

8 March 2019

## **Open letter to the European Parliament Civil Liberties Committee: Oppose mandatory fingerprinting for national identity cards**

---

Dear members of the Civil Liberties Committee,

On 11 March your committee is due to vote on the proposal for a Regulation on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement (procedure 2018/0104).

We call on you to vote against this text to oppose the requirement that EU citizens be subjected to mandatory fingerprinting for national identity cards. This measure is a disproportionate breach of the rights to privacy and data protection and must be rejected.

Under EU data protection law, biometric data is classified as sensitive data and a high threshold must be set to justify collecting and processing that data. In this case, that has not been done.

Article 52(1) of the Charter of Fundamental Rights requires the legislator to demonstrate that any infringements upon fundamental rights "are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others."

There has been no demonstration that the proposed mandatory storage of two fingerprints in national identity cards is necessary or proportionate. The European Commission's own impact assessment recommended that excluding mandatory fingerprinting was the most "efficient and proportional" policy option available.

We would also like to draw your attention to amendments added to the text during the trilogue negotiations which would permit widespread use of the biometric data collected for identity cards.

Article 10(3) of the agreed text, concerning the collection of biometric identifiers, says:

*"Other than where required for the purpose of processing in accordance with Union and national law, biometric identifiers stored for the purpose of personalisation of identity cards or residence documents shall be kept in a highly secure manner and only until the date of collection of the document and in any case, no longer than 90 days from the date of issue. After this period, these biometric identifiers shall be immediately erased or destroyed."*

The first phrase, "Other than where required for the purpose of processing in accordance with Union and national law," was added at a late stage in the negotiations.

By opening the way for data processing beyond that required for creating identity cards, it negates the supposedly high security standards set out in the proposal.

It also appears to run counter to Article 11(7) of the text, which states that biometric data stored in identity cards and residence documents should only be used to verify "the authenticity of the identity card or residence documents" or "the identity of the holder by means of directly available comparable features where the identity card or residence document is required to be produced by law."

We maintain that the security of national identity cards and residence documents can be ensured through the use of watermarks, holographs, encryption and photographs. The authenticity of the latter can easily be ensured given the requirement in Article 10(2) for applicants to appear “in person for each application at least once during the issuance process.”

The proposed Regulation will unjustifiably breach the privacy and data protection rights of hundreds of millions of EU citizens. We firmly oppose the idea that free movement can only be guaranteed through the use of biometric identification technologies and call on you to do the same.

## Signatories

