

change rooms and lactation rooms. Such practices demean a worker's autonomy and dignity, and represent an intrusion that is totally unacceptable by community standards.

The Commission's recommendations are being considered by the state government and the Attorney General has foreshadowed he will take the recommendations to the Standing Committee of Attorneys General with the aim of achieving national

consistency on issues such as surveillance in the workplace.

**PRIYA SARATCHANDRAN** is a Policy and Research Officer, Victorian Law Reform Commission, and a researcher on the workplace privacy reference.

The final report, including a draft Bill, is available from <[www.lawreform.vic.gov.au](http://www.lawreform.vic.gov.au)>.

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## CIVIL LIBERTIES

# The British Identity Cards Bill 2005

KEITH EWING discusses the issues around the proposed introduction of ID cards in the UK.

The war on civil liberties is about to yield another prize, when the British government's Identity Cards Bill is finally enacted. At the time of writing, this highly controversial measure is making its way through Parliament, despite wide opposition, including an unhelpful intervention by the former head of the Security Service. In her view, ID cards will not help deal with terrorism, though this is one of the principal reasons for the Bill in the first place.

Although the focus of the Bill is on ID cards, this is only one of its purposes. Indeed such is the content of the rest of the Bill that ID cards have become one of its least offensive features. In strikingly Orwellian terms, the Bill begins with the curious notion that the individual is *entitled* to be entered on a national identity register. A right rather than a duty, at least in the first instance, although the Home Secretary has the power (with the approval of Parliament) to trip a statutory switch and convert the right into an obligation. It is generally expected that this switch will be tripped.

Once on the register, the individual must then be issued with an ID card. This too seems to be a right, a secondary right which flows from the primary right to be registered. Quite why this provision should be drafted in these terms is unclear. But it is clearly disingenuous. The reality is that registration is an 'entitlement' only in the same way that the payment of income tax is an 'entitlement'. Even when it is not compulsory, registration is manifestly not designed as something which will confer direct benefits on individuals as such: it only imposes burdens.

Take two examples of such burdens. The first is the cost of entry to the register, and the cost of having an ID card. Indeed these costs may be so high (currently hotly disputed by the government) that regulations are likely to provide for their payment by instalment for a

document that will remain the property of the Home Office. The second are the obligations that flow from registration, notably the obligation of the individual to keep the information up to date on pain of a civil penalty of £2500. Both of these obligations (to pay and to maintain accuracy) will survive when the right metamorphoses into a duty.

Turning from registration to the information that must be registered, here we find that the personal data to be provided by the applicant covers three full pages of a Schedule to the Bill and takes 134 lines to list, under nine separate categories. Those with an identity crisis who feel the urge to join the register may be cavalier about revealing their names, date and place of birth, gender, etc. But some may be rather less sanguine when it is revealed that they may also be required to record a photograph, fingerprints and other biometric information. The last category means data about the individual's external characteristics including, in particular, the features of an iris or of any other part of the eye. These are not options — all are mandatory.

Those who are 'identity challenged' may be even less sanguine about this procedure when it is realised that the formalities cannot be completed at home, or by a quick trip to the supermarket for a passport photo. The Home Secretary has powers to require individuals to attend at a specified time and place, to allow their fingerprints and other biometric information to be taken and recorded, as well as to allow them to be photographed. There is also a duty at this specified time and place to provide 'such information as may be required by the Home Secretary'. This work will no doubt be privatised, as the Explanatory Notes to the Bill make clear, giving rise to additional concerns about the security of the information obtained.