

Office of
The Identity
Commissioner

**First Annual Report
2009**

Office of
The Identity
Commissioner

**First Annual Report
2009**

Contents

1. Foreword	2
2. Introduction	3
3. Setting up the Office of the Identity Commissioner	4
4. The work of the Office in 2009	5
5. Early areas of interest	9
6. Plans for 2010	13

Appendices

A - Relevant sections of the Identity Cards Act 2006	15
B - Financial overview	17
C - List of appointments	19

1. Foreword

22 January 2010

Dear Home Secretary,

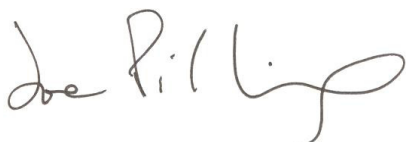
I am pleased to provide you with my first annual report as required by the Identity Cards Act 2006. This is a comparatively short report which covers my work for three months from the date of my appointment on 1 October 2009.

In this initial period I have concentrated on meeting, listening to, and questioning in detail a wide range of people with strong and informed views about identity cards and the National Identity Service.

My early impression is that the Identity and Passport Service (IPS) are doing a pretty good job. Data sharing and exploiting the full benefits of identity cards will be key issues for 2010.

I would like to thank all those who have assisted me in my work since I have taken office and particularly the staff of IPS who have worked hard to ensure that I have access to the information I require.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joe Pilling', written in a cursive style.

Sir Joseph Pilling

2. Introduction

- 2.1. IPS is responsible for issuing UK passports and identity cards and for the registration of births, marriages and deaths in England and Wales. It is an executive agency of the Home Office. The National Identity Service is being developed by IPS. It is made up of the National Identity Register, identity cards and there are plans for it to include biometric passports in future. It delivers the provisions set out in the Identity Cards Act 2006.
- 2.2. Before the first identity card could be issued, Parliament required the appointment of an independent Identity Commissioner – referred to in the legislation as the National Identity Scheme Commissioner – reporting directly to the Home Secretary. I took up this post on 1 October 2009. The first card was issued on 21 October.
- 2.3. The general purpose of my role is to offer independent oversight of the National Identity Service. Sections 22 and 23 of the Identity Cards Act 2006 set out the functions of the Identity Commissioner. These are set out in full at Appendix A.
- 2.4. I am required to keep under review:
- arrangements made by the Government to fulfil the purposes of the 2006 Act and its subordinate legislation
 - arrangements made by designated documents authorities for the same purposes (see paragraph 5.6)
 - arrangements made by those, to whom information may be provided, for obtaining, recording and using that information and
 - the uses to which identity cards are being put.
- 2.5. In this work I must pay particular attention to:
- how the confidentiality and integrity of information recorded on the register is secured and
 - how complaints about the carrying out of those functions are dealt with.
- 2.6. From the beginning I have approached my role aware of the significant level of public interest in this field. We live in a time of increased international travel which has seen huge advances in technology. We hear daily about identity cloning and theft of individuals' personal data. Most of us are, understandably, protective of our personal information. We want to know it will be held securely and we want to know how it might be handled.
- 2.7. Since my appointment, I have set about creating an office staffed and arranged to enable me to deliver these objectives, holding accountable those involved in delivering the National Identity Service, and relaying my findings both to the Home Secretary and the wider public. The aim is to ensure that in delivering what is required of the National Identity Service it complies with the requirements of the 2006 Act and in particular that the integrity of data on the National Identity Register is assured, appropriately protected and used properly and proportionately as the legislation allows.
- 2.8. I have not focused on the accuracy of IPS accounts or whether or not the National Identity Service represents value for money for the tax payer. My assumption is that the National Audit Office, with its specialist duty and resources, will undertake these tasks.

3. Setting up the Office of the Identity Commissioner

3.1. My office is an entirely new creation, the set up of which was largely carried out by an IPS sponsorship team in agreement with me after my appointment. The sponsorship team is based within the strategy directorate of IPS and operates as a link between my office and IPS. A budget of £565,000 was agreed to set up the office from scratch and run it until the end of March 2010. A financial overview is provided at Appendix B.

Location

3.2. I am based in central London at 30 Millbank, London, SW1P 4DU. The office space is modest and fully adequate. I consider it right that I am located independently of IPS.

Staff

3.3. There are currently five members of staff in my office. I have engaged one part-time specialist adviser. At my appearance before the Home Affairs Select Committee in November 2009, I said that I had wanted to start with a relatively modest office but would not be inhibited from saying I needed more staff if I believed that was the case. I may also choose to call on independent external expertise, for example on technical security questions, at any time I consider it necessary to support the discharge of my functions. At the time of writing I am content that I have the right number of staff and appropriate specialist support.

