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The UK Identity Cards Scheme ”**

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# Perceptions of Government Technology, Surveillance and Privacy: The UK Identity Cards Scheme

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## **1 Introduction**

On 13 June 2008, the opposition home secretary David Davis resigned from his position in the shadow cabinet and as an MP, triggering a by-election in his constituency of Haltemprice and Howden. The reason for this unprecedented event, he stated, was to fight “against the slow strangulation of fundamental British freedoms by this Government” (Davis, 2008). Davis resigned the day after the Government had pushed proposals through the House of Commons to extend detention without charge up to 42 days. However, he also listed other examples of the “insidious, surreptitious and relentless erosion of fundamental British freedoms” (Davis, 2008) including “the most intrusive identity card system in the world, a CCTV camera for every 14 citizens and a DNA database bigger than that of any dictatorship with thousands of innocent children and a million innocent citizens on it” (Davis, 2008).

Despite press speculation that his actions were driven, at least in part, by internal party dynamics, Davis's actions appear to have been motivated by an issue of principle which raises the question of why it was this issue in particular (rather than, for example, other politically sensitive issues like Europe or the Iraq war) that triggered his resignation.

In this chapter, I will argue that Davis's actions can be best understood as part of a wider transformation of public perceptions of surveillance and privacy in the UK. Thus, it is increasingly common to find newspaper articles about issues of surveillance and privacy, often featuring prominently on the front pages of national newspapers. Previously, such stories would warrant only a few column inches on an inside page, if at all. In addition many of the ‘tabloid’ newspapers, more commonly associated with more authoritarian social attitudes, have also adopted a critical tone in their coverage of the surveillance agenda.

As such, the chapter explores a key theme in social science research, namely the nature of our world and the role of social action in shaping the persons, phenomena and entities that inhabit it (Osborne & Rose, 1999). In particular, the chapter develops our understanding of what is meant by ‘the public’, how ‘public opinion’ may be developed and measured. Are the phenomena discussed in this chapter issues that really affect the majority of UK citizens, and if so what kind of issues are they? Do public attitudes to privacy issues follow a common path, whereby, for example, UK attitudes to identity cards might mirror the experiences of the Australia card in the 1980s (Davies, 2004)? Or are they simply the concerns of an informed elite and the editors of the newspapers they read?

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The chapter examines these questions in the context of debates about privacy and surveillance where we find ourselves 'thrown' into a world that is increasingly mediated by technological devices with surveillance capabilities (Haggerty & Ericson, 2000; RAE, 2007). Thus, in addition to methodological issues that the topic itself implies (Haggerty & Gazso, 2005) we need to ask whether this is a topic which individuals can meaningfully take a position on? If it is, are they able to act as a result to influence and shape the technological advances that take place (MacKenzie & Wajcman, 1999)? If it is not, what does this tell us about the public, its perceptions of surveillance and privacy and the relationship with public policy (Burstein, 1998)?

In the United Kingdom, an important recent event in relation to privacy, government technology and surveillance was the government's proposals to introduce biometric identity cards for all UK citizens. Of particular significance was the LSE Identity Project's report into the proposals (LSE Identity Project, 2005b) and the Government's response to the LSE report. This became a news story in and of itself (Whitley et al., 2007) but also raised awareness about and interest in the Scheme, interest that has continued to this day. Indeed, it could be argued that much of the recent increase in media interest in privacy related topics was triggered by the events surrounding the proposals for identity cards.

The paper therefore begins by reviewing the key events in the life of the Identity Cards Scheme, outlining the key civil liberties concerns with the proposals. Next the paper explores how public opinion about the Scheme has been measured using traditional opinion polls. This is followed by consideration of other surveillance related stories that have been reported in the media and reflects on the role that media coverage may have on public perceptions and opinions. The paper ends with a discussion of what this suggests for the nature of privacy as a topic and the role of public perceptions in the policy making process.

## **2 Key Events in the Life of the Identity Cards Scheme**

The current Identity Cards Scheme has its origins in proposals for 'entitlement cards' that were first proposed by the then Home Secretary David Blunkett in 2002. On 29 November 2004, following a two and a half year gestation, and following a name change from entitlement cards to identity cards, the Government introduced and published its Identity Cards Bill. The Bill passed its Third Reading in the House of Commons on 10 February 2005. The Second Reading debate in the House of Lords took place on 21 March 2005, after which the Bill was suspended pending the general election. The proposal to introduce biometric identity cards was a key element of the 2005 Labour party election manifesto, which stated

We will introduce ID cards, including biometric data like fingerprints, backed up by a national register and rolling out initially on a voluntary basis as people renew their passports (The Labour Party, 2005).

