Workshop on Individual Identity
Brussels, 5th-6th November

RISE PROJECT

Project funded by the European Commission-FP7

Grant Agreement n°: 230389

Coordination Action (CA)

Start date of the project: 1 March 2009

Duration: 36 months

Title: Workshop on Individual Identity
Workshop Convenor: ULANC

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<p style="text-align: center;">**RISE Workshop Agenda and Background**</p>

Venue

Building "CDMA", room 1 (basement):

Rue du champs de mars, 21- B 1050 Brussels

Introduction and Background to the RISE Project

The Rising pan-European and International Awareness of Biometrics and Security Ethics (RISE) project is aimed at promoting pan-European and International awareness of ethical aspects of biometrics and security technologies. In particular, it will help to deepen, enlarge, and ensure continuity with transnational (European) and international dialogue already instigated by the international conferences on ethics and biometrics organised by the EC DG Research and the US DHS Privacy Office respectively in Brussels and Washington DC in 2005 and 2006, both held as part of the FP6 project Biometric Identification and Technology Ethics (BITE).

The RISE project's ethos is that new decisions on policy within security settings must be supported by a global dialog, which must be ethically informed. And to this end, it is important that conversation between stakeholders, international actors and policy makers is ongoing and sustained. Supporting the achievement of this aim is a number of activities, including workshops, preparatory meetings and international conferences. The specific international focus of the RISE project is on the EU, the US and Asia (with a particular focus on India and China).

This workshop on Individual Identity is organised by Cesagen as part of its activities within the RISE project. The workshop will focus on security issues related to border control, immigration, national ID programs, and entitlement programs with particular attention to new technologies, deployments of existing technologies and the link between technologies, procedures and operations in policy initiatives. This workshop will be of interest to immigration officials, law enforcement, and others in various national and transnational roles.

The key output of the workshop is to feed into the format and content of a multi-stakeholder conference to be organised as part of the RISE project in December 2010. The conference presents a model of stakeholder involvement in the setting of technological policy within the EU dealing with security and detection technologies. Stakeholders will be active participants in the workshop, allowing for agendas and frameworks to be established for the conference. It is expected that stakeholders will identify a number of objectives to take forward into the conference.

Framework and Objectives of the Workshop

The structure for the workshop will be for three sessions over the course of one and a half days.

The format of the workshop follows the general objectives and aims for the RISE project. It aims to contribute to the international conferences forming the key outputs of the project and shaping the format of the multi-stakeholder conference noted above. Added to this the workshops are meant to foster dialogue and allow for participants to discuss challenges and issues while being free of the constraints of more official channels of dialogue. The intention is to create a 'safe' environment for the free exchange of ideas, the fostering of dialogue and the support of transnational and international responses to some of the challenges associated with, border control, migration and co-operation between national actors on issues related to the management of individual identities.

The workshop will also examine the implementation of security and detection technologies, such as biometrics at the 'border' in terms of the management of individual Identity. Areas of interest here will be developments in Schengen related systems, practices and operations. These include the implementation or proposed development and deployment of biometrics and other security and detection technologies. Related developments in exit-entry systems, the operation of EURODAC, policy packages and broader contexts (such as the Frattini package) dealing with border and related issues) are also of interest to the workshop. It will examine internal systems of Identity management such as Identity cards or systems determining Identity for entitlement to welfare . A further area to be examined during the workshop is the development of technologies designed to detect 'suspicious' or 'threatening' identities on the basis of observed behaviour by technological devices. These include developments in 'soft' biometrics or other behavioural-based biometric devices. The use of profiling in terms of establishing identities is likewise an area to be explored by the workshop.

The scope of the workshop will also include examining issues such as data protection and privacy, proportionality, efficiency, balancing and mediating citizen, state and other actor concerns and interests within technological policy. The intention of the workshop is to identify the critical issues for stakeholders and other actors, to identify potential common approaches and to suggest means of resolving contentious issues through making contributions to informed political decision-making. Participants are encouraged as invited stakeholders to make full use of the discussion space in order to identify issues of concern to them as well as engage in a constructive manner with issues as identified by other stakeholders during the course of the workshop.

