



# Home Office

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Ralph Bolton  
3 Tintern Street  
London  
SW4 7EP

11 August 2005

Dear Mr Bolton

## **REQUEST FOR INFORMATION**

I am writing regarding your request for information for:

1. Any and all documentation detailing the benefits of ID cards with respect to the reduction or control of: terrorism, immigration, serious crime, other crimes, identity theft, illegal working, misuse of public services.
2. Any information regarding projected statistical changes to each of the above once ID cards are implemented.
3. Any and all documentation regarding safeguards intended to be included in an ID card scheme.
4. A list of any bodies, organisations or departments that will have access to the national register, and to what extent.
5. Any provisions made for resistance to the scheme, such as legal enforcement of the scheme, or other.

I am now in a position to provide a full response.

Any and all documentation detailing the benefits of ID cards and any information regarding projected statistical changes to them once the ID Cards are implemented.

After a careful consideration we conclude that this information is subject to s.35(1)(a) [formulation of policy] and s.43(2) [commercial interest] and on consideration of the public interest the balance favours withholding the information as detailed below:

- **Section 35 (1)(a) of the Freedom of Information Act (the Act) as the information relates to the formulation and development of policy.** This section recognises the public interest in allowing government to have a clear space, immune from exposure to public view, in which it can debate matters internally with candour and free from pressures. Whilst there is a high-level policy agreement to the ID Cards Programme, a large number of policy decisions have yet to be taken. The development of the case for police use of the scheme will of itself inform the development of ID cards policy.
- **Section 43 (2) of the Act as some of the information relates to commercial interests.** This is applicable because release of information would prejudice Home Office commercial interests in securing value for money in its contract negotiations. The requirements of the scheme form a component of the forthcoming Identity Cards procurement. Their release will prejudice this procurement.

In applying these exemptions the Home Office has to balance the public interest in withholding the information against the public interest in disclosing it.

There is public interest in the decisions surrounding the Identity Cards Scheme being transparent, ensuring that public funds are being expended for good purpose. Information within the scope of this request is relevant to the debate on whether the card will improve the ability of the government to deal with the issues listed.

However it is in the public interest to ensure that decision making is based on the best advice available and in full consideration of all the options. The work to understand how the scheme will be used by different government departments, and their requirements of it, is not complete. It will continue to rely on candid discussions between the ID Cards Programme and other government organisations. Premature disclosure of material developed so far is likely to damage the openness of these discussions, and thus harm ministers' ability to make appropriate decisions. Furthermore, healthy public debate will rely on the release of papers that present both the completed analysis and the full policy decision-making process.

Moreover, as the relevant elements of the programme have yet to proceed to procurement, disclosure of the statistical projections of benefits and changes

to benefits once the ID Card are implemented at this stage would potentially enable bidding suppliers to establish estimates of the component costs applying to the work for which they are bidding. This knowledge would undermine the department's negotiating position and not be in the public interest as it would harm the department's ability to secure value for money.

*Any and all documentation regarding safeguards intended to be included in an ID card scheme.*

The work on safeguards is not completed as the procurement has not yet been put to market and so most of the information that would fall into the scope of this request has not yet been produced. Safeguards will not be fully designed until winning bidders for the procurement have been identified and their proposals evaluated.

As such the ID Cards Programme is work in progress and most details on safeguards will not be available until after the procurement tender has been placed and won. This means that established details on them are exempt from disclosure by virtue of Section 22 of the Freedom of Information Act which provides that information which is intended for future publication can be withheld where the public interest favours non-disclosure and of Section 43 which provides that information which would prejudice commercial interests can be withheld where the public interest falls in favour of non-disclosure. In this case, the information is commercially sensitive and release of this information prior to the publication as part of the procurement would risk prejudicing our procurement process. Equally, immediate disclosure of detailed plans and information detailing any potential bid requirements in advance of the formal tendering exercise would potentially favour some bidders over others, and prejudice the commercial interests of companies who wish to bid but are not aware of the requirements as early as a competitor. This would undermine a proper public procurement.

Regarding your specific question on the means of removing historical information from an individual's record in the national register, I can inform you that there will be full auditing of all record changes, to which the record subject and those permitted by the Act will have access. Statutory Instruments will detail what information of a historical nature can be held and removed and by who.

*A list of any bodies, organisations or departments that will have access to the national register, and to what extent.*

No organisations other than those involved in the administration of the scheme would have access to the National Identity Register. The Identity Cards Bill which is published on the Parliament website makes provision for organisations which use the scheme to verify identity to be accredited. Where a public service wants to make regulations on required identity checks these

would require the agreement of Parliament (or devolved assembly/Scottish Parliament) and therefore it would be clear which organisations were using the scheme in this way. Organisations which could be provided with people's information without that consent are listed in Clause 19 of the Bill (<http://www.publications.parliament.uk/pa/cm200506/cmbills/009/2006009.htm>).

*Any provisions made for resistance to the scheme, such as legal enforcement of the scheme, or other.*

Information on the provisions made for resistance to the scheme is already in the public domain. It is contained in the Identity Cards Bill which sets out the civil financial penalty regime and the criminal sanctions to enforce the scheme (<http://www.publications.parliament.uk/pa/cm200506/cmbills/009/2006009.htm>).

If you are dissatisfied with this response you may request an independent internal review. This can be done by submitting your complaint to:

**Information Policy Team  
Home Office  
4<sup>th</sup> Floor, Seacole Building  
2 Marsham Street  
London  
SW1P 4DF**

Should you remain dissatisfied after this internal review, you will have a further right of complaint to the Information Commissioner.

Yours sincerely

Simon Scott