Communications

3.4. The sponsorship team in IPS was also responsible for securing information technology services and telephony to my office. This functions adequately and ensures my independence while allowing me access to the IPS technological infrastructure support.

3.5. I launched a simple website at www.identitycommissioner.org.uk in October. This site will be developed further as a portal for public contact with my office.

4. The work of the Office in 2009

Developing knowledge of the National Identity Service

- 4.1. Having no detailed knowledge of IPS or the National Identity Service, in my first weeks in office I set out to understand the organisation, focusing initially on its structure, operations and stakeholder relationships.
- 4.2. I held introductory meetings with James Hall, the Chief Executive of IPS and, individually, with the executive and non-executive members of his board. I received an intensive brief on the identity cards strategy and programme. It was particularly useful to hold an initial meeting with Vince Gaskell, IPS executive director responsible for new service implementation, to hear about the early rollout identity card programmes currently being delivered. I also met a number of other senior managers within IPS to discuss strategy, policy and programmes, systems and structures at an increased level of detail.
- 4.3. I valued the full briefing I received on the two key programmes within the Early Propositions Programme through which the first identity cards were issued to British citizens; the Critical Workers' Identity Card Programme, which is seeking to deliver identity cards to airside workers at Manchester and London City airports, and the Early Interest Programme, which sees identity cards issued to some IPS and Home Office officials as well as inviting applicants from ten Greater Manchester local authority areas and others in North West England. I was made aware of the projected milestones for the two programmes and given an overview of the technology for delivering these early identity cards and the fledgling National Identity Register. I have subsequently met a

number of technical specialists in IPS to broaden my knowledge. I have heard about IPS plans for public information campaigns to support the launch of identity cards.

- 4.4. I visited Manchester airport and the London headquarters of IPS at Globe House to look at the Early Propositions Programme enrolment process in detail, and the IPS Durham office to observe work on verifying applications for identity cards. I set out my visits in further detail at paragraphs 4.19 – 4.23.
- 4.5. I met Duncan Hine, the IPS Executive Director of Integrity and Security, on several occasions to understand proposals for sharing data from the National Identity Register. In these discussions it has been helpful for me to clarify the current IPS approach to sharing data captured as part of the passport issuing process.

Commissioners and inspectors

- 4.6. The Identity Cards Act 2006 places my role alongside that of two other Commissioners. The Right Honourable Sir Peter Gibson, the Intelligence Services Commissioner, is required to keep under review the acquisition, storage and use by the intelligence services of information recorded on the National Identity Register. I have met Sir Peter to achieve a common understanding of our respective roles and jurisdiction.
- 4.7. Section 22(8) of the 2006 Act inserts my statutory office into Schedule 1 of the Freedom of Information Act 2000, which is overseen by the Information Commissioner, Christopher Graham, whom I have met, again to discuss respective roles and remits. We will maintain contact and develop a protocol for working together during 2010.

4.8. As it is the Government's intention at some point in the future to designate as identity cards the identification cards currently issued to foreign nationals resident in the UK, my office had a preliminary meeting with the office of John Vine, the independent Chief Inspector of the UK Border Agency. I will meet John Vine in the first quarter of 2010.

Other government departments

4.9. The Government is clear that the National Identity Service is intended to offer individuals the convenience of being able quickly and securely to prove who they are when accessing services in the public sector and, in time, in the private sector. As the majority of government departments offer services to the public, I have been interested to hear their views, to understand how the National Identity Service supports their departmental strategy and the extent of their involvement to date.

4.10. As a result of meeting with officials from the Department for Work and Pensions, I established that their principal interest in the National Identity Service is as a means of verifying the identity of customers, including those applying for a range of benefits.

4.11. An official from the Foreign and Commonwealth Office explained to me that they would look to the National Identity Service to support them in issuing replacement identity cards to UK visitors abroad. They are also interested in the extent to which identity cards might be of value to expatriate British citizens resident overseas, a theme that has featured in my (modest) mailbag.

4.12. I also met representatives from the Ministry of Justice, the department which holds responsibility for data sharing policy on behalf of government; from the Cabinet Office which has a particular interest in understanding how individuals identify themselves securely and conveniently to government; from Her Majesty's Revenue and Customs which has an interest in fixing an individual's identity so as to ensure that the correct taxes are paid and Child Benefits issued; and from the Department for Transport which is concerned with verifying the identity of workers at airports and other key points in the national transport infrastructure in the interests of security and to counter terrorism. I also met Stephen