Borders, Trust and Citizens: Managing Identities in the EUs

[This section does not represent the views of the project consortia but is provided as an example of some potential issues that might serve as a platform for discussion]

The workshop's focus is on Individual Identities and the management or interaction between these identities with technologies and policy within the EU. Establishing identities, verifying identities and the negotiations that take place around these processes at the 'border' or within the EU and member states are significant elements of EU strategies. These processes can represent technological interventions in border control or other methods related to making the management of Europe's borders more secure, efficient and responsive to the demands of an increasingly mobile world. Moreover, processes of segregating and categorising citizens and sorting non-citizens in relation to entitlements to welfare, services or immigration are likewise features that the workshop proposes to examine and highlight key issues and challenges within. Taken together or individually these processes represent a complex phenomenon and to be seen to manage them effectively has emerged as a key policy, or manifesto, goal for governmental actors across the EU.

The challenges involved in this area are multi-faceted and inter-linked. Also they are challenges, particularly in relation to identities at borders, where within the context of an enlarged (and potentially further enlarged) EU we see problems characterised by an inability of individual member states to resolve on their own challenges in this area. Recognition of this has been gradual within the EU and member states, yet recognition has not always been accompanied by consensus and agreement on the methods and means by which collective responses can be achieved. This is, for the RISE project, further compounded by the need for multiple stakeholders to be involved and recognised within the policy decision-making process where Individual Identity is of concern within security settings and contexts.

Often debates on security and technological policy related to the field are polarised. A crude representation of which might be extreme positions stating "Nothing to Hide, Nothing to Fear" from surveillance technologies designed to protect, as opposed to the countervailing argument that there is an increased emergence of an "Orwellian" surveillance state utilising these same technologies in an intrusive fashion. It can be argued that these extremes are unhelpful and unable to advance sound policy making. The continual expression of elements of these sentiments and positions can be regarded as reflective of a general lack of stakeholder involvement, of communicating clearly on technological policy and active engagement and dialog between stakeholders with interests in security policy, and issues of Identity. Further it can be said that this is especially true where proposed technological solutions have been mooted related to the policy areas where Individual Identity is an issue. The divergences in political, social, cultural and legal conceptualisations and uses of technologies are reflections of the inherent diversity within the EU and its member states. And this is, in turn, reflected in the manner in which technologies are perceived and received by citizens as well as by stakeholders.

This human element to technological reception is a critical element related to the issue of whether policies will be successful and this is even truer when technologies are focused on issues of Identity. Biometric technologies are a prime example, given the manner in which they position identity in relation to the body which touches on sensitive issues for citizens and non-citizens in the manner in which they relate to the technologies. Other technologies related to security and Individual Identity may likewise be charactersied by particular historical connotations. Fingerprinting for example with its long association with criminal investigations may be perceived negatively in some instances in its transition to other forms of identity management. DNA likewise as a biometric is bound up in controversial links with long standing debates in biology, even though its use in criminal investigations is spreading, and indeed a recently launched pilot project by the UK Border's Agency on determining ethnicity and country of origin, as well as its established use in determining the veracity of family's relative's claims remains to be explored in detail. Defining common approaches to technology policy in this area, across all member states and with recognition of non-EU citizen's and stakeholders responses and initiatives on such technologies is a difficult yet fundamentally necessary task.

Inherent tension in consensus-approaches to technological policy is itself recognised in many EU documents, often but not always associated with the presentation of a 'European' Identity. More recently the emphasis has been on what common European 'values' can inform technological as well as other areas of policy. The identification of common values, leading to consensus approaches is a critical element of multi-stakeholder involvement in the EU in terms of setting technology policy in

relation to security. Dialogue on technology that is informed by national perspectives, EU needs and consensus building and the incorporation of perspectives is a central motivation for the workshop.

The risks to successful policy implementations that are not formed from consensus building are readily apparent as evidenced by a number of examples. These include failures to adopt, failures in implementation, resistances to implementation in terms of technological deployment as well as resistances to policy initiatives separate from or linked with technological deployments. Such failures can lead to wasted uses of resources as well as perhaps more importantly a loss in trust and confidence in political actors' ability to tackle issues and meet challenges in an effective manner. In this instance the accountability of political decision-makers can be called into question threatening the legitimacy of decisions taken to meet challenges that citizens and other stakeholders see as vital ones to be met. Furthermore, other more drastic interventions by actors usually outside the processes of technological policy making or development and deployment cannot be ruled out. The recent experience of the National DNA Database (NDNAD) in the UK, with the European Court ruling it a disproportionate measure within a democracy, illustrates that checks and balances can be brought to bear against blanket approaches to technological interventions into public security issues.

