

IDENTITY CARDS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Registration

Section 1: The National Identity Register

15. This section required the Secretary of State to establish the National Identity Register for the ID cards scheme and sets out the purposes of the Register.
16. Subsection (2) provides that the Register is only for specified purposes, the “statutory purposes”. These specified purposes are set out in *subsection (3)* as the:
 - (i) provision of a convenient method for individuals to prove their identity to persons who reasonably require proof;
 - (ii) provision of a secure and reliable means of identifying individuals where that is in the public interest.
17. *Subsection (4)* defines ‘necessary in the public interest’ as being in the interests, or for the purposes of:
 - National security;
 - Prevention and detection of crime;
 - Enforcement of immigration controls;
 - Enforcement of prohibitions on unauthorised working or employment; and
 - Efficient and effective provision of public services.
18. National security as well as the prevention and detection of crime include action to prevent terrorism. Crime also includes “identity fraud and theft”.
19. *Subsections (5) to (8)* give further explanation about the personal information which may be recorded on the Register and which is central to the scheme. This information is known as the “registrable facts” and includes name, date and place of birth, nationality, gender, immigration status, address, external characteristics of a person that are capable of being used for identification purposes (e.g. biometric information), and information included at a person’s request. These “registrable facts” may only be amended by further primary legislation and thereby limit the scope of the information that may be held under the scheme.
20. *Subsection (6)* excludes any identification number being recorded that would tend to reveal sensitive personal data as defined in the Data Protection Act 1998. Section 2 of that Act provides that sensitive personal data includes information about matters such as racial or ethnic origin, political opinion, sexual life and the commission of offences. So, for example, a Police National Computer (PNC) reference number would

*These notes refer to the Identity Cards Act 2006 (c.15)
which received Royal Assent on 30 March 2006*

tend to reveal whether an individual has a criminal record and would thus be excluded by subsection (6).

21. Biometric information is defined in section 42(1) in relation to an individual as data about his external characteristics. Examples include iris patterns and fingerprints. This biometric information may be recorded in the Register by virtue of the definition of registrable facts, section 3 and Schedule 1.