



# ***Identity Documents Bill: Committee Stage Report***

**Bill 1 of 2010-11**

**RESEARCH PAPER 10/52** 18 August 2010

This is a report on the House of Commons Committee Stage of the *Identity Documents Bill*. It complements [Research Paper 10/41](#) prepared for the Commons Second Reading.

The Bill would abolish identity cards and delete the associated data from the National Identity Register. Existing ID card holders would not be compensated for the £30 paid – one of the issues that has attracted significant debate.

The Bill would also retain measures to combat the production and possession of false identity documentation and allow for information sharing in connection with passport applications and determinations as to whether passports should be withdrawn.

No amendments were made to the Bill.

Grahame Danby

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## Research Paper 10/52

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## Summary

The *Identity Documents Bill 2010-11* provides for the abolition of national identity cards and the deletion of associated data from the National Identity Register. It would repeal the *Identity Cards Act 2006* while re-enacting, with modifications, provisions proscribing the possession and manufacture of false identity documents such as passports. It would also retain information sharing measures needed either to verify passport applications or to decide whether a passport should be withdrawn.

The Bill was not amended during its Committee Stage.

An Opposition amendment to allow existing ID cards to remain valid was defeated. Clause 3, which provides for the destruction of information recorded in the National Identity Register, was agreed on division with Opposition Members voting against. The Opposition was unable to persuade the Committee to agree to a new clause that would have given existing ID card holders a £30 fee reduction on passport applications for a year after Royal Assent. The shadow Minister had earlier commented that the absence of a money resolution prevented the tabling of an amendment to provide direct refunds to ID card holders.

A new clause tabled by the Opposition to provide for the continuation of ID pilot schemes at two airports was also defeated on a division.

Measures to re-enact fraud prevention measures in the 2006 Act received cross-Party support. The Minister acknowledged concerns over the scope of information sharing provisions in clause 10 and undertook to consider whether the clause could be improved.

## 1 Introduction

As of 14 June 2010 just fewer than 15,000 national identity cards had been issued in the UK.<sup>1</sup> More precise figures were given by the Minister for Immigration, Damian Green, in the Public Bill Committee: 14,670 cards of which almost 3,000 were issued free of charge to airside workers.<sup>2</sup> The *Identity Documents Bill*, introduced in the House of Commons on 26 May 2010, would cancel all national identity cards and abolish the associated National Identity Register. The Bill's Second Reading was on 9 June 2010. It was programmed to have eight sittings in Public Bill Committee, beginning on 29 June 2010 and ending on 8 July 2010. In the end only five sittings took place, ending on 6 July 2010. Oral evidence was taken during the first two sessions.

Detailed information on the provisions in the Bill and background to them can be found in [Library Research Paper 10/41](#) which was prepared for the Second Reading. Further material and links to the proceedings on the Bill can be found on the [Parliament website Identity Documents Bill page](#) and, for Members and their staff, on the [Bill Gateway pages](#).

## 2 Second Reading debate

The *Identity Documents Bill*, Bill 1 of 2010-11, had its Second Reading – without a division – in the House of Commons on 9 June 2010. The shadow Home Secretary, Alan Johnson, recognised the Government's mandate to abandon ID cards. However, he argued that the cards already in circulation ought to continue as a legitimate form of identity. He also argued that the National Identity Register should continue to exist "in some form" not least because of its connection with the development of second generation (including fingerprints) biometric passports.<sup>3</sup> The Home Secretary, Theresa May, announced the Government would be halting work on the latter.<sup>4</sup> Biometric residency permits for non-EEA<sup>5</sup> nationals would be retained. Hitherto referred to as ID cards for foreign nationals, these involve storing fingerprint data.<sup>6</sup>

During the debate, there was some argument as to whether any refund should be given to people who have already paid £30 for a national identity card. In reply to an intervention by Kate Hoey, the Home Secretary said:

I can tell her now that we will not be offering refunds to all those who chose to get an identity card. [Hon. Members: "Outrageous!"] Labour Front Benchers shout "Outrageous", but we made it clear that we were opposed to identity cards. The Liberal Democrat party made it absolutely clear that it was opposed to identity cards. People knew well before the election what would happen if a Conservative Government were elected.<sup>7</sup>

Speaking for the Opposition, Alan Johnson said:

Those in possession of identity cards ought to be able to continue to use them as a legitimate form of identification, and to travel in Europe and access services. At the very least, they should receive a refund, or the Government should take up the suggestion of my right hon. Friend the Member for Wythenshawe and Sale East (Paul Goggins) and offer a discount off future purchases. The Government should be

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<sup>1</sup> HC Deb 16 June 2010 c434W

<sup>2</sup> PBC Deb 1 July 2010 c56

<sup>3</sup> HC Deb 9 June 2010 c352

<sup>4</sup> HC Deb 9 June 2010 c349

<sup>5</sup> Non-European Economic Area

<sup>6</sup> HC Deb 9 June 2010 cc361, 428

<sup>7</sup> HC Deb 9 June 2010 c346

ashamed of themselves for even thinking that they could treat people with such off-hand arrogance, and they must look again at that aspect of the Bill.<sup>8</sup>

Other areas of debate, and dispute, related to the savings that would accrue from cancelling ID cards and the Register and the extent to which any risks to personal privacy were outweighed by the uses to which the cards could be put. Their effectiveness in combating identity fraud was debated as were the burdens (and penalties) associated with the duties placed on individuals to keep their data on the National Identity Register up to date.<sup>9</sup>

### **3 Committee Stage**

#### **3.1 Evidence**

At the first two sittings of the Public Bill Committee, oral evidence was taken from the following witnesses:

- Shami Chakrabarti, Director, Liberty
- Eric Metcalfe, Director of Human Rights, Justice
- Mike Fazackerley, Customer Service and Security Director, Manchester airport
- Angela Epstein, journalist

Written evidence submitted to the Committee is available on the [Public Bill Committee's page](#) on Parliament's internet site.

#### **3.2 Amendments and new clauses agreed**

The Bill was not amended by the Public Bill Committee.

#### **3.3 Other significant areas of debate**

##### ***General***

Following the first two sittings in which oral evidence was taken, the Public Bill Committee began debating the Bill. Most of the third sitting was devoted to clause 1, the main function of which is to repeal the *Identity Cards Act 2006*. The stand part debate on the clause rehearsed general principles as to the value of identity cards. A particular focus was the Government's decision not to compensate those individuals who had paid £30 for their cards. For the Opposition, Steve McCabe said:

I simply cannot understand why it is all right to spend £5 million of taxpayers' money on abolishing the scheme but it is not acceptable to spend £400,000 on compensating poor people who in good faith responded to an initiative made available by the Government of the day.<sup>10</sup>

Meg Hillier, the shadow Minister, commented that the absence of a money resolution prevented the tabling of an amendment to provide for a refund.<sup>11</sup> Earlier in the debate, the Minister for Immigration, Damian Green, said that 14,670 ID cards had been issued almost

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<sup>8</sup> HC Deb 9 June 2010 c362

<sup>9</sup> HC Deb 9 June 2010 cc368-71

<sup>10</sup> PBC Deb 1 July 2010 c60

<sup>11</sup> PBC Deb 1 July 2010 c50

3,000 of which had been given free of charge to airside workers.<sup>12</sup> Consideration of further ID card applications had now been put on hold.<sup>13</sup>

Other issues raised during the third sitting included compensation for companies engaged in providing the infrastructure for the ID cards and the National Identity Register. The Government's decision to "halt" the programme on second generation biometric passports was criticised by Opposition members (though this is only indirectly related to the Bill). Second generation passports would have added fingerprints to the facial biometric already present on the electronic chip in British passports. Both Opposition and Government members referred to various polling data to demonstrate either support or lack of support by the public for identity cards. Meg Hillier stated that "between 58% and 62% of the British public were in favour of ID cards"<sup>14</sup> while Damian Green referred to a "steady decline in support for the ID card scheme".<sup>15</sup> Relevant polling data is given in [Library Research Paper 10/41](#).

