Towards a National ID Card for Canada?

External drivers and internal complexities

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Introduction

Canada is one of the very few industrialized countries that does not have nor is actively considering a National ID Card. This is not because Canada has been immune from the multiple forces that have propelled other countries further along this route, most notably the ‘War on Terror’, with its imperative to better secure borders and air travel. Nor does it mean there has been no activity at the national level around identity documentation and management. Indeed, far from it. Following the events of 9/11, Canada was among the first countries to discuss officially a national biometric ID card, and when this did not proceed, the federal government continued with several other initiatives aimed at strengthening border documents and managing citizen identity records that may well provide the ingredients for a national ID scheme in the future. Canada’s now slower pace gives it an opportunity for a suitably thorough debate of the complex issues, drawing on the recent and often troubled experiences of ID card development in the Anglo-American countries that Canada usually takes as its most direct comparators.

To provide the basis for such a debate, this chapter examines the current (mid-2007) state of development of ID cards and identity policies in Canada. It seeks to understand why Canada is not actively developing a National ID Card and if its current identity initiatives, whether by design or happenstance, may be laying the groundwork for a future deployment. Is there a stealthy advance in this direction likely or already underway as some suggest? Does Canada face extraordinary obstacles in developing ID cards and policy? Has the Canadian government adopted a careful ‘wait and see’ approach that will enable it to learn from others’ experience, and thereby develop an identity policy framework that earns the support of its citizens better than its comparators have done?

We will address these broad questions by first reviewing the short, truncated, but revealing debate over the development of a national biometric ID card that took place in 2003. We then turn to various federal identity initiatives that, while falling short of a full National ID Card, reflect many of the policy drivers and technical capabilities commonly associated with such developments. Specifically, we examine the Canada–US Smart Border Declaration with its Action Plan, its successor,
the Security and Prosperity Partnership of North America and the Western Hemisphere Travel Initiative. These have provided powerful imperatives that constitute the principal policy drivers in the identity arena, but are facing implementation difficulties. We then look at the progress of the Canadian biometric passport, the document that figures most frequently in these ‘smart border’ initiatives and is closest in function, technology and institutional apparatus to a National ID Card. Due to a combination of largely organizational factors it too has been slow in coming when compared with other countries. The last federal initiative we analyse is the government-wide identity management discussion coordinated by Treasury Board Secretariat currently underway. It seeks to provide a common understanding of an approach to ID management issues in all the major federal departments and agencies that manage the identity records of Canadians. While much of its work is oriented to everyday governmental activities, it also addresses issues that would underpin any National ID Card. We conclude by returning to the central guiding questions and offer informed speculation about where ID cards and identity policies may and should be heading.

The abbreviated National ID Card debate in Canada

Public discussion of national identity issues was virtually non-existent in Canada until the terrorist attacks of 9/11. However, in its immediate aftermath media attention suddenly focused on the potential for a National ID scheme to help prevent a re-occurrence. Within a week, pollsters got to work, and according to Canada’s ‘national’ newspaper the *Globe and Mail*, found that 80 per cent of Canadians would submit themselves ‘to providing fingerprints for a national identity card that would be carried on [their] person at all times to show police or security officials on request’.4

A year later, the federal Minister of Citizenship and Immigration Denis Coderre proposed that Canada develop a National ID Card. During the period when the Parliamentary Standing Committee on Citizenship and Immigration considered the Coderre proposal, they observed there were a variety of poorly understood rationales in circulation:

- the need to combat terrorism (e.g. the UK government argued that a third of all terrorists use multiple identities)
- the need to combat fraud (e.g. to ensure that only those who are entitled to government services may actually receive them)
- the need to combat identity theft (e.g. the growing concern about fraudulent use of identities to open accounts in other people’s names)
- the need to manage borders (e.g. the implementation of biometric visa schemes to combat illegal immigration)
- the need to support the private sector with an adequate regime of identification (e.g. the Industry Canada principles of authentication to guide industry adoption of identification services)
- the need to aid the development of electronic government services (e.g. to
enable citizens to gain access to government services on-line will require some form of authentication in order to file taxes, etc.)

