



Press release

EU plans to include fingerprints in identity cards are unjustified and unnecessary

Proposals for mandatory fingerprints in national ID cards to “facilitate free movement” will affect 370 million people

London, UK, 11 June 2018 – The European Commission has published a proposal calling for the mandatory inclusion of biometrics (two fingerprints and a facial image) in all EU Member States’ identity cards. The demands to include fingerprints are an unnecessary and unjustified infringement on the right to privacy of almost 85% of EU citizens, as explained in a new analysis published today by civil liberties organisation *Statewatch*. [1]

Although the primary objective of the measure is to facilitate free movement within the EU, the proposal was published as part of a series of measures billed as “denying terrorists the means to act” and the Commission proposes the mandatory inclusion of two fingerprints “in order to further increase effectiveness in terms of security.” [2]

There has been no attempt by the Commission to demonstrate the necessity or proportionality of the proposal, despite this being a requirement for any EU measure that infringes upon fundamental rights. The Commission’s own impact assessment recommended that excluding mandatory fingerprinting from the proposals was the most “efficient and proportional” policy option available. [3]

Some 370 million people will be affected by the measure – almost 85% of the EU’s 440 million citizens. Those 370 million people are all the EU’s “potential ID card holders”, 175 million of whom would be subject to a new obligation to provide fingerprints for ID cards. [4]

195 million people are already under such a requirement according to existing national law. However, they would also be affected by the new proposals, because once introduced at EU level there would be no way to reverse requirements for fingerprints in ID cards through national measures alone.

The Commission’s only attempt to justify this infringement of the right to privacy (aside from warnings that poor document security “hampers the free movement of citizens and undermines security within borders”) is that the “inclusion of two biometric identifiers (facial image, fingerprints) will improve the identification of persons,” and align the security levels of various types of document issued to both EU and non-EU citizens.

The foreseen rules would not oblige Member States to introduce any kind of national identity card and do not require the establishment of any kind of database, either at EU or national level. However, national governments may well take the opportunity provided by the introduction of biometrics into ID cards to establish national databases.

An appetite may then develop for linking up them up under the EU’s ongoing “interoperability” initiative, which foresees bringing together all existing and future EU databases and the establishment of a giant, EU-level ‘Central Identity Repository’ which, in its first phase, will hold the biometric and biographical data of almost all “third-country nationals” who enter the EU. Proposals currently under discussion foresee this being extended in the future to include national databases holding information on EU citizens. [5]

Quotes

Chris Jones, a researcher at Statewatch, said:

“Measures to enhance peoples’ ability to move freely within the EU and that genuinely seek to address terrorism and organised crime are, in principle, to be welcomed. However, there is no link between these two aspirations and the compulsory fingerprinting of 85% of the EU population.

“The proposal for the mandatory inclusion of fingerprints in national ID cards is irrelevant and unjustified, and should be rejected by the European Parliament and the Council when they begin discussing the Commission’s proposals.”

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Notes

[1] The analysis can be found [here](#).

[2] The proposal’s legal basis is Article 21 of the Treaty on the Functioning of the EU, concerning the free movement of EU citizens. The Commission’s press release was headlined “denying terrorists the means to act”. In this respect, it is interesting that a study contracted by the Commission on the format of national identity cards noted that:

“our sense is that for national authorities it is the security aspect of harmonisation of ID cards and residence documents that tends to drive the debate with the arguments linked to facilitating free movement playing a secondary (but still very important) role, especially for citizens’ groups and the private sector.”

European Commission press release, ‘Security Union: Commission presents new measures to deny terrorists and criminals the means and space to act’, 17 April 2018, http://europa.eu/rapid/press-release_IP-18-3301_en.htm

Centre for Strategy and Evaluation Services (CSES), ‘Study to Support the Preparation of an Impact Assessment on EU Policy Initiatives on Residence and Identity Documents to Facilitate the Exercise of the Right of Free Movement’, August 2017, https://ec.europa.eu/info/sites/info/files/dg_just_final_report_id_cards_and_residence_docs_cses_2_8_august_2017_2.pdf

[3] Article 52(1) of the Charter of Fundamental Rights states: “Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.”

The Commission’s impact assessment: https://ec.europa.eu/info/files/impact-assessment-security-identity-cards_en

[4] According to data compiled by the Commission, 16 countries would be subject to a new requirement to gather fingerprints: Austria, Croatia, Czech Republic, Finland, France, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Poland, Romania, Slovakia, Slovenia and Sweden. 10 Member States (Belgium, Bulgaria, Cyprus, Germany, Hungary, Italy, Latvia, Lithuania, Portugal, Spain) currently gather fingerprints. In Italy only 50% of the country’s local administrations issue biometric cards; in Hungary and Germany fingerprints are only included on request. The UK and Denmark do not issue identity cards.

[5] Tony Bunyan, ‘The “point of no return”: Interoperability morphs into the creation of a Big Brother centralised EU state database including all existing and future Justice and Home Affairs databases’, May 2018, <http://www.statewatch.org/analyses/eu-interop-morphs-into-central-database.pdf>