However, relying on the European Court as an arbiter of policy is arguably a poor reflection on the democratic processes underpinning the EU and its member states in making policy. A suggested reason that the database was allowed to proceed as it did may be linked to the fact that little or no dialogue or views outside of the police force in the UK were incorporated during its development and deployment. The mantra of its utility in crime solution was often the only view represented. The drive towards making the database more effective and efficient by seeking to capture ever-more citizen's DNA was likewise a policy development with little dialogue or consensus building and the eventual clamouring within media and policy circles in the UK led to the legal challenges that eventually resulted in its proposed reform. It is clear that rationales of efficiency, effectiveness or utility may not be sufficient on their own as rationales for policy. One of the aims of the workshop then will be to identify other concerns that should be considered in technological related policy making in the area of Security, especially as these link to issues of Individual Identity.

The Schiphol 'Body Scanner' is another example that clearly illustrates the inherent risks in not engaging in multi-stakeholder dialog in technology deployment and the critical failure to communicate clearly and widely the benefits and risks of the proposed technology. In this instance despite there being evidence that the technology was received well by the limited numbers exposed to it during its trial, its reception at the European Commission was not matched in either enthusiasm or support. Indeed, mention was made of its impact on human dignity and blocks on its wider deployment mooted. The fact that no one involved in the development of the technology had apparently paid attention to this potential issues of how the technology would impact on notions of Identity - in this instance, the perception of being seen 'naked' - highlights the need for dialog which this workshop proposes to support and develop. Media reports on illegal crossings in the Mediterranean, legal as well as illegal migration into the EU, the management and treatment of particular types of individuals crossing borders (such as refugees), and security challenges at borders arising from threats associated with extremist movements illustrate that these issues are high profile and in the public 'eye'. This is an element which brings with it particular challenges for effective political decision-making.

These examples illustrate the timeliness of engaging and fostering multi-stakeholder involvement in making contributions to technological policy making. The workshop aims to facilitate a holistic discussion of the issues and challenges involved in exploring the notion of Individual Identity in relation to security and associated technological policies.

<u>Workshop Sessions</u>

The workshop is divided into three thematic sessions attempting to clarify major policy areas where issues linked to Individual Identity are prevalent. The first session seeks to explore Individual Identity as it pertains to borders. This section aims to explore the range of technologies being deployed to identify people, categorise citizens and non-citizens as well as to management Individual Identities through databases, systems or technologies as they interact with land, sea and air borders. More specifically, the session will explore the specific technologies and challenges associated with managing individual identities at borders, including for example biometric technologies, entry-exit systems as well as proposed technologies for the future including developments in new passport requirements.

The second session will explore the notion of trust in relation to political decision-making in areas relevant to technological deployments and Individual Identity. It seeks to highlight critical issues, such as data protection, privacy, the right not to be 'identified' as well as identifying the issues that are involved in terms of proportionality and balance in technological deployments related to Individual Identity. It will explore issues which have the potential to damage citizen's trust in policy initiatives as well as how trust can be built.

The third session seeks to frame important issues and challenges related to the risks associated with Individual Identities and technological policy dealing with identities. It will explore what potentially are the main threats to successful policy as viewed by stakeholders, citizens and others who are subject to technological interventions. This section of the workshop will also seek to examine the contentious issues in policy making that must be considered. Furthermore it also aims to explore potential formats for stakeholder contributions to policy-making and suggest formats that this can take in the multi-stakeholder conference.

A number of questions can illustrate the potential issues to be addressed, and can also serve as a starting point for discussions during the workshop itself,

1. What are the technological challenges in terms of development and deployment of security and detection technologies at borders?

2. What are the technological challenges in terms of the development and deployment of systems that 'join up' borders in holistic approaches to Identity management? What are the ramifications for bi-lateral or multi-lateral agreements between the EU, member states and other international actors of these approaches?