The Scheme that the Labour party was proposing was based around a National Identity Register, the use of biometrics, online verification and an audit trail of verifications (LSE Identity Project, 2005b). The Scheme was intended to address various policy concerns including addressing identity theft and terrorism, benefit fraud and illegal working. It was also required to be in accordance with international obligations and enable e-government and access to government services (Wadham et al., 2006).

As the Identity Cards Bill made its first passage through Parliament, there was increasing concern within business, academia and civil liberties groups about the lack of informed public debate about its implications for the United Kingdom. In response to that concern, in January 2005 a group of individuals based at the London School of Economics and Political Science (LSE) initiated a project to examine in detail the potential impacts and benefits of the Identity Cards Bill (LSE Identity Project, 2005b chapter 3). Many of the concerns arose from the potential effects of the Scheme on policing, identity fraud, the legal environment in the UK and public trust.

To oversee its work, the Identity Project had an advisory group of 16 professors from LSE. These are contributory experts in disciplines ranging information systems and government to law, social policy, economics, media and regulation. In addition, a further 60+ named individuals and numerous unnamed individuals contributed to the report, drafting and reviewing chapters.

The LSE team released an interim report (LSE Identity Project, 2005a) in March 2005 to coincide with the Second Reading debate in the House of Lords. The purpose of this report was to review key aspects of the Scheme, to begin to inform the debate and to seek feedback on the analysis presented.

Following the May 2005 election, the Labour Party was re-elected (although with a post-election majority of 66, down from 167) and reintroduced what was effectively the same Bill. On 27 June 2005 the LSE Identity Project released its main report (LSE Identity Project, 2005b), the day before Parliament revisited the Bill. This report was over 300 pages long and concluded that while an identity card system could offer some public interest and commercial sector benefits, there were a number of areas of major concern with the Government's existing plans (LSE Identity Project, 2005b).

Given the many areas of concern identified in the Government's proposals, the LSE main report included an alternative blueprint for a national identity scheme and provided an independent calculation of the likely costs of the Scheme. The Government's regulatory impact assessment (Home Office, 2005) had stated that "the total average annual running costs for issuing passports and ID cards to UK nationals is estimated at £584m" or £5.84 billion over the first ten years. The LSE, however, provided an alternative costing of the Scheme ranging from a low estimate of £10 billion, a median estimate of £14.5 billion and a high estimate of £19.2 billion over ten years. Whilst some of the differences reflected different cost bases (i.e. total costs not just average running costs, costs to government not just to the Home Office) there were also differences associated with estimates of the likely costs of using biometrics and technology infrastructure for the Scheme. The decision to present the costs to the Home Office only is arguably disingenuous as most of the claimed benefits can only be realised by integrating Home Office systems with those in other government departments.

Shortly before the report was formally released, a version of the part of the report on costs found its way into the press and the then Home Secretary Charles Clarke went on a Radio 4 news programme to dismiss the LSE's costings as "simply mad" (BBC News, 2005a). The then Prime Minister, Tony Blair, told a press conference that "some of these figures bandied around about cost are absolutely absurd". On 5 July 2005, Charles Clarke made further attacks on the LSE research, branding it "technically incompetent", describing the findings as "fabricated" and singling out one of the project members, Simon Davies, as being "partisan" because his opposition to identity cards was well known (BBC News, 2005b), a claim repeated by the Prime Minister in January 2006 (Davies, 2006).

In response to these claims the Director of the LSE, Howard Davies, wrote to The Times on behalf of the LSE's governing council upholding academic freedom to analyze government policy without personalized political vilification.

He continued noting that "it is unfortunate that, on an issue where the civil liberties concerns are so serious, the Government should have chosen to adopt a bullying approach to critics whose prime motivation was to devise a scheme which might work, at an acceptable cost" (Davies, 2005). He later wrote to a member of the House of Lords saying "we have had some extraordinary responses to our work from the Government, who appear to think that they can deal with a Report from a group of academics from a University in the way they would a submission from the official opposition" [Quoted by Lord Phillips, Hansard 19 December 2005, Column 1551].

After an extended Parliamentary debate and a ping-pong battle between the House of Commons and the House of Lords over the meaning of the phrase "initially on a voluntary basis" (and in the context of the Salisbury Convention, which restricts invocation of the Parliament Act to manifesto commitments (see Whitley & Hosein, 2009)), the legislation was finally passed in March 2006, following an amendment proposed by the former Cabinet Secretary Lord Armstrong which offered the concession that, for a period until the next general election, a person could choose not to be issued with a card although obtaining a passport would remain conditional on biometric registration in the database. Further key amendment (s37) required the government to provide reports on the likely costs of the Scheme every six months.

