

## **Biometry and electronic ID card : Big Brother is watching you**

**The British government wishes to mark of its seal the presidency of the European Union: it intends to make compulsory the biometric recording information on the population of all the Member States (cf. Drafts Conclusions of the Representatives of the Governments of the Member States on common minimum security standards for Members States' national identity cards<sup>1</sup>). During the meeting of the Justice and Home Affairs Council of the EU, which will be held on December the 1<sup>st</sup> and 2<sup>nd</sup>, the British presidency intends to impose the inclusion of two fingerprints and a R.F.ID chip in electronic ID cards.**

**This is an intolerable attack on fundamental human rights and freedoms : the fights against terrorism, irregular immigration and false document traffic should not be done to the detriment of fundamental rights.**

The use of new technologies allow the development of several new security systems, some of which have recourse to biometric data. These systems can identify, on real time, a person by measuring one's physical characteristics. The European project plans to insert biometric data in the new ID card (INES, secure electronic national identity card) and more precisely fingerprints. This card will combine several functionalities, such as identification and electronic signature.

The implementation of biometric measures raises fundamental issues and further thoughts will be needed, based on analysis, expertise and relevant statistics. Even if there are currently few studies available, all of them raise several issues and confirm that it is not an infallible system<sup>2</sup>.

In fact, the reliability of biometric system is currently not guaranteed. Japanese researchers have given the proof that real "false" fingerprints can be reproduced on latex finger. This experiment has deluded eleven of the fifteen tested biometric system<sup>3</sup>. As a consequence, a person could be registered and due to an error could be denied the access to an airport or a website ! In this hypothesis, another problem raises : who will be in charge of the identity's evidence ? It will probably falls to the citizen. But it is hard – probably impossible - to give the evidence that you are the person that you assert to be, and that even more in a society where the citizens' identity is more and more defined by government' standards (driving licence, health card, birth certificate...).

There are also grounds for contestation concerning the scheduled biometric data's medium : a card with a R.F.ID (Radio Frequency Identification).

This chip, powered by the radio signal without any contact needed, allows an identity control at any time and in every place through any medium (except metal ones) without the holder's knowing. Whereas these controls can currently be made only in certain conditions, this R.F.ID chip will make them a commonplace !

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<sup>1</sup> <http://www.statewatch.org/news/2005/nov/eu-biometric-ID-cards-Conclusions.pdf>

<sup>2</sup> Cf. THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE, "The identity project. An assessment of the UK identity cards Bill and its implication", 2005 June 27<sup>th</sup>, <http://is.lse.ac.uk/idcard/identityreport.pdf>

<sup>3</sup> T. MATSUMOTO, H. MATSUMOTO, K. YAMADA, et S. HOSHINO, "Impact of Artificial "Gummy" Fingers on Fingerprint Systems", 15 mai 2002, <http://www.cryptome.org/gummy.htm>

Moreover, with the radio waves' emission, there are risks of unjustified chip reading and data interceptions as well, and that regardless of the right to respect for private life and personal data protection.

Finally, as the R.F.ID chip allows tailing people even if the aim of such a system is neither to spy on people nor to watch closely their gestures, the potential drift is a real danger. Such a system will allow to track ways of live, consumption habits, daily trips of each person...

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The electronic identity card combined with biometric recording information totally scorns fundamental rights and freedoms, bases of our democracy. Biometry tends to establish a reified and intangible identity and one could hardly elude it. Whereas the social contract is based on the presumption of mutual reliance and on the respect of individual liberties, the ever more spread use of biometric data and the way in which it has become a feature of every day life relegate each person to a status of suspect and reinforce widely the States ascendancy over the citizens.

That is why the European Association for Human Rights (AEDH) rises up against the total lack of democratic debate concerning this project. The association is also deeply concerned about the fact that these measures, which do not planned to establish real safeguards, adopted by the members States are contradicting with the Chart of Fundamental Rights, in particular its Article 8, and the resolution on the use of biometrics in passports, identity cards and travel documents adopted in Montreux, on September 16<sup>th</sup> (2005) by Privacy Commissioners<sup>4</sup>.

**To conclude, the European Association for Human Rights is strongly opposed to the British proposition and call the members States for its unconditional reject. The Association claims for a real democratic debate on this subject. The AEDH demands to the members States to respect their international commitments concerning the private life's protection, notably the Montreux resolution (September 16<sup>th</sup> 2005)**

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<sup>4</sup> Cf. [http://www.privacyconference2005.org/fileadmin/PDF/biometrie\\_resolution\\_e.pdf](http://www.privacyconference2005.org/fileadmin/PDF/biometrie_resolution_e.pdf).