3. What types of identities are to be managed at the border? How are these categories developed?

4. How are legitimate and illegitimate identities to be assessed at the border?

5. What might be 'best practice' for Identity management? Is a holistic approach or blanket approaches to technological deployments realistic propositions?

6. How are individuals without identities to be managed through the use of technologies?

7. What are the current challenges facing technological approaches in managing identities? What are the non-technological challenges in this area? What is the current proposed role for technologies in meeting these challenges? What are the future challenges? And how will these be managed?

8. How do technologies shape the possibilities of policy? How does policy constrain the possibilities of technologies? What are the tensions in these interactions?

9. What is a realistic model of multi-stakeholder involvement at EU level in shaping technological policy? Are there models of development at member state level that should be promoted? Are there models of collaborative multi-stakeholder and multi-disciplinary involvement to be found within border settings, either solely or together?

The workshop aims to explore responses to these question in terms of identifying stake-holder positions and approaches that will make for critical contributions to technological policy setting in the area.

Thursday

1.30pm-2pm	Welcome and Registration
2pm-2.15pm	Session Opening, 'Models of Policy Making', Dr. Paul McCarthy

Session I- Identities at Borders

2.15pm-2.45pm	Mr. Max Snijder, Director European Biometric Forum
2.45pm-3.15pm	Mr. Mario Zadro
3.15pm-3.45pm	Mr. Mark Cutter
3.45pm-4pm	Coffee Break
4pm-5.10pm	Panel Discussion
5.10pm-5.30pm	Concluding Remarks by Prof. Emilio Mordini
7.30pm	Dinner

Friday

Session II- Trusted Identities and Trusting Policy

10am-10.30am	Prof. Juliet Lodge
10.30am-11am	Mr. Ray Nightingale
11am-11.30am	Prof. Edgar Whitley
11.30am-12pm	Coffee Break
12pm-1.15pm	Panel Discussion
1.15pm-2pm	Lunch

Session III- Individual Identity, Technology and Policy: Risks, Issues and Challenges

2pm-2.30pm	Franck Dumortier
2.30pm-3pm	Ms. Benedicte Havelange
3pm-3.30pm	Prof. Edward Higgs
3.30pm-4pm	Coffee Break
4pm-5.30pm	Concluding Discussion (Chaired by RISE partners)

List of Participants

Speakers

Ray Nightingale

Benedicte Havelange

Edgar Whitley

Edward Higgs

Franck Dumortier

Juliet Lodge

Mario Zadro

Max Snijider

External Participants

Angela Liberatore

Irma van der Ploeg

Kristrun Gunnarsdottir

Mark Cutter

René von Schomberg

Erin Anzelmo

RISE Partners

Emilio Mordini (CSSC)

Silvia Venier (CSSC)

Niovi Pavlidou (Greece)

Ajay Kumar Pathak (Hong Kong)

Nigel Cameron (US)

Paul McCarthy (UK)

Ruth Chadwick (UK)

Katja Lindskov Jacobsen (UK)

Kush Wadhwa (US)

Harsheeta Nangia Arora (India)

Kristi Lõuk (Estonia)

SPEAKER BIOGRAPHIES

- **Max Snijder**

Max Snijder is one of the leading independent biometrics experts in Europe; who plays an important role in establishing European capabilities for testing and certification of biometric components and systems. He is CEO of the European Biometrics Forum, chairman of the International Biometrics Advisory Council (IBAC) and coordinator of BioTesting Europe. With a broad knowledge about the market for biometric technologies and applications, he is increasingly involved in the business aspects of biometrics, meaning creating and assessing business plans, providing strategic business consultancy to industrial players and venture capitalists and accompanying mergers and acquisitions. Max Snijder today is involved in key areas of the biometrics business; on European level he is involved in workshops, committees and expert groups, such as the Consortium on Security and Technology of the EastWest Institute, The Porvoo Group, and the CEN Working Group on Integrated Border Management, CEN Biometric Focus Group.

- **Mario Zadric**

- **Mark Cutter**

Anthony Mark Cutter is Head of Innovation in Society section at the International School of Communities, Rights and Inclusion (ISCRI) at the University of Central Lancashire (UK). He is Editor-in-Chief of the peer-reviewed journal Studies in Ethics, Law and Technology and Editor-in-Chief of the International Library of Ethics, Law and Technology. Internationally he has held various visiting fellowships including: the Brocher Foundation (Geneva, Switzerland), the Radboud University Medical Centre (Nijmegen, Netherlands) the Iuliu Hatieganu University of Medicine and Pharmacy (Cluj-Napoca, Romania) and the Section on Bioethics at UNESCO HQ (Paris, France). He also serves as Executive Director for European Operations on the board of the Centre for Policy on Emerging Technology and is a CESA Gen Associate an honorary position within the ESRC Genomics Network. He has written and lectured internationally on a range of issues within the field of ethics, law and technology. His specialist focus is governance issues, including the governance of nanotechnology and biotechnology. Recently, his work has expanded to include a wider construction of "innovation" that moves beyond technology alone to focus on ways in which society changes itself.

- **Juliet Lodge**

Juliet Lodge is Director of the Jean Monnet European Centre of Excellence, Institute for Communication Studies, University of Leeds, UK where she is Professor of European Union politics and European Integration. She has written numerous books on EU politics, and on EU responses to international terrorism. Co-convenor of the eJustice ethics committee in the UK, she has contributed to EU publications on biometrics and accountability, the Hague programme and the draft Constitution. Her current research is on egoverment, ethics, transparency and accountability in the EU. She co-chairs the Ethics and Technology committee on eGoverment, and has participated in expert groups on biometrics and governance. Recent publications include: Are you who you say you are? The EU and Biometric Borders (Wolf Legal Publishers, 2007, editor), eJustice, Security and Biometrics: the EU's Proximity Paradox' and many others.

- **Ray Nightingale**

Has over 40 years of experience in the ICT security and information assurance areas. He has worked both within the government and commercial environments, and is now working with the Global Trust Center. Ray has represented commercial organisations in a number of governmental meetings and has also, represented governments at EU and G8 level international meetings addressing Cybercrime, regulatory requirements, and ICT security and information assurance topics. An engineer by training, he is formally educated in Organisational Structure & Behaviour and Business Management. He has extensive experience as an engineer, project and operations manager and policy developer.

- **Edgar Whitley**

Edgar is the research co-ordinator of the LSE Identity Project and represented the project at the Science and Technology Select Committee review of the UK Identity Cards Scheme. He has written extensively about the Identity Cards Programme for both academic and trade audiences and is a frequent media commentator on the Scheme. His research draws on interests in social theory and its application to information systems; recent publications include work on FLOSS, international students and academic writing, and the technological and political aspects of the UK Identity Cards Scheme.

- **Franck Dumortier**

Franck Dumortier is teaching assistant in law and senior researcher at the Research Centre for Computer and Law (CRID) of the University of Namur (Belgium) in the Freedom in the Information Society Unit (data protection issues). After having worked on transborder data flows issues, his research is now mainly focused on the analysis of proportionnality between privacy and security in the European context.

- **Bénédicte Havelange**

Bénédicte Havelange works for the policy and Information Unit of the European Data Protection Supervisor; she is coordinator of the EDPS' activities related to EU large-scale IT systems and to border management/immigration/asylum issues. Before her appointment at the EDPS, she worked for the Belgian Data Protection Authority as a legal officer and later as the Secretary- General. She represented the DPA in several international fora such as the Joint Supervisory Authorities of Schengen, Europol and CIS or the Article 29 Working Party. Her main tasks at the EDPS are organising the coordinated supervision of Eurodac (EU database on asylum seekers), drafting legal opinions on EU legislative proposals, providing advice on EDPS policy, following up on the development of new EU large-scale IT systems (i.e. SIS II, Visa Information System, Customs Information System).

- **Edward Higgs**

Edward Higgs studied modern history at the University of Oxford, completing his doctoral research there in 1978 on the history of nineteenth-century domestic service. He is mainly interested in British History, but with international comparisons, and research interest covers broad themes in early modern, modern and contemporary history. Particular interests include statistical representations of society; social construction of knowledge; state surveillance of the citizen; the impact of communications on state and society; and the history of information. His early published work was on Victorian domestic service, although he has written widely on the history of censuses and surveys, civil registration, women's work, and the impact of the digital revolution on archives. Key publications include: *Making Senses of the Census* (1989); *History and Electronic Artefacts* (1998); *The Information State in England* (2004); and *Life, Death and Statistics* (2004).