The new Identity and Passport Service was created on 1 April 2006, replacing the earlier Passport Agency and in October 2006, James Hall, formerly of Accenture, was appointed as the IPS Chief Executive.

On 9 July 2006 a leading Sunday Newspaper ran a front page headline story entitled “ID cards doomed” based on leaked emails sent between senior officials from the Office of Government Commerce and the Identity and Passport Service. These emails had been exchanged on 8 and 9 June 2006.

The first email, from OGC Mission Critical Director David Foord, warned:

even if everything went perfectly (which it will not) it is very debatable (given performance of Govt ICT projects) whether whatever TNIR [Temporary National Identity Register] turns out to be (and that is a worry in itself) can be procured, delivered, tested and rolled out in just over two years and whether the resources exist within Govt and industry to run two overlapping procurements. What benchmark in the Home Office do we have that suggests that this is even remotely feasible?

I conclude that we are setting ourselves up to fail. (The Sunday Times, 2006)

The response, from Peter Smith, Acting Commercial Director for the Identity and Passport Service indicated what was likely to happen next.

The procurements we will (we hope) launch in the next few months—not the TNIR but things like APSS and contact centre—are all necessary (essential) to sustain IPS business as usual, and we are designing the strategy so that they are all sensible and viable contracts in their own right EVEN IF the ID Card gets canned completely. So also less dependence on business case approval etc. (The Sunday Times, 2006)

Following these leaks the recently appointed Home Secretary John Reid delayed all aspects of the procurement process and ordered a full scale review of the proposed Scheme. As a result of this review, a new Strategic Action Plan (UKIPS, 2006) was released in December 2006. This proposed an apparently radical redesign of the Scheme, for example by dropping the mandatory use of iris biometrics and reusing three existing government databases rather than designing a new National Identity Register from scratch.

There was a further redesign of the Scheme in March 2008, when a new Delivery Plan was issued that delayed the roll out of identity cards to ordinary citizens, focusing instead on key workers and young people (UKIPS, 2008).

### **3 Civil Liberties Concerns with the Scheme**

The design of the Identity Cards Scheme included three elements that raised particular concerns about privacy and surveillance. These are the role of the National Identity Register and particularly the audit trail associated with using it to verify formally an identity; the role of biometrics in the Scheme and the security issues associated with Scheme.

Although the Act is called the Identity Cards Act, it is the National Identity Register that is most troubling from a civil liberty as well as a technological perspective. The Register will contain the details of all British citizens aged 16 and over, as well as details of all non-EEA visitors who are planning to reside in the UK for a period of more than 3 months<sup>2</sup>. As such, it is potentially one of the largest registers of individuals in existence and it has even been proposed that the NIR be used as a national population register (see Pounder, 2007). In addition, surveillance capabilities have been hard-coded into the legislation (LSE Identity Project, 2007) as it specifies that the Secretary of State “establish and maintain a register of individuals” that includes “information about occasions on which information recorded about him in the Register has been provided to any person” (i.e. the audit trail). It also specifies other audit details that are recorded on the Register including: the date of every application by him for a modification of the contents of his entry; the date of every application by him confirming the contents of his entry (with or without changes); particulars of every

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<sup>2</sup> Under the terms of the UK Borders Act 2007, the government was given the authority to start issuing identity cards to foreign nationals. It intends to do so from 25 November 2008 (UK Border Agency, 2008).

occasion on which information contained in the individual's entry has been provided to a person; particulars of every person to whom such information has been provided on such an occasion; and other particulars, in relation to each such occasion, of the provision of the information (see also LSE Identity Project, 2008; Wadham et al., 2006 chapter 8). The Act also allows identifiers from "designated documents" pertaining to other government permits and licenses to be added, thus potentially creating a master index for cross-referencing to other systems

A second major concern relates to the collection and use of biometrics for the Scheme. The use of biometrics is intended to ensure that no individual can enrol in the Scheme more than once (i.e. by faking a biographical identity). A recent Parliamentary answer has indicated that it is the Government's intention to "record 10 fingerprint images which will be stored on the national identity register with two of the holder's fingerprints stored on the chip on the identity card. This is also the procedure planned for the identity card to be issued to foreign nationals" [Meg Hillier, written answer to question 210838]. In addition to the use of fingerprints for the enrolment process, one of the 'benefits' of the Scheme is that this fingerprint data will also be shared with the police force to match against their records of unresolved crime scene fingerprints (Whitley & Hosein, 2008).

