personal information about everyone”, which constitutes an identity database, and “issuing ... cards to everyone on the central database”, yet rather than including data on entitlements directly, the scheme would involve “linking the core personal information to other databases which held service entitlement information”. It is clear from this that the cards are more closely attached to the identity database than entitlements. Similarly, if the scheme was one primarily about entitlement, it would be expected that it would be brought forward by a department concerned with entitlements, rather than the Home Office, which is much more centrally concerned with issues of policing, security, law and order.

The use of the term “entitlement card” appears to be little more than thin camouflage, and as such constitutes an underhand way to introduce a fundamental change to civil rights in this country. This is likely to increase suspicion of any card scheme.

The consultation document explains the Government’s understanding of voluntary an universal entitlement card schemes:

“A voluntary entitlement card scheme would be one where: it was entirely at the discretion of the individual whether they registered with the scheme and obtained a card; it would be the individual’s choice whether or not to use a card to access particular services i.e. there would always be a way to gain entitlement to a particular service without a card.”

It is claimed that a “drawback of a voluntary scheme could be that those people who could most benefit from having a simple, straightforward way to assert their rights and entitlements might be among the least likely to apply for a card”. This argument appears to fly in the face of theories of rational choice, and is illogical. If people choose not to

apply for a card, by far the most logical explanation of their action is that they judge that the balance of costs and benefits to them of having a card are such that they would not benefit from having a card. Any judgement to the contrary by the state amounts to paternalism of a sort that is at odds with a free society. In the absence of *clear* evidence that those who do not apply for a card have misjudged the personal risks and other costs of having a card, or have underestimated the benefits, this sort of paternalism cannot possibly be justified.

A voluntary entitlement card is not an option since it will very quickly become the norm and then compulsory by default. Third parties will increasingly want to use it as an identifier and so people will be forced to carry the “voluntary” card. For a truly voluntary card to be introduced there would need to be legislation to restrict its usage and even if this were the case it would be very difficult if not impossible to impose this restriction in practice.

“A universal entitlement card scheme would be one where: everyone in the country over a certain age was required to register with the scheme and to obtain a card; a card would be the only way to access particular services (other than in an emergency or in cases where a card had been lost or stolen).”

This “universal” scheme is a compulsory scheme by any other name. The fact that every citizen must obtain a card makes it compulsory. The fact that the card is the only way to access services is further compulsion. There is a further concern that not carrying a universal entitlement card would arouse suspicion and suggest such people had some ulterior motive for doing so. Universality and social construction will ensure that carrying a card will become effectively compulsory.

It seems that either a voluntary or universal scheme will effectively breach a long-standing tradition in the UK that law-abiding citizens are not required to carry proof of their identity. It is therefore appropriate for Parliament to be given details of the full range of circumstances in which individuals will be required to produce such a card or report changes of personal details. This would help to maintain our civic tradition and also ensure the avoidance of function creep of the card.

According to the consultation document “a significant amount of personal information would be held in one place and there would need to be sufficient safeguards to prevent abuse”. Given the talents and resources of criminals, and the potential rewards to them of obtaining access to such information, the security demands on such a system will be massive. The problem is that there is no such thing as a totally secure database. Indeed the Government have been criticised for already using inherently insecure software and networks to deliver information.

A particular concern is that sensitive information is involved in many entitlements, such as entitlements to concessions (for example for disabled people) at leisure centres and

swimming pools. While it is relatively easy to use an entitlement card to prove entitlement in such circumstances, the problem is how to still maintain appropriate confidentiality about this data, which is sensitive within the meaning of the Data Protection Act 1998. If there are sufficient controls over the release of sensitive data, the circumstances in which it is released to such facilities need to be strictly controlled, but it is impractical to maintain such strict controls over all of the thousands of leisure centres, which are run by diverse organisations.

Each additional type of use for a card is likely to raise similar issues (for example entitlements to concessionary fares on public transport) and to increase the number of locations with card readers or database access terminals and the number of individuals with access to them that would have to be secured. As more people have access to this linked database the greater the likelihood of privacy violations. The only conclusion that can be drawn is that extensive use of a card to prove such entitlements is inevitably in conflict with practical maintenance of security of such sensitive data.

The card schemes as outlined in the consultation document will have severe costs and will not bring benefits as great as those claimed. It is inappropriate to introduce either a 'voluntary' or a 'universal' card scheme, since both are highly likely to become *de facto* compulsory card schemes of the sort that the Government has stated it does not wish to introduce.

Please send your views on ethical and social responsibility issues and cases of ethical dilemmas to:

Professor Simon Rogerson
Director
Centre for Computing and Social Responsibility
Faculty of Computing Sciences and Engineering
De Montfort University
The Gateway
Leicester
LE1 9BH
Tel:(+44) 116 257 7475
Fax:(+44) 116 207 8159
Email:<srog@dmu.ac.uk>
Home Page: (<http://www.ccsr.cse.dmu.ac.uk>)