In keeping with the general nature of the debate, Members also debated the utility of identity cards and whether sufficient time had elapsed to come to firm conclusions on this. Members mentioned, among other things, tackling identity and benefit fraud and providing more efficient access to services. Damian Green summarised the Government's case thus: "Our objection to the ID scheme was that it was wholly disproportionate, and ludicrously expensive and intrusive for the various virtues that were prayed in its aid by Ministers in the previous Government."<sup>16</sup>

The Committee agreed, without a division, that clause 1 stand part of the Bill.

### ***Cancellation of ID cards***

The fourth sitting of the Committee began where the third sitting left off: with a debate on clause 2. This clause provides that no further ID cards should be issued once the Bill is passed. In any case new applications for cards have already been put on hold.<sup>17</sup> The clause also provides that existing ID cards will be cancelled one month later and that written notice be given to card holders of this. An Opposition amendment would have secured that an ID card already issued would remain valid until its expiry date – i.e. for ten years.

Moving the amendment, the shadow Minister, Meg Hillier, referred to a "real sense of injustice" among those who had paid £30 for a card in good faith. She saw no reason why a card could not remain valid until its expiry date and suggested it would be easy to transfer relevant data to the passport database.<sup>18</sup> She added:

We think that what is proposed in the amendment is a reasonable compromise—the cards already out there should be allowed to continue, essentially as passports-lite.<sup>19</sup>

Contributions from Opposition Members recognised the Government's mandate to scrap ID cards but argued that, in the absence of refunds, they should at least remain valid for the original ten-year period.<sup>20</sup> Shabana Mahmood talked of a "legitimate expectation that the

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<sup>12</sup> PBC Deb 1 July 2010 c56

<sup>13</sup> PBC Deb 1 July 2010 c44

<sup>14</sup> PBC Deb 1 July 2010 c48

<sup>15</sup> PBC Deb 1 July 2010 c65

<sup>16</sup> PBC Deb 1 July 2010 cc43-4

<sup>17</sup> PBC Deb 1 July 2010 c90

<sup>18</sup> PBC Deb 1 July 2010 cc66, 69-70

<sup>19</sup> PBC Deb 1 July 2010 c70

<sup>20</sup> PBC Deb 1 July 2010 c81



Government will honour the expiry date” and Grahame M. Morris raised a question as to whether the Government might be sued for breach of contract.<sup>21</sup> Catherine McKinnell argued that it was not by “party or composition” that the Electorate held the Government to account.<sup>22</sup>

In reply, the Minister, Damian Green, referred to the costs of maintaining ID cards already issued:

If the Committee accepted the amendments, what would be the cost? The amendments would require the taxpayer to meet the cost of maintaining the identity card infrastructure for the next 10 years for fewer than 15,000 card-holders. The current operation costs about £5 million a year, plus administrative costs, which suggests that the amendments would require the taxpayer to spend between £50 million and £60 million over 10 years for fewer than 15,000 card-holders, 3,000 of whom got the cards for free.<sup>23</sup>

A debate followed on the possibilities of finding cheaper solutions to maintaining existing ID cards which preserved their viability.

On division, the Opposition amendment was defeated by ten votes to seven. Following this, the Opposition did not formally oppose clause 2. This was accordingly ordered to stand part of the Bill.