Unlike passwords and PINs, biometric identifiers cannot be revoked if they are compromised. It is for this reason that the independent review of identity assurance undertaken by Sir James Crosby on behalf of Gordon Brown, recommended that:

As a matter of principle, the amount of data stored should be minimised. Full biometric images (other than photographs) should not be kept. Only non-unique digital representations of biometric images should be stored (Crosby, 2008 principle 3).

A third major concern with the Scheme is the security risks associated with the storage of vast amounts of personal biographical and biometric data on the National Identity Register. During the parliamentary debates about the Scheme, Microsoft was one of many companies that warned of the security risks of a centralized database (Young, 2005) contrasting this approach with modern 'user-centric' architectures designed to maximise transparency, security and citizen control.

The shift to three separate databases as part of the Strategic Action Plan only mitigates this concern somewhat, if at all and could be regarded as an expedient repurposing of existing systems, saving direct costs at the expense of data quality, without offering the resilience and flexibility of truly decentralised architectures.

In 2006, the Department of Constitutional Affairs issued an "Information Sharing Vision Statement" which acknowledged that:

the more we share information, the more important it is that people are confident that their personal data is kept safe and secure. This Government has an excellent track record of strengthening individuals' right to privacy (DCA, 2006).

As is noted below, confidence in government's abilities to manage personal data securely dropped significantly following a series of high profile data breaches. In particular, on 20 November 2007 the Chancellor Alistair Darling informed Parliament that a data breach involving "personal data relating to child benefit" had arisen in Her Majesty's Revenue and Customs (HMRC). On 18 October 2007, in response to a request from the National Audit Office for data in relation to payment of child benefit, a civil servant at HMRC sent a copy of the full database on two compact discs, using an obsolete version of compression software with weak encryption. The discs were sent using HMRC's internal mail service, operated by TNT. The package was not recorded or registered and failed to arrive at the NAO. When the requested discs did not arrive, a further set of discs were sent, this time by recorded delivery and these did arrive. Senior management at HMRC were not told about the lost discs until 8 November 2007.

The discs, containing details of all child benefit recipients, records for 25 million individuals and 7.25 million families, have still not been recovered. The records included the names of recipients and the names of their

children as well as address details and dates of birth, child benefit numbers, national insurance numbers and, where relevant, bank or building society account details.

This incident resulted in a series of reviews of government data handling, all published on the same day, some seven months later. They pointed to chronic “cultural failings” and processes that were “woefully inadequate”. They also recommended stringent new handling procedures only for new (rather than legacy) systems (Cabinet Office, 2008a, 2008b; IPCC, 2008). The link back to identity cards was made when it was reported that PA Consulting, who had been paid £24 million between 2004 and 2006 for advising the Identity and Passport Service about the Scheme, had lost a memory stick containing the details of 84,000 prisoners (Lomas, 2008).

## 4 Public Opinion

When the Identity Cards Bill was being debated in Parliament, much was made of public support for the Scheme, with the Home Office quoting research it had sponsored which suggested that 73% of the UK public support the introduction of identity cards [Baroness Scotland, Hansard, 31 October 2005 Column 13]. As Gandy (2003) notes, information about the attitudes and opinions of ordinary citizens can be particularly relevant for the formation of policies in areas like identity cards. For example, if the proposals are or become unpopular with the general population, a party that pushes them as part of its policies may face an electoral backlash (Burstein, 1998). Indeed, the opposition parties have labelled the Identity Cards Scheme a “plastic poll tax” to emphasize the similarities with the unpopular “community charge” policy that the Conservatives introduced in the late 1980s and which is believed to have been instrumental in removing Prime Minister Margaret Thatcher from power.

With public opinion potentially playing such a leading role in the eventual success of the Scheme, both the Home Office and the independent campaigning organisation opposed to identity cards and the database state No2ID (2008b) have conducted a series of opinion polls about public perceptions of identity cards.

The Home Office has commissioned a series of studies examining public attitudes to the National Identity Scheme and ID cards by the Central Office of Information (Identity and Passport Service, 2008). To date, there have been four such studies (February 2007, October 2007, January/February 2008 and May 2008). These studies involve adding questions to Taylor Nelson Sofres’ general public omnibus survey. The questions are intended to elicit awareness and attitudinal data about identity cards and the National Identity Scheme and have a sample weighted to represent the adult population aged 16+. The questions cover topics such as awareness of the Scheme, support for the Scheme, the reasons for introducing the Scheme and proposed benefits of the Scheme (Identity and Passport Service, 2008). In this stream of research, support for the Scheme in the samples remains statistically stable at around 60%.