(Government of Canada. Standing Committee on Citizenship and Immigration 2003)

These may all be valid reasons to reconsider existing policies, but it is daunting to consider them all within a single policy, since the varied rationales call for different techniques and policy solutions. After holding public hearings, receiving briefs, interviewing experts and visiting other countries where National ID Cards were under development, the Committee found that the need for such a card had not been adequately demonstrated and that more study was needed. In order to arrive at a definite response to the issue of a National Identity Card, the Committee specified a set of 37 questions that would have to be answered. Its Interim Report in October 2003 concluded with a clear call for the need for an informed public debate:

It is clear that this is a very significant policy issue that could have wide implications for privacy, security and fiscal accountability. Indeed, it has been suggested that it could affect fundamental values underlying Canadian society. A broad public review is therefore essential. The general public must be made more aware of all aspects of the issue, and we must hear what ordinary citizens have to say about the timeliness of a national identity card.

(Government of Canada. Standing Committee on Citizenship and Immigration 2003)

A few months later, the Liberal Government announced that it would not be pursuing further a National ID Card and relieved the Parliamentary Committee of its ID card duties before it could issue its Final Report (Webb 2007: 95). Apart from a brief flurry of speculation in February 2006 (Globe and Mail 2006), when the new Minister of Public Safety was reported as suggesting that a National ID Card was ‘inevitable’ (CTV.ca News 2006) and a national poll conducted in July 2007 found that 72 per cent of Canadians agreed with ‘implementing a National identification card for all Canadians’ (Angus Reid Global Monitor 2007), there has been no public mention of a National ID Card since.

However, the idea of a national biometric identification system did not end there. Within a month of the official end of the Coderre ID Card proposal and on the eve of his April 2004 visit with United States President George Bush, then Prime Minister Paul Martin announced Canada’s National Security Policy (Government of Canada, Privy Council Office 2004). This policy reiterated a commitment to the Canada–US Smart Border Declaration and for the first time set a timetable and initial budget for ‘a biometrically enabled smart chip passport’ (Foreign Affairs and International Trade Canada 2001, 2007). While the ambitious target date of early 2005 has long since passed, the biometric passport and other federal identity initiatives have proceeded largely behind the scenes, in effect replacing the National ID Card as the focus of governmental attention, and keeping the issues out of the public spotlight. While these initiatives raise many of the same public policy concerns
as National ID Cards, they have not been subjected to the ‘broad public review’ that the Parliamentary Committee called for. It is to these various federal identity initiatives that we now turn.

Major federal ID policy drivers and initiatives in Canada

There are three main policy initiatives relevant to developing national level identity documents in Canada, all aimed at establishing a ‘smart border’ between Canada and the USA:

1. The Canada–US Smart Border Declaration and 32-point Action Plan
2. The Security and Prosperity Partnership of North America (SPP)
3. The Western Hemisphere Travel Initiative (WHTI).

The term ‘smart border’ implies increasing the degree of automation and technologicalization of border crossing documents and practices. The need to increase use of information and communications technologies, and notably biometrics, to enhance border security is deeply embedded in all three initiatives.

While the Smart Border Declaration and the successor SPPs are much more comprehensive and far reaching in subject matter than simply articulating identity policy, border security and identity documents do form a significant part of their mandates. Of the three, the WHTI is the most focused on identity documents and dictates changes to what is acceptable documentation to enter the USA. Both the Smart Borders Declaration and the SPP are multilateral policy initiatives, while the WHTI is unilateral, originating in the USA, but having direct implications for Canadians.

The Canada–US Smart Border Declaration and 32-point Action Plan

The Smart Border Declaration and its associated 32-point Action Plan is a formal agreement between Canada and the USA, signed in December 2001 to ensure: ‘the secure flow of people, the secure flow of goods, a secure infrastructure, and the coordination and sharing of information in the enforcement of these objectives’ (Foreign Affairs and International Trade Canada 2001). Regular status reports and updates were issued by the Canadian and US governments until December 2004. Since this time, there has been relative silence from both governments with respect to this agreement, presumably replaced by the SPP.

Identity, identification and information sharing, including personal information, form a significant part of the agreement, in addition to points relating to increased harmonization of the technologies used. The ‘secure flow of people’ element comprises 13 points in the Action Plan and focuses most directly on identity issues.

Some of the points of the Action Plan have direct implications for Canadian identity documents. The first point in the Action Plan, for instance, focuses on biometric identifiers. The 2004 Status Report highlights the progress made toward using biometrics for particular identity documents. It explains that agreements have been
reached to develop common standards and to adopt interoperable and compatible technologies. In addition, both countries agree to work with the International Civil Aviation Organization (ICAO) on international standards for biometric travel documents. The report also states that Canada will begin issuing biometric passports by mid-2005, which as we discuss further below has not occurred. The report also explains that the NEXUS frequent traveler programme will be expanded. These points all relate to increasing the use of biometric identifiers for travel and border crossing (Foreign Affairs and International Trade Canada 2004).