### ***National Identity Register***

Clause 3 of the Bill provides for the destruction of all the information recorded in the National Identity Register. During the stand part debate, Meg Hillier said the clause represented the crux of the long-term issue facing the British public:

It will destroy not only the data on the national identity register, but remove the well and slowly built IT system that would have securely held fingerprints.<sup>24</sup>

She went on to ask why information on the National Identity Register could not be migrated to the passport database for the benefit of those wishing to keep their ID cards.<sup>25</sup> On this point, Damian Green invoked the *Data Protection Act 1998* which inhibits the processing of data for a purpose other than that for which it was obtained.<sup>26</sup> He also argued that the greater amount of data on the National Identity Register made it much more intrusive than other databases.<sup>27</sup>

The mechanics of deleting information in the Register was also discussed. Damian Green responded thus:

Moving on to the national identity register, the hon. Member for Birmingham, Selly Oak, is right that it is not a single, bleeping box with the information in it; the information is around various databases. We are in discussion with the contractors who operate all those databases on how to remove individual pieces of information without removing

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<sup>21</sup> PBC Deb 1 July 2010 c78

<sup>22</sup> PBC Deb 1 July 2010 c83

<sup>23</sup> PBC Deb 1 July 2010 c85

<sup>24</sup> PBC Deb 1 July 2010 c92

<sup>25</sup> PBC Deb 1 July 2010 c93

<sup>26</sup> PBC Deb 1 July 2010 c94

<sup>27</sup> PBC Deb 1 July 2010 cc96-7

all the information. It is not hugely difficult technically, and the contractors are working on the matter.<sup>28</sup>

In general the debate illustrated the different views taken by the Government and Opposition over the balance between risks and rewards associated with the ID card scheme.<sup>29</sup> Meg Hillier argued that identity checks would be more convenient and security enhanced by the scheme.<sup>30</sup> Damian Green pointed to the penalties that failure to keep one's personal data up to date could attract.<sup>31</sup>

On a stand part debate clause 3 was agreed by 10 votes to 7.

The Bill would re-enact parts of the *Identity Cards Act 2006* to do with the possession and making of false identity documents other than ID cards. The relevant clauses (4-6) were ordered to stand part of the Bill with Opposition support.

### **New clauses**

The Opposition moved three new clauses which were debated by the Committee in its fifth sitting on 6 July 2010:

- Passport fees for holders of ID cards – this was negated.

The above clause would have made provision for ID card holders to obtain a passport with a £30 fee reduction, provided they applied within 12 months of the Bill's enactment.<sup>32</sup> Despite the wording of the clause it was not the intention of the Opposition to make available this discount to those to whom ID cards had been issued free of charge.<sup>33</sup> In arguing against the clause, Damian Green pointed out it would be unfair to taxpayers generally and would discriminate in favour of only those ID card holders who chose to submit prompt passport applications. The shadow Minister, Meg Hillier, argued that the clause, which would be popular with a small group of people, was necessary as the wording of the Bill prevented amendments allowing direct refunds.<sup>34</sup>

- ID cards issued to airside workers – this was negated in a division by 10 votes to 7.

Meg Hillier introduced the above as a probing new clause,<sup>35</sup> its purpose was to allow an assessment of the benefits of ID cards for airport security in two pilot schemes at Manchester Airport and London City Airport. During the ensuing debate, supporters of the clause pointed to reductions in bureaucracy in the recruitment of airside workers at the airports in the pilot schemes as well as the significance of the security of the identity checks associated with the issue of ID cards. Damian Green argued that £5,000 should not be spent assessing a project the Government had already decided not to continue with.<sup>36</sup> He also referred to evidence from Mike Fazackerley of Manchester airport as providing reassurance that the ID card scheme offered no addition to airport security.<sup>37</sup>

- ID cards issued to transgendered persons – withdrawn after debate.