No2ID has also organised a series of public opinion polls that it has commissioned from ICM research (No2ID, 2008a). Its research has asked the same question over time, namely “The Government has proposed the introduction of identity cards that, in combination with your passport, will cost around £93. From what you have seen or heard do you think that this proposal is a...[good ... bad idea]?”<sup>3</sup>. In contrast to the Home Office sponsored research, this stream shows a decline in the net scores for the Identity Card Scheme being “a good idea”, down from 81% in December 2004 to less than 50% in June 2008 with a sustained drop following the HMRC data breach.

The difference in these measures of ‘public opinion’ scores cannot be explained away in terms of sample size as both studies are implemented by recognized polling organisation (the IPS study has a sample of around 2000 representative individuals, whilst the No2ID study has a sample size of around 1000), so the explanation is more likely to arise from the nature of the questions being asked (Gandy, 2003; Haggerty & Gazso, 2005).

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<sup>3</sup> The one exception is the first poll, before the government had come up with a likely cost for the card. This time the wording was “The Government has proposed the introduction of compulsory identity cards. Which of these statements comes closest to your view?”.

For example, it is unlikely that the IPS survey questions emphasize the unprecedented privacy impact of a lifelong “audit trail” and the capture and storage of large numbers of biometrics. Similarly, there are known issues with potentially ‘leading’ survey questions that include price in the question.

In June 2008, No2ID asked a second question that did not mention Identity Cards but did describe the National Identity Register on which the Scheme is to be built<sup>4</sup>. This resulted in 63% of the respondents thinking this was a net bad idea.

A further factor that might influence public (and political) opinion is the editorial position taken by leading newspapers and magazines. The Financial Times, for example, has been consistent in its opposition to the Scheme:

In the two years since legislation for a UK national identity card scheme gained Royal Assent, the case against the multi-billion pound programme has become overwhelming. The Government’s arguments in favour have crumpled. ... Gordon Brown inherited this deeply flawed plan from his predecessor as prime minister. He should follow his instincts and abandon it altogether. (Financial Times, 2008).

The Economist, in contrast, was initially mildly in favour of the Scheme:

At worst, identity cards will embarrass the Government as did the Millennium Dome. ... Nevertheless, identity cards will probably eventually become part of the landscape. They will be accepted, though not loved—and certainly more useful to the Government than the Dome has been (The Economist, 2005)

By 2008, however, it had changed its view markedly:

Although Britons are already among the most-watched people in the world, ID cards are a step too far for some. Nick Clegg, the Liberal Democrat leader, has said that he would go to jail rather than carry one<sup>5</sup>. Judging by opinion polls and widely circulated pledges to disobey, a significant fraction of his countrymen feel the same way (The Economist, 2008).

In addition, one of the key amendments introduced into the Identity Cards Act was the need to report on the ongoing estimates of the costs of the Scheme every six months. Even if there were no other issues associated with the Scheme, the earlier row about costs has meant that every six months the story of the likely costs of the Scheme reappears in the press. Moreover those news stories that go beyond reporting official press releases are overwhelmingly critical, meaning that virtually every publication by the Identity and Passport Service now results in a detailed analysis that is at best sceptical and usually hostile<sup>6</sup>. For a detailed example, see Appendix 1.

## **5 Identity Cards, Privacy and Surveillance in the Public Consciousness**

Following from the debates about the Identity Cards Scheme, stories about privacy and surveillance have become increasingly high profile in British newspapers. The themes have also become the focus of a number of editorial statements in the leading broadsheet newspapers.

For example, early in 2008, it was revealed that the conversations between an MP (Sadiq Khan) and one of his constituents (Babar Ahmad) had been surreptitiously recorded whilst Khan visited Ahmad in HM Woodhall prison. The communications of MPs were normally considered a matter of parliamentary privilege and, in the case of telephone communications, were covered by the 1966 ‘Wilson Doctrine’ that prevented

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<sup>4</sup> The question asked was “You may have heard that the government intends to collect information about citizens and store it on large computer systems which can then be used for a wide range of purposes. Do you think storing information and sharing it between different parts of government in this way is a... [good / bad idea]?”

<sup>5</sup> The Government has always said that whilst it plans to make it compulsory to have an identity card, it would not be compulsory to carry one. The final Act introduces civil rather than criminal penalties for failing to enrol in the Scheme so Clegg would, in fact, be fined rather than imprisoned.

<sup>6</sup> Recent examples include Lettice (2008) on the IPS Annual Report, BBC (2008a) on the Biometrics Advisory Group Annual Report and Watt (2008) on the Independent Scheme Assurance Panel Annual Report.

phone tapping of MPs' conversations<sup>7</sup>. Although the bugging took place in a face-to-face meeting, the issue of surveillance caused a number of newspaper commentators to react.

