

Vancouver, British Columbia
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Submission on a National Identity Card

to the

House of Commons
Standing Committee on Citizenship and Immigration

by

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Mr. Fontana, Ladies and Gentlemen:

Thank you for affording me the time to make my submission to you on the issue of a national identification card. I was unable to attend in Edmonton, but this issue is important enough to me that I came to Vancouver to make this submission to you. I have read the submissions of my colleagues Loukadelis, Cavoukian and Radwanski and I commend them to you for their reasoned analysis and compelling philosophical argument. I am going to make what is, perhaps, a more emotional submission.

While I am not sure of the details of this proposal, it is, in principle, a bad idea. A mandatory identification card for Canadians is a very bad idea and I urge you to bury it.

I do not view this as only a matter of privacy, although it certainly is that. It is an issue that goes to the heart of our civil liberties.

A mandatory card, to be effective, would have to be enforced. This means it would have to be produced and failure to produce it would have consequences either in the form of penalties or, at the least, the suspicion that there is something wrong with you. The very possibility that you might have to identify yourself when you go out is chilling. You would not leave your home unless you were prepared to be stopped and called upon to

identify yourself, to justify your presence. The onus is placed on the individual to show that he or she is entitled to simply walk the streets. This is not Canada.

Why is such a measure necessary? Is our society so infiltrated with terrorists and enemies of the state that everyone is a suspect? Clearly not. Countries like the United Kingdom and the United States, which have had far worse experiences of this kind, have resisted the urge to mark their citizens.

If the objective is to reduce identity theft, I submit to you that the solution is to improve existing means of identification, both foundation and entitlement documents: passports, driver's licenses, birth certificates and so on. I am aware that such measures are being pursued nationally. This can be done for a fraction of the cost of a national identification card and, being done on a provincial and decentralized basis, it avoids the creation of massive unitary national databases. It also allows the provincial and territorial Information and Privacy Commissioners to play a role in the process.

A mandatory identification card, I suggest, actually renders both the individual and society more vulnerable. If it is "100% secure", "foolproof", "bulletproof", it comes to be relied upon as such. But nothing is "100% secure", "foolproof" or "bulletproof". I am not swayed by the notion of a biometric component to the card. If there is sufficient value in it, someone will find a way to forge the card. That being done and the assumption being that it is fail-safe, the forger will have the keys to the vault, for no one will question the card. The black market in such cards will be huge.

On a practical level, the cost of this would be staggering, assuming such a project could be kept even close to a budget. Millions, possibly billions, of dollars that could be used for health care, law enforcement, urban infrastructure, social programs, the military, spent on an initiative guaranteed to keep people off the streets, hidden in their homes.

The cost of such a program almost guarantees that it will be used for other purposes. I can assure you that governments at all levels will seize upon such a card and the unique common identifier it provides both to grant access to services and to build the ultimate cradle to grave, longitudinal file. Indeed, what a waste to go to all the effort and expense of the national ID card initiative and not utilize it to the maximum. I can also assure you that the private sector will not be far behind in seizing upon the opportunities

such a card offers. Will the enabling law forbid such function creep, such unauthorized uses? And who will enforce this? I have a difficult time seeing the police rushing to a shoe store to answer a complaint that the sales associate demanded to see the customer's national ID card before accepting a cheque.

I am not just talking about the initial start up costs either. Such a program would have to be maintained. Lost and stolen cards would have to be replaced. New technologies would have to be applied to the card as the forgers catch up with the old technologies.

If it does not work, if the card does not do what it is supposed to do, if the card is not absolutely and totally secure, it will have had the effect of fundamentally and radically altering Canadian society, and not simply for no real gain. It will have done so for a net loss of resources and human effort that could have been put to far better uses.

But, ladies and gentlemen, this is of secondary concern. First and foremost this is about Canada. We are quiet people, notoriously polite, not given to protest, most times. Despite our cynicism about governments, I think we still tend to trust them more often than not. As members of a liberal democracy, we assume that the State does have a role to play in society and in our lives and we allow for that role. You must not betray us. You must not tell us we need things like ID cards unless you are utterly convinced, beyond the least doubt, that it is absolutely necessary and that the effect it will have on our society is worth the benefits. I do not care if a thousand focus groups say it is okay. I do not care if every major pollster in the country finds that Canadians "are not opposed to ...". You must do the right thing for this nation and for Canadians and the right thing is to bury the notion of a mandatory national ID card.

Thank you for your kind attention. I would be pleased to try to answer any questions you may have.