



# Privacy and the Enhanced Driver's Licence

## **The BC Experience**

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# Origins

- WHTI – requires all Citizens of US, Canada, Mexico and Bermuda to have acceptable ID establishing identity and nationality, raised concerns about impact on trade and tourism
- S.P.P. 1.1.3 requirements
- BC – Washington Pilot using mobile scanning equipment abandoned in favour of phased EDL

# What's enhanced?

- More than just a DL, now proof of citizenship
- RFID chip



# Privacy Issues

- Changing purpose of DL. Is there legal authority? Step towards national ID card?
- Collection of additional information
  - Birth certificate (verified on-line), security clearances for employees
  - Keeping scanned images of source docs
- Using information differently
  - Proof of identity and citizenship

# More Privacy Issues

- Results of security clearance may impact employment
- New Disclosures
  - To Vital Stats to verify Birth Certificate
  - To CSIS for security clearances
  - To Citizenship and Immigration Canada for QA
  - To Canadian Customs and Border Services Agency
  - To US Customs and Border Protection

# Biggest Privacy Issue: U.S. Storage of Personal Information

- Hot button issue with Privacy Commissioners due to USA Patriot Act and potential for secondary uses
  - Data going to US for phase 1, 'pingable' Database in Canada for phase 2
  - Used only for Border Crossing Purposes, except as required by law or for National Security

# RFID

- Big issue for privacy advocates, libertarians and some religious folks
- Seems less of an issue for the public at large
- Privacy/security risks:
  - Hacking/cloning
  - Eavesdropping/Skimmming
  - Location tracking

# Characteristics of EDL RFID

- Gen 2 Vicinity chip
- 'Passive'
- 96 bit identifier, no other information
- Not encrypted
- Tag ID (TID) reduces risk of cloning
- Issued with protective sleeve (Faraday Cage)

# Process

- Voluntary program supported by Consent Forms and Participant Guide
- Material send out ahead of time, or available on Website, reviewed at interview
- Consulted with Privacy Commissioner early and often
- ISA's needed to be in place—for us, was difficult and time consuming
- Ensured transfer of data secure
- Issued protective sleeve with the EDL

# Privacy Commissioners' Recommendations

- Personal Information (P.I.) remains in Canada
- P.I. only accessed by US CPB; when the holder attempts entry; and only for border crossing purposes
- Independent oversight of P.I. stored in U.S.
- Ensure security of P.I. on RFID chip
- Must have fully informed consent
- Concerned about duplication of passport function
- Opposed to national ID card

# Public Response

- High demand – appointments filled up in 2 days
- 20% no show
- Generally seen by public and media as positive
- Limited concern about privacy issues

<b>Positive – wants EDL but...</b>	<b>Negative</b>	<b>Neutral</b>
Can't get through to appt line	RFID is Mark of the Beast	Wants to know about security features
Not BC born (3)	RFID allows gov't to track movements	Wants to test protective sleeve
Can't get to Lower Mainland (2)	RFID first step to Police state	
Doesn't drive		
Problem with Birth Certificate		

# Resources and Questions

- RFID reference list
- Participant guide
- PIA, MOUs and ISA's
- Commissioner's recommendations

[http://www.oipc.bc.org/sector\\_public/mediaroom/media\\_room.htm](http://www.oipc.bc.org/sector_public/mediaroom/media_room.htm)

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