For example, an editorial in the Independent stated:

A much-needed public debate about covert surveillance has begun, thanks to the allegation that counter-terrorism police officers secretly recorded discussions between the Tooting MP, Sadiq Khan, and a constituent, Babar Ahmad. Secret surveillance is obviously necessary in counter-terrorism and organised crime operations. ... But the proliferation of eavesdropping and secret information gathering has taken on a sinister momentum of its own. This is part of a trend that has seen Britain acquire more CCTV cameras than anywhere in the world and brought us the prospect of biometric ID cards. If anything good can come out of this row, it will be that we wake up to the casual and dangerous erosion of our privacy (Independent, 2008).

According to Gareth Crossman, Liberty's Director of Policy:

The past decade has brought many threats to personal privacy. However, over the last two years in particular, growing nervousness in Westminster, the media and wider public opinion suggests that the time may be ripe for broad and balanced debate about this important democratic value (Crossman, 2007).

Both of these quotations suggest that the issues of privacy and civil liberties have become increasingly high profile in recent years. Crossman's suggestion that this issue has risen in importance in the past two years (i.e. since 2005) places this renewed debate about civil liberties contemporaneously with the debate about the UK Government's proposals to introduce biometric identity cards.

This view of the recent surge in privacy related media coverage is shared by numerous civil society and privacy activists. There have been some historical studies of media coverage of privacy issues, especially in relation to direct marketing activities (Peterson & Wang, 1995; Roznowski, 2003). These studies focus on trends and coding of samples of papers. Neither of these studies make particular mention of front page, headline stories which suggests that privacy issues have not been such lead stories. In contrast, during the period that this paper was being revised (the so-called quiet news period of July–September 2008), privacy related stories have been the main front page news on a number of occasions<sup>8</sup>.

As well as editorials, newspaper commentators of all political persuasions have written extensively about the Scheme and civil liberties more generally. Henry Porter, columnist for the left-of-centre Observer

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<sup>7</sup> The BBC states the Wilson doctrine was "first introduced in 1966 under the then Prime Minister Harold Wilson to assuage concerns that MI5 might be monitoring politicians with no oversight or authorisation. Mr Wilson gave an undertaking there would be no tapping of MPs' phones. This was later widened to include all forms of communication and to include peers in the House of Lords. The doctrine has been confirmed by subsequent prime ministers" (2008b). The Report on the matter by the Chief Surveillance Commissioner (Sir Christopher Rose, 2008) suggests that it is unclear whether the Wilson Doctrine applies in this case. In addition, he called for greater clarity about the relationship between the Doctrine and existing surveillance legislation (the Regulation of Investigatory Powers Act).

<sup>8</sup> In July these front page stories included the privacy issues associated with Viacom's law suit against Google (Guardian), use of surveillance powers by local government (Daily Telegraph) and the government's proposals for a database of communications (Daily Mail). In August, front page stories included the breach of data about prisoners (Daily Mail, Daily Telegraph), Bank details being sold on eBay (Daily Mail) and the identity fraud risks after hackers hit a hotel chain (Daily Telegraph). September stories include companies being able to access your medical files (Sunday Telegraph), government surveillance of all car journeys (Guardian) as well as a breach of data, this time about prison warders (Sunday Telegraph).

newspaper, has written numerous columns on the topic<sup>9</sup>. In the right-of-centre Daily Telegraph, columnist Philip Johnston also frequently writes in this area<sup>10</sup>.

In July 2007, Johnson was awarded The Charles Douglas–Home Memorial Trust Award, an annual essay prize established in honour of the former editor of the Times. His award winning essay reflects on the erosion of civil liberties under the Labour Government including CCTV cameras, identity cards, the DNA database and other surveillance technologies and is based on his earlier columns (Johnson, 2007). That a columnist writing in this area is recognised in this way both reflects the status of writing on this topic and contributes to the ongoing public scrutiny of the Scheme.

As well as these columnists, a number of other reports and inquiries have also been undertaken. In September 2006 the Information Commissioner’s Office published a report by the Surveillance Studies Network on the Surveillance Society (ICO, 2006) thus officially coining the phrase “surveillance society” as an alternative to the over-used “Big Brother” imagery.

Shortly afterwards, the Royal Academy of Engineering (RAE) published a report entitled “Dilemmas of Privacy and Surveillance: Challenges of Technological Change” (RAE, 2007).

The RAE report argued that “the collection, storage and processing of personal data can be of great benefit to citizens, but that users’ privacy must be protected” and suggested that “engineers have some responsibility for designing systems that enhance data protection”. It also encouraged data minimisation and made recommendations about the design of systems that would minimise the risk of privacy related failure.

