האגודה לזכויות האזרח בישראל
جمعية حقوق المواطن في اسرائيل
The Association for Civil Rights in Israel

INTRODUCTION FROM ACRI PETITION TO THE HIGH COURT OF JUSTICE:
OBJECTIONS TO A GOVERNMENTAL BIOMETRIC DATABASE

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This petition presents objections to establishment of a governmental biometric database. The Respondents unnecessarily combine the plan to establish this database together with a plan to issue "smart" ID cards, but this petition is <u>not</u> directed against "smart" ID cards, nor against the intent to add biometric data to them, but only against the amassing of biometric identification methods and data in one central databank.

Over the last two decades, the Ministry of the Interior has been working gradually to promote a plan to issue "smart" ID cards with an electronic chip that supposedly make them almost impossible to forge. The Ministry was about to begin issuing the new identification documents in 2007, with the intent of possibly adding biometric data to them in the future, but without a central databank. Because of personnel changes in the Ministry, this project was halted in order to prepare for establishment of a biometric database. This decision was made in the absence of any documented staff work, and despite the knowledge that it would lead to an extended delay in issuing these cards and allow for continuation of the forgeries.

A databank that stores biometric data about all residents of the country is a sensitive and powerful information resource, and provides an unprecedented mechanism for surveillance and control. It deals a heavy and needless blow to the individual's right to dignity, liberty, and privacy. It undermines the foundations of democracy, and constitutes a danger to public safety and security.

A central biometric databank is neither necessary to prevent the forging of identification papers nor intended for that purpose. To prevent forgeries, it would be sufficient to issue ID cards with an electronic chip (like credit cards) that contains biometric and other data. Verification of a person's identity can be carried out – according to the respondents, as well – by a one-on-one check: comparing the data in the document presented by the individual with other identifying indicators – a secret code, fingerprint, or other. A biometric databank, on the other hand, is used primarily to identify an unknown individual out of a pool of many: A computer will compare a fingerprint or facial image of someone unknown with the biometric data of the entire population stored in the databank.

The decision to move from smart ID cards to a biometric database triggered a vigorous debate among public administration officials and others: Prominent scientists, jurists, experts in codes and data

security, and concerned citizens sounded warnings about the establishment of a biometric database, demanding that the authorities make do with smart ID cards. No experts outside those brought by the state expressed support for the plan. But Knesset Member Meir Sheetrit, who had formulated this bill while minister, was appointed head of a small parliamentary committee charged with studying the proposal, and he refused to consider more moderate alternatives to establishment of this database. Only hours before the bill was voted on in its second and third readings, echoes of the public storm penetrated the walls of the Knesset, and several legislators announced they would not support establishment of the database. As a result, the vote was postponed, and a compromise was formulated: Establishment of the database was conditioned upon the success of a pilot study, to be conducted according to a detailed public order that called for studying the need for the database, the scope of information that would be collected, and how the database would be utilized. The bill passed after its amendment in accordance with this compromise.

Nevertheless, Respondents 2, 3 and 4 – the Interior Minister, Director of the Population Administration, and Director of the Biometric Database Management Authority – have acted and continue to act to undermine the essence of the legislation: The order only gives the appearance that a study is being conducted. It does not specify the matters ordered by the Knesset for study, and certainly does not set the parameters or indicators that would measure its success. The order omits the study of alternatives that would allow for accomplishing the goal of the legislation without compilation of this database, even alternatives that had been accepted by experts in the Ministry of the Interior and jurists. Such alternatives include a database that stores less biometric data or incorporates "privacy by design" methodologies, which would reduce the risks and privacy invasion without compromising the goal. The design of the pilot study was manipulated by Respondents 2 and 3 to allow them to show "success", and to be the ones to oversee its planning, implementation, and results.