The second Action Plan point focuses specifically on permanent resident cards, stipulating the need to ‘develop and deploy a secure card for permanent residents that includes a biometric identifier’ (Foreign Affairs and International Trade Canada 2003). While a new, more secure permanent resident card was issued in 2002 and required for re-entry to Canada by 2004, this card so far does not contain biometric data, although it was designed with the capacity to store biometric images.

The NEXUS frequent travel (or ‘trusted traveler’) card programme is discussed in two points of the Action Plan – ‘Biometric Identifiers’ and the ‘Single Alternative Inspection System’. NEXUS is a joint programme between Canadian Border Services Agency, Canada Customs, Citizenship and Immigration Canada and US Customs and Border Protection (Foreign Affairs and International Trade Canada 2004). It is a voluntary programme to expedite border crossing between Canada and the USA, by pre-screening travelers through a risk assessment process. Those who qualify for the programme receive a card, containing digitized facial and iris images, that allows them to be used with self-serve kiosks in airports or express lanes at land border crossings (Canada Border Services Agency 2007b). Membership in the NEXUS programme must be renewed every five years, at which time another risk assessment is conducted.

**Security and Prosperity Partnership of North America**

The Security and Prosperity Partnership (SPP) was initiated in March 2005 between the USA, Canada, and Mexico, by their respective leaders. The SPP:

- provides a framework to advance collaboration with Canada’s neighbours in areas as diverse as security, trade facilitation, transportation, the environment and public health. This partnership has increased institutional contacts between the three governments to respond to a shared vision of a stronger, more secure and more prosperous region.

  (Department of Finance Canada 2006)

Unlike the Smart Borders Declaration, the SPP is not a formal written agreement, but described instead as a ‘framework’ or a ‘dialogue’ between the three countries, making it very difficult to learn what is discussed, let alone assess critically. Critics charge that the SPP is aimed at promoting North American integration and designed deliberately to avoid any kind of legislative oversight and public scrutiny,
to achieve integration through a process of ‘evolution by stealth’. US leadership in the SPP is much clearer and more directly articulated than in the Smart Border Declaration. The US SPP website explains that this ‘is a White House-led initiative among the United States and the two nations it borders – Canada and Mexico – to increase security and to enhance prosperity among the three countries through greater cooperation’ (SPP.gov no date). Furthermore, the SPP describes even more extensive concerted action than the Smart Border Declaration and there are concerns that the SPP is too secretive, too focused on big business needs, and will have ramifications for sovereignty (Council of Canadians 2006). Of the five main areas under the SPP, ‘North American Smart, Secure Border’ (Government of Canada, Office of the Prime Minister 2006) is the most relevant to issues of identity and again invokes the rhetoric of ‘smart borders’ to create ‘a border strategy to build smart and secure borders that rely on technology, information sharing and biometrics’ (Department of Finance Canada 2006). Canada allocated funds specifically to meet SPP goals in the 2006 Federal Government Budget.

[The] budget will invest $303 million over two years on a range of initiatives. Key among these is the border strategy aimed at efficient and secure movement of low-risk trade and travelers to and within North America, while protecting Canadians from threats, including terrorism.

(Deptartment of Finance Canada 2006)

One of the SPP priorities, supported by the allocation of $25 million over the fiscal years 2006–2007, is expanding the NEXUS programme. This is noteworthy in that all applicants become subject to risk assessments in both Canada and the USA, requiring an unusual level of personal information sharing between countries (Department of Finance Canada 2006).

**Western Hemisphere Travel Initiative**

The Western Hemisphere Travel Initiative (WHTI) is part of the US Intelligence Reform and Terrorism Prevention Act of 2004. The WHTI puts forward new requirements for all individuals entering the USA (including US citizens). Everyone must now present a passport or some other secure identity and citizenship document. These new requirements come into effect for different ports of entry (air, land, and sea) at different times. Given that until 2007, Canadians were free to enter the USA simply with proof of citizenship (often a birth certificate) and photo-ID, the key question is what documents other than the passport, if any, will be accepted by the US government.