These reports helped trigger two Parliamentary inquiries. The first, by the Home Affairs Committee, into “A surveillance society?” has recently reported its findings (Home Affairs Committee, 2008) in which it suggests that whilst the UK cannot currently be characterized as a surveillance society, the government should take active steps to ensure that this does not come about. The committee also advocates the principle of data minimisation that was highlighted by the RAE report. The second, by the House of Lords Constitution Committee is looking at “The Impact of Surveillance and Data Collection upon the Privacy of Citizens and their Relationship with the State” and is due to report soon.

With the heightened awareness of privacy and surveillance issues, both the Parliamentary oral evidence sessions for the inquiries and publication of the final reports generate considerable media interest. Once again, however, it is not immediately apparent what the causal relationship is here (Gandy, 2003; Leff et al., 1986): is the media reporting stories that are believed to be of interest to the public or are they attempting to shape opinion by their choice of emphasis (Callaghan & Schnell, 2001)?

## 6 Discussion

The current media coverage and public debates about identity cards, surveillance and privacy raise important questions about the kinds of issues they are, the role that the media plays in presenting them and the effects this has on public policy. For example, in their classic paper, Gamson and Modigliani (1989) suggest that every policy issue has ‘a culture’ that helps frame how the public understand and cope with it (Wagner et al.,

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<sup>9</sup> A selection of titles of his recent articles (Porter, 2008) includes: Panopticon highway; Is liberty in Peril?; We can’t leave David Davis to carry the fight on his own; A magnificent gesture that we must support; Why I told Parliament: you’ve failed us on liberty; MPs must thwart the dark plans of the state; A mass movement is needed to tackle the state’s snoopers; Each DNA swab brings us closer to a police state; Liberty’s wake-up call; This contempt for liberty that Brown must sweep aside; After a sinister year, it’s down to us to protect our freedoms; There’s just no escape from these snoops; Hands off our fingers!; We don’t need ID cards; We are already at the gates of the surveillance society; Government property: your identity; This ID project is even more sinister than we first thought.

<sup>10</sup> A selection of his recent articles (Johnson, 2008) includes: David Davis struck a blow for liberty; David Davis is tilting at real giants; MPs must act now to set limits on snooping; We’ll be able to sign up for ID cards at Tesco; We don’t need a high-tech Domesday Book; Just because it’s digital doesn’t mean it’s safe; Why I am prepared to break the law; Tap-dancing around phone tapping; Innocent—but on a criminal database; Here is your passport to penury; The end of privacy as we know it; Balancing our rights against their wrongs,

2002). This culture provides an 'interpretive package' consisting of many different elements associated with the topic. Indeed, for controversial topics such as identity cards, there may be competing elements that are trying to determine which interpretive package predominates (Callaghan & Schnell, 2001).

In this context, the media plays an important role in the social construction of meaning (Wagner et al., 2002). For example, whilst much of the British press has, as was noted above, become hostile towards the proposals for identity cards, there is less agreement about other issues such as CCTV. Moreover, much of the mainstream coverage has typically focussed around the 'card' itself, rather than the databases underlying the National Identity Register (Martin & Whitley, 2007).

Another key element in the media coverage of the topic has been the imagery and cartoons used to accompany news stories (Gamson & Modigliani, 1989). In the case of identity cards and surveillance, much of the coverage of the RAE report used its iconic cover image of a CCTV pole with four cameras, whilst the HMRC data breach brought forth a series of cartoons about data losses, including one of Father Christmas admitting that he had lost the disc containing every child's name and address. The cartoons would again keep the issue in the public imagination and develop their understanding of the consequences of the event.

Although public concern and media coverage of privacy and surveillance has been high over the past three years, it is unclear whether this interest will remain over the long term. For example, Downs (1972) argues that public attention rarely remains focussed on any one issue for an extended period of time, suggesting that the issue goes up and down in attention over time. Thus, after an initial period where the issue has not captured much public attention, it might move to a period of "alarmed discovery" or "euphoric enthusiasm" before practical issues come to the fore and intense public interest gradually declines. He suggests that this is particularly likely to be the case where only a minority of individuals are facing the issue or where the benefits to the majority outweigh the hardships to the minority. Issues will also decline if the problem has "no intrinsically exciting qualities". Put another way, for media coverage to remain high, the story must continue to be dramatic and exciting because news is "consumed".