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<sup>28</sup> PBC Deb 1 July 2010 c105

<sup>29</sup> PBC Deb 1 July 2010 c104

<sup>30</sup> PBC Deb 1 July 2010 cc102-3

<sup>31</sup> PBC Deb 1 July 2010 cc93,96

<sup>32</sup> PBC Deb 6 July 2010 c117

<sup>33</sup> PBC Deb 6 July 2010 c118

<sup>34</sup> PBC Deb 6 July 2010 cc117,120-1

<sup>35</sup> PBC Deb 6 July 2010 c122

<sup>36</sup> PBC Deb 6 July 2010 c126

<sup>37</sup> PBC Deb 6 July 2010 c127

The above new clause would have provided for the continued validity of ID cards issued to transgendered persons until the Secretary of State had reported to Parliament to the effect she was satisfied appropriate identity documentation is available. An issue affecting some transgendered people has been a need, at least for a period, to live their lives with two genders at different times – and it would have been possible to have two identity cards as appropriate (one of which would be travel-enabled). While acknowledging it not to be part of the Bill, the Parliamentary Under-Secretary of State, Lynne Featherstone, said: “I would like to consider the scope for two passports to be issued to transgender people.”<sup>38</sup>

### 3.4 Ministerial undertakings to consider

Clause 10 would re-enact the provisions of section 38 of the *Identity Cards Act 2006*. The Minister, Damian Green, described this as:

...a fraud prevention measure that allows the Secretary of State to require that relevant information is provided to verify the information within a passport application, or to decide whether to withdraw a passport. Relevant information includes identity information, to confirm that the applicant is a real person and is who they claim to be.<sup>39</sup>

The Opposition had no objection in principle to the clause.

Dr Julian Huppert was worried that the wording of the clause was too loose with “relevant information” left undefined.<sup>40</sup> Noting that such concerns had been made by Dr Huppert and others on Second Reading, Damian Green said:

I have a degree of sympathy for the points made by my hon. Friend about the scope of the Bill. There is the opportunity to consider clarifying what was section 38 of the 2006 Act. I am particularly keen to examine how the Bill will ensure that information requests are passport application specific and how we can increase transparency and public accountability by ensuring that a data retention policy is set out in the Bill.

[...]

Returning to the good general points made by my hon. Friend, if he and the Committee are agreeable to this, I will consider those points further before the subsequent stages of the Bill to see whether the clause can be improved to ensure that it is not over-intrusive or too loose in its attitude to the provision of private data.<sup>41</sup>

Clause 10 was agreed to without a division.

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<sup>38</sup> PBC Deb 6 July 2010 c133

<sup>39</sup> PBC Deb 6 July 2010 c113

<sup>40</sup> PBC Deb 6 July 2010 c114

<sup>41</sup> PBC Deb 6 July 2010 cc115-6

## **Appendix 1 – Membership of the Committee**

*Chairs:* Martin Caton, Mr Gary Streeter

Burley, Mr Aidan (*Cannock Chase*) (Con)  
Featherstone, Lynne (*Parliamentary Under-Secretary of State for the Home Department*)  
Green, Damian (*Minister for Immigration*)  
Halfon, Robert (*Harlow*) (Con)  
Henderson, Gordon (*Sittingbourne and Sheppey*) (Con)  
Hillier, Meg (*Hackney South and Shoreditch*) (Lab/Co-op)  
Hilling, Julie (*Bolton West*) (Lab)  
Huppert, Dr Julian (*Cambridge*) (LD)  
McCabe, Steve (*Birmingham, Selly Oak*) (Lab)  
McKinnell, Catherine (*Newcastle upon Tyne North*) (Lab)  
Mahmood, Shabana (*Birmingham, Ladywood*) (Lab)  
Mills, Nigel (*Amber Valley*) (Con)  
Morris, Grahame M. (*Easington*) (Lab)  
Opperman, Guy (*Hexham*) (Con)  
Phillipson, Bridget (*Houghton and Sunderland South*) (Lab)  
Simpson, David (*Upper Bann*) (DUP)  
Timpson, Mr Edward (*Crewe and Nantwich*) (Con)  
Wright, Jeremy (*Lord Commissioner of Her Majesty's Treasury*)