The WHTI requirements came into effect for air travel in January 2007. Canadians must now carry a passport or a NEXUS card ‘when used at a NEXUS kiosk at designated airports’ (Canada Border Services Agency, 27 July 2007a). The deadline for WHTI compliance at land and sea ports of entry has been extended from 1 January 2008 to 1 June 2009, in the Fiscal Year 2007 Homeland Security Appropriations Act.
Given that alternative documents are being accepted at airports, it seems likely that alternative documents will also be accepted at sea and land ports of entry, particularly given the extension of the deadline for compliance. However, what might be deemed acceptable to the Department of Homeland Security (DHS) is not yet clear. One option, in addition to the NEXUS programme, is some form of an upgraded driver’s licence that contains citizenship information. By July 2007, DHS had pre-approved the pilot use of RFID-enabled Washington State driver’s licences as an alternative to showing a US passport or PASS card at border crossings between Washington and Canada.\(^8\) Ontario and British Columbia are similarly looking at options for implementing new ‘secure’ licences, which could be deemed acceptable travel documents for crossing the US border (Ferguson et al. 2007). In a press conference Dalton McGuinty, Premier of Ontario, indicated that the only additional information needed for the driver’s licence to be used as a travel document is ‘encrypted citizenship information’ (CBC Radio Hourly News 2007). DHS continues to press for its People Access Security Service (PASS) card standard, despite evidence that its long-range wireless technology would create an increased security risk (Electronic Privacy Information Centre 2006). However, details of what will be acceptable for land and sea border crossing are still in flux, and not likely to be resolved in time for the Summer 2008 deadline. Headline news stories about many month delays in issuing passports, frequent policy changes (e.g. around age limits, and ‘proof’ of application) and even public apologies by senior officials give the impression of policy and programme disarray.\(^9\)

In all three policy initiatives, the USA appears to be driving changes to identity documents, not only within their own country but also in Canada. With the SPP this ‘harmonization’ process expands to include Mexico. Once the USA finally settles on which documents will be acceptable for crossing its borders and demonstrates their workability, it will have direct implications for Canadian identity and travel documents. Until this point, other governments will be reluctant to commit themselves to their own standards for ID documentation. While these changes are presented as a ‘harmonization’ of multiple standards, it is clear that in many cases US interests are the dominating ones, raising significant concerns about sovereignty and adequate policy transparency and deliberation.

We expect to see even greater fluctuation and uncertainty in this domain before final results emerge. The public discussion in Canada of these proposed border security measures has mainly focused on the potential disruption they may cause for cross-border travel, which will be felt most directly by communities near the border where citizens of both countries are accustomed to crossing easily, without need for a passport. There has been much less public discussion or analysis of the longer-term implications for national sovereignty and civil liberties.

**Biometric passport**

The first formal announcement of a pending Canadian biometric passport came with the Smart Border Declaration in 2001. Since then it has been mentioned in each of the subsequent policy statements discussed above, but beyond this there is
remarkably, and disturbingly, very little public information available. In 2002, Passport Canada began issuing passports with a new, more tamper-resistant design, but without biometric encoding. It required digitally produced photos, and famously, prohibited applicants from smiling in these photos, presumably to ease automated facial recognition. These images are scanned and used in printing the passport, but there is no machine-readable digital storage of the image on the passport itself.

In 2004, Passport Canada sought approval from the federal Office of the Privacy Commissioner (OPC) to use its recently tested facial-recognition technology in processing passport applications (Bronskil 2004). A summary of the resulting Privacy Impact Assessment (PIA) identifies 10 areas of concern/risk and lists 18 recommendations by the OPC for bringing the use of facial recognition into compliance with privacy standards. Passport Canada agreed in principle with most of the recommendations, but on the first two, concerning establishing a legislative/regulatory framework and lawful authority, it dissented. Nor so far is there any substantive public information about how it will meet the recommendations agreed to in principle.

On 1 September 2004 and again 15 June 2006, the federal Parliament amended Section 8 of the Passport Order, the Act that governs the passport in Canada, to read:

8.1 (1) The Passport Office may convert any information submitted by an applicant into a digital biometric format for the purpose of inserting that information into a passport or for other uses that fall within the mandate of the Passport Office.

(2) The Passport Office may convert an applicant’s photograph into a biometric template for the purpose of verifying the applicant’s identity, including nationality, and entitlement to obtain or remain in possession of a passport.

(Government of Canada 2004, 2006)

In July 2006, Passport Canada issued a public Notice of Proposed Procurement inviting vendors to submit bids for ‘a high volume Facial Recognition Solution (FRS) that will verify and process digital images of passport applicant’s picture as part of the passport application process’ (MERX 2006). The bidding period closed 28 September 2006. However, the Notice of Potential Procurement was re-issued in July 2007, revealing that no progress has been made to date. A news report that same month based on an access to information request indicates that Passport Canada, which functions on a cost recovery basis, lacks the funds to proceed with upgrading the Canadian passport to include biometrics (Bronskil 2007).

A further likely cause for delay is the difficulty in the timely linking of the passport issuing process with the recording of vital statistics, notably deaths, which is normally handled by provincial authorities. To address this problem, which is faced by other agencies that manage citizen identities, several departments at the federal and provincial level have initiated a pilot project on the National Routing System (NRS):
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… a secure electronic communications environment permitting provinces, territories and federal departments to exchange vital event information. It allows provincial and territorial vital event registrars to validate birth information that is essential to authenticate identity and to notify federal departments of deaths in order to manage changes to program entitlements in a timely manner.

(Menic and Turner 2006)

However, no department has yet taken on the operational mandate, and the consequent funding requirements.

Although the biometric passport is far behind its original schedule, there are still signs of activity in this direction. However, the federal government has chosen neither to inform nor consult the public about what is planned. The serious issues concerning rationales, privacy, security, function creep, costs, oversight, governance, information sharing (e.g. with the USA) and national sovereignty have not been addressed openly. This raises questions about what exactly is being planned and strongly suggests that the government fears the reactions of Canadians, either for what it is planning, or out of embarrassment for the inadequacy of its preparations. Not only does this call into question the legitimacy of the exercise, it undermines the public support that will be needed to make the deployment successful.

Treasury Board Secretariat identity management discussions

While the initiatives discussed above are the ones in Canada most directly relevant to national identity documents, issues around the handling of individual identity are widespread throughout the federal government. Typically these are referred to under the broad rubric of ‘identity management’, which includes such elements as ID cards, access controls, privilege management, and data-sharing, etc. To facilitate the development of government-wide identity management policies and systems, the Treasury Board Secretariat (TBS) established an inter-departmental working group in the expectation that a common understanding of identity could provide gains in economic, social and international arenas.

The TBS project’s first stage objectives were two-fold:

1. To map the current state of identity management of individuals requesting programmes and services from the Government of Canada
2. To identify opportunities that will enable the transformation of identity management in Canada with service improvement and greater trust.13

It conducted a series of workshops that included participation from 11 federal government departments to investigate systematically the programmes and services that require that the identity and/or entitlement of individuals be determined before granting access to these programmes and services. The study found that these determination processes rely on a wide range of identifiers and documents (11 identifiers and 55 documents for the 29 programmes and 71 services studied), which have different degrees of reliability, different issuing processes and are from different
jurisdictions (federal, provincial and territorial). This shows that identity management currently is far from systematic, and means that re-designing the information systems to enable timely, accurate authentication and identification processes will be slow and expensive.

Accessing programmes and service entitlements relies heavily on identity documents, particularly foundation documents such as birth certificates. Furthermore, while the driver’s licence is provincial, since it is the only widely issued government document containing a photo, it is broadly used in circumstances, federal, provincial and municipal, where accessing a programme or service requires photo-ID as a proof of identity. TBS concludes that as a result, ‘identity management is an inter-jurisdictional concern’. This drastically increases the challenges to developing a national (or even federal) identity management policy.

Since completing its Phase I Mapping Report, the interdepartmental working group has shifted its focus toward developing a framework that can guide identity management policy and identity systems building. It takes an important step in doing this by noting that whereas identity has long been understood as a component of security and privacy, it is better treated as a distinct ‘discipline’ with its own goals, practices and processes. Essential to this is the definition of identity, which it articulates as:

Identity: a reference or designation used to distinguish a unique and particular individual (organization or device).

(Bouma 2006)

This clearly reflects a government-centred identity perspective, consistent with the government-only make-up of the committee and its central objective of ‘Making sure we are dealing with the right person’. However, from the point of view of individuals encountering a government agency, who overwhelmingly are legitimate and law-abiding, this is not their central concern. They already know they are the person they claim to be, so the key identity question for them is whether they will be recognized by the agency as an entitled subject or more generally enabled to proceed with the requested transaction.

This lack of a person-centred view of identity documentation and performance represents a serious shortcoming in a framework that explicitly recognizes that the ‘uncertainty of identity has now become a significant risk factor for governments, with potentially adverse impacts on the clients they serve and the citizens to whom they are accountable’. At the very least, it raises questions about the need for a broader definition of identity, one that figures centrally the perspective of the identity-subject in which status judgements are intrinsic.

The interdepartmental working group also considered in general terms how to implement government identity initiatives. Based on a review of principles developed in Canada as well as internationally, they proposed 11 broad principles to guide their efforts. While the TBS formulation is valuable in many ways, it again reflects an exclusively internal government process and consequentially the perspective is dangerously narrow. So far, this second phase of TBS-led work has been
made public only through oral presentations accompanied by PowerPoint ‘decks’ with no official reports released yet.

In all these federal policy and identity system initiatives discussed above, we see a remarkable lack of transparency. Far from heeding the Parliamentary Committee’s advice about addressing key questions and involving the public in a deliberative process, the federal government has been proceeding with national identity initiatives apparently willfully disregarding its Parliamentarians’ advice. It has so far not clearly specified the purposes for them, the necessity for new systems rather than improving existing means, the financial costs (for start up and on-going administration, liability and cost sharing arrangements), the handling of personal information, and the security of identity documents, devices and databases, among other matters of public concern. There is however, still time to correct this lapse before new ID systems are implemented.

**Complex dynamics**

While Canada has not officially embarked on a National ID Card scheme, there are clear signs that important changes are afoot in terms of new national identity documentation and management measures. These appear largely in response to persistent strong pressure from the USA to ‘secure’ the common border and introduce biometrics as a key technology. We have highlighted the major federal initiatives and drivers in this direction – the Smart Border Declaration, the Security and Prosperity Partnership of North America, the Western Hemisphere Travel Initiative, as well as the planning by Passport Canada for a biometric passport. In each case, the publicly available material is confined to relatively vague statements of intent, but with scant detail about the many policy and civil liberties issues they provoke.

Of the several pressures to develop a National ID Card in Canada, the most prominent and persistent is the demand by the USA for a higher degree of document ‘security’ for crossing its common border. As reflected in the uni-, bi-, and tri-laternal initiatives since 2001, the USA has consistently expressed its demand for biometric identification techniques. This insistence that Canada conform to its security standards, rather than negotiate them in a reciprocal manner, is not unusual. Such national asymmetry follows a well-established pattern (Clarkson et al. 2005: 168–194) but has been exacerbated in the post-9/11 period as the Bush Administration has assumed an unusually aggressive and refractory posture in its international dealings. In particular, as Maureen Webb points out in *Illusions of Security: Global Surveillance and Democracy in the Post-9/11 World*, its adoption of a ‘pre-emptive’ model of security involves asserting US hegemony in new arenas beyond its borders even as it undermines the basis for real security (Webb 2007).

We have also seen the Government of Canada engaged, somewhat independently of these external pressures, in a government-wide identity management discussion coordinated by Treasury Board Secretariat. This seeks to provide a common understanding of ID management issues in many of federal departments
and agencies that manage the identity records of Canadians. The TBS discussion has usefully highlighted ‘identity’ as a distinct area of focus, overlapping with, but not subsumed by, such other areas as privacy, security and information management. They have further articulated a preliminary conception of identity, overarching goals and a set of broad principles for guiding government ID management initiatives. However, publicly visible results are sketchy and the linkages between the internal and external identity initiatives remain obscure. Indeed the multiplicity of objectives, actors and sociomaterial contingencies make for a complex and even contradictory developmental trajectory.

To return to the questions with which we began the chapter, we can see several factors that might account for why Canada has not (yet) embarked on a National ID Card venture in spite of the strong pressures:

**Technical immaturity**

While there has been steady pressure to implement biometrics in ID documents, whether in the passport or cheaper border crossing alternatives, this technology is still very much in the development stage, with many practical obstacles to achieving an integrated functional system. Given that the USA is leading the way here and will likely define the *de facto* standards, there is little Canada can do until the USA has established a clear course of action.

**Technical ineffectiveness**

Once such a system is functioning technically, it is highly unlikely to be effective in the most prominently stated goal – protection against terrorist attack (Schneier 2003; Clement *et al.* 2002). In addition, given the lack of success so far in other jurisdictions, notably the UK and the USA, to achieve jurisdictional biometric ID schemes, even federal officials who favour this approach may be understandably wary to commit their government to an unproven, complex and expensive scheme.

**Border ambiguities**

Reflecting the geographic scale of Canada and the USA as well as their long history of close relations, the demarcation between the two has been characterized, generally proudly, as the world’s ‘longest undefended border’ (Wikipedia 2007). This is seen in the heavy flow of people and goods across the border facilitated by documentary requirements considerably lighter than usual for international borders. The progressive tightening of economic integration, notably in cross border shopping, but especially in just-in-time industrial supply chains, poses a serious challenge to the Bush Administration in its attempts to ‘secure the border’. A very extensive infrastructure of documentation, surveillance and screening must be put in place before full implementation can be achieved. Even apparently ordinary measures, such as closer inspection of truck contents and requiring passports for international travel, have provoked sharp reactions by corporations, individuals
and political leaders in the border states and provinces. So, ironically, US pursuit of its ‘security’ agenda is running foul of the long-standing trend of greater economic integration (the ‘prosperity’ agenda) (Clarkson et al. 2005: 168–194) and is ‘hardening’ the border even as it attempts to project its hegemony further into Canadian sovereignty.

**Jurisdictional fragmentation**

The political structure of Canada as a federation, in which 10 provinces and 3 territories maintain jurisdiction over many aspects of government operations in relation to citizens means that developing National ID schemes requires negotiations among the 14 governmental units. As in the case of the National Routing System pilot and the TBS consultations over identity management, there is much practical work to be done in creating inter-operable systems. The question of who provides the funding for what also gets worked out in these multi-jurisdictional negotiations. While the federal government would be the main beneficiary of an integrated identity management scheme, much of the cost would be borne by the provinces as they issue most of the foundation documents as well as the driver’s licences. Only if the federal government were willing to put up the very large sums needed to implement such a scheme would we expect negotiations to proceed quickly.

**Political wariness**

National ID schemes are not widely popular in North America and governments promoting them incur significant political risks. US Homeland Security Secretary Michael Chertoff has claimed publicly that opposition to a National ID Card is so strong that Americans would never stand for it. ‘Their heads would explode’ (Canadian Press 2007). In Canada, the reaction may not be as extreme, but there are still political risks, especially in that since June 2004, Canada has had minority federal governments, first lead by the Liberal Party and then by the Conservative Party. As is usual in such politically uncertain times, governments concentrate public attention and funding on those areas where they are likely to get popular advantage and win a majority position in the next election. Far from there being no public clamour for National ID Cards or biometric passports, these initiatives raise a host of thorny issues and are very likely to court popular opposition. Until a majority government is formed, these restraints will likely remain.

Each of these factors: technological over-reach; an historically porous international border; Canada’s federal structure with fragmented jurisdictions; and political uncertainties, individually and in combination contribute to making Canada’s situation distinctive, if not unique, in relation to other leading industrial countries in terms of development of a National ID Card. They go a long way to accounting for why Canada is among the few such countries to not have or be developing a National ID scheme, and also why the related activities underway are so halting and shrouded with ambiguity.
Future prospects?

While there are few public signs that a National ID Card for Canada is imminent, the situation is in flux and may shift suddenly. Certainly the inhibiting factors discussed above by no means guarantee that the current stasis will last long. Eventually the technical problems will be worked out and unless there is a major change in political will in the USA, it will establish durable standards and the rest of the infrastructure needed for routine identity authentication at its borders. Then the pressure on Canada to follow suit will rise considerably, even if the effectiveness of ID technologies as an anti-terrorism measure remains imaginary. With a majority government federally willing to take bigger political risks and play a stronger hand in negotiations with the provinces, ID management and documentation systems can also move faster domestically.

On the other hand, some of the pressures may lessen. If the fear of a terrorist threat is allowed to subside and the severe limits of identity technologies as means for assuring security become more widely recognized, there will be less of an apparent imperative to enrol everyone in biometric ID schemes. A new US Administration in January 2009 less aggressive in imposing untried technological solutions of dubious merit would likewise lower the heat.

On balance however, it would be foolhardy to predict that Canada would remain an international outlier indefinitely. More likely is a haphazard series of incremental steps towards some form of National ID scheme. In this probable scenario, the various current ID-related activities we have documented here will have laid much of the groundwork for such an infrastructure. So while the slower than expected pace has given valuable time for a public debate, its absence is not an encouraging sign. Among all the various behind the scenes activities there has been no serious attempt to consult with the public about these developments – ones that arguably touch core concerns about the relationship between Canadian citizens and their government. Since 2003, when the Parliamentary Standing Committee that considered a biometric National ID Card issued its report posing a host of specific questions and calling for a broad public review, the federal government has moved in the opposite direction from the recommendations it solicited and received. While the border crossing documents currently being developed do not constitute a full National ID Card system, they do raise many of the same issues that concerned the Committee and deserve similar public examination. Why delay further opening an informed public debate that can help Canadians shape national identity policies that will serve them well for the decades to come?

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Notes

1 This chapter draws heavily upon the results of the research project ‘CANID? Visions for Canada: Identity Policy Projections and Policy Alternatives’, which examined the current state of identity policy development across the various relevant federal and provincial programmes with a view to highlighting the feasible and attractive identity policy options. The research was conducted jointly by the authors, researchers based at the University of Toronto’s Faculty of Information Studies and the London School of Economics’ Department of Information Systems, with funding from the federal Office of Privacy Commissioner and SSHRC. Online. Available: http://www.fis.utoronto.ca/research/irpp/publications/PDFs/CANID/CANIDreportv2gaJul3.pdf

2 Canada, like Britain, had National ID Cards during wartime, but these were terminated soon after hostilities ended (see Thompson’s Chapter 9, in this volume). Canada is home to more than 300 ‘First Nations’, which with their ‘Indian Card’ have a form of imposed National ID Card (see Brown’s Chapter 4, in this volume.) The USA is also not officially developing a National ID Card per se, but as Kelly Gates argues (Chapter 13), their Real ID Act can be viewed as a de facto National ID.

3 For example, the Parliamentary Standing Committee that was charged to look into the case for a National Identity Card for Canada, when they questioned why so few countries do not have identity cards, remarked, ‘The relationship between the individual and the state in Canada, the U.S., the U.K. and Australia was also discussed as a commonality that distinguishes our countries from those with a long-standing tradition of National identity card systems’.

4 Ipsos-Reid/CTV/Globe and Mail poll conducted 17–20 September, 2001 (n = 1,000), reported 6 October, 2001 in the Globe and Mail.

5 It appears that the SPP supersedes or replaces the Smart Borders Declaration because the most recent Smart Borders Status Report was released in December 2004 and the SPP was announced in March 2005.

6 Council of Canadians, 2006. Citizen’s Guide to the Security and Prosperity Partnership (SPP) See: http://www.canadians.org/integratehis/backgrounds/guide/ABCs.html. Interestingly, even the North American Competitiveness Council, comprised of 30 chief executives from Canada, the USA and Mexico, which advises the three leaders, argued in a progress report that elected politicians need active input if the public is to understand and support measures for harmonizing security and consumer regulations. ‘In particular, the leaders should consider ways to ensure that legislatures of the three countries remain fully informed about progress and actively engaged in the process of improving the region’s competitiveness’. National Post, 21 August, 2007 Online. Available: http://www.canada.com/nationalpost/news/story.html?id=8775f9c1-60aa-4c68-a242-e418cfa0547f

7 PASS (People Access Security Service (PASS) card), which the US Department of Homeland Security (DHS) is developing as an alternative to passports.


10 The six areas of ‘concern’ draw from EPIC’s privacy analysis of facial recognition technology: Storage, Vulnerability, Confidence, Authenticity, Linking and Ubiquity. The four other areas of ‘risk’ mentioned are: Function creep, Third party access, Centralized retention and Individuals’ loss of control.

11 A summary of the Facial Recognition Project PIA is available on the Passport Canada website: http://www.ppt.gc.ca/publications/facial_recognition.aspx?lang=e. Access to Information (ATI) requests to obtain the full PIA and that for the biometric passport itself are pending.

12 Now referred to as the Inter-jurisdictional Information Sharing Exchange (IJIE) programme.


14 The inter-relationships between programmes and documents are presented in a matrix in the accompanying document. File name: IDM ID-DOC Interrelationships, which is an appendix to the report.

15 See Note 14.

16 For example, according to Canadian officials ‘the trade across the Ambassador bridge at Windsor/Detroit (16,000 trucks/day) reflects the greatest amount of trade at any single crossing point on the face of the earth’. See: http://ias.berkeley.edu/canada/Sanford-NewNorth1002.htm

Bibliography


Towards a National ID Card for Canada?