In these terms, with identity cards and surveillance affecting the entire population and government mismanagement of personal data affecting an increasingly large proportion of the population it can be argued that the topic is likely to remain as a topic of interest. Moreover, the technological basis of many of the issues (from Google recording street images for its Street View system, councils monitoring how much rubbish families throw away to the collection of fingerprints for biometric identification) is likely to make 'exciting' news stories with an easy angle for broadcasters and publishers to use. In so doing, it raises the question of the relationship between news reporting, 'infotainment' and the political process (Brants, 1998)

Jasper (1988), in contrast, argues that technological controversies have a variety of 'life cycles' with different forces at work at different stages. He therefore distinguishes between issues that address so-called 'basic values' and those that have interest (to the media initially) because they arise from disagreements between scientific experts (as was the case with the LSE analysis). Basic values, such as concerns for equality and justice, are assumed to change far more slowly than issues that are more media-driven.

Issues of privacy and surveillance, however, do not fall neatly into either category. Whilst privacy campaigners often argue that privacy is a basic value or a human right, there is considerable evidence that it is generally not viewed as such, with examples of individuals handing over vast amounts of personal data in exchange for a chocolate bar or nominal discount at a supermarket (although see Felten, 2008). The ongoing and diverse coverage of the issue, in the UK at least, suggests that, having reached a certain level of awareness, the issue is becoming one which shares many of the characteristics of a basic-values issue as defined by Jasper.

## **7 Conclusions**

This chapter has argued that there has been a marked shift in media coverage of issues of privacy and surveillance. This shift is contemporaneous with the UK Government's plans to introduce biometric identity cards in the UK and suggests that the early debates about the Scheme has placed the broader issues of civil

liberties onto the mainstream media agenda. The resulting increased and prominent coverage of privacy related news stories appears to have had an effect on public opinion with some polls indicating a gradual decline in support for identity cards alongside growing unease about the “surveillance society”. This decline is somewhat lower, however, than might have been expected following events like the HMRC data breach suggesting that privacy and surveillance have not fully achieved the status of ‘basic values’.

With some of the variance in public opinion attributable to the wording of the questions being asked, the role of awareness and understanding of surveillance technologies becomes important, suggesting that the UK is following a similar path to that found elsewhere (e.g. the experience of the Australia card in the late 1980s) where increased awareness and understanding leads to changes in attitudes. Thus, in common with other issues (like environmental issues), there is an important role for the academy to play in informing public debate about important, technologically based issues.

All technological systems are open to social shaping and government technologies are particularly so. With the design of government systems driven by the values of elected officials, there is a clear role for public opinion in shaping the potential design of systems like the Identity Cards Scheme through the public’s choice of parliamentarians and parties to represent them.

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## **9 Appendix**

As this paper was being completed, on 25 September 2008 the UK Government announced the design of the identity cards that would begin to be issued to foreign nationals from mid November (see footnote 2). This provided an ideal opportunity to ‘test’ empirically some of the claims made in the paper. Based on an initial analysis of the news reports the following themes are apparent.

The ‘launch’ of the new cards has been reported in over 70 news outlets (including newspapers (online and paper only), specialist trade outlets and political news websites. These have included the broadsheet as well as the tabloid newspapers. The launch made the front page of one (evening) newspaper.

Much of the coverage that goes beyond the simple reporting of the official press release is critical of the plans with headlines like “ID card scheme faces new stumbling block over fingerprinting” (Daily Mail), “ID card unveiled with Euro bull but minus Union Flag” (Mirror), “Jacqui Smith unveils the UK’s new identity card – with no sign of Britain” (Daily Telegraph), “New ID card unveiled amid criticism” (Reuters), “Smith dismisses ID card fingerprint problem”(Independent) and “Boost to security, or threat to liberty?” (The Herald).

The technical press is also critical, with CIO News View reporting “The ID card honeypot” and PublicTechnology.net reporting “First ID card unveiled by Home Secretary - not everyone’s happy, though” and Silicon.com reporting “ID card ‘will drown in a billion mismatches’: Won’t somebody think of the elderly?”

The launch triggered two more editorials with the Independent editorial entitled: “An assault on our freedom” arguing “Talk about an unwelcome arrival. The Government has unveiled a small piece of plastic which represents a big threat to our historic liberties”. In the tabloid Mirror newspaper the editorial states: “The look of the first national ID card was revealed yesterday and it is not a pretty sight. ... The expense of ID cards is bad enough. Using them to stigmatise the poor is just unacceptable”. The Herald, under the heading “Rejecting ID cards” writes “Soft colours and symbolic flowers may suggest little sister rather than

big brother, but the pink and blue card complete with rose, thistle, daffodil and shamrock, to be issued to foreign workers from November, is unlikely to reassure opponents of the government's multi-billion-pound identity card scheme".

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