

## Summary of response to the Consultation Paper: "Monitoring and Regulation of Migration"

1. A formal response to the Paper was published by this office in October 2004. For the purposes of Scrutiny, a summary of the points raised in that response are contained below.
2. The first point to make is that any scheme which includes allocating a unique personal identifier and relates directly to a central population register controlled by government must address clear and significant data protection and general privacy issues. Page 13 of the consultation paper states '*consideration has been given to the data protection issues arising*'. There is, however, no evidence that this is the case. This is important because any government project should result from a thorough and transparent discussion as to the appropriateness of the response bearing in mind the overall objective. Government policy responses such as this need to be a demonstrably proportionate response to a particular issue.
3. The eight data protection principles are comprehensive and need to be addressed in detail.
4. It is suggested that legislation be drafted to empower the collection and processing of personal information. It is important to have details of enforcement and sanctions.
5. Schedule 1 Part 2 of the new Data Protection Law states '*for the purposes of the first principle, personal data that contain a general identifier falling within such a description as may be prescribed in Regulations shall not be treated as processed fairly and lawfully unless they are processed in compliance with any conditions so prescribed in relation to general identifiers of that description*'. The paper clearly indicates the intention is to use a general identifier. Regulations will therefore be required.
6. Page 12 of the paper emphasises the fact that the registration card has '*wide use throughout the public sector services*'. It also recognises that the concept '*extends beyond the immediate requirements for monitoring inward migration*'. In order to prevent function creep, all intended purposes need to be explicitly detailed and subsequently debated. I refer back to point 1 - The issue being tackled must be unequivocally set out - only then will we be able to have the discussion about whether the response is proportionate.
7. Details should be provided on who is to be considered the 'data controller' of the database in accordance with the Law.
8. Detailed consideration must be given to the extensive security issues that arise from a central database, unique identifier and registration cards. Who is responsible for the accuracy of the data? Who is to be allowed access to the data? What sort of audit trail is to be available? What will the procedures be for detecting and dealing with unauthorised access or processing? How will the issue of ID theft be tackled?
9. Any information held on the register/card should be the minimum required to fulfil the purpose. The wide range of potential and as yet undefined purposes as alluded to in the paper makes it difficult to determine this in any detail. The ability to provide an overview of the various public services being accessed in order to build up a profile of an individual's activities or circumstances must be strictly limited and controlled. The fact that the database could relate to every public service department inevitably means that there is enormous potential for the government to collect very detailed and often personal information about every one of us, from schooling information to medical appointments. The Paper talks of the intention to 'trail' individuals in this respect.

exactly does that mean?

10. The Paper talks of amendments to the Data Protection Law. Bearing in mind the scrutiny our protection legislation will have from Europe, any intention to amend the Law in any way need be discussed in detail with this office.
11. *'this is not just about citizens having a piece of plastic to identify themselves..it's about the amount nature of the information held about every citizen and how that's going to be used in a wide range of activities'*. R. Thomas speaking at the Commons Home Affairs Select Committee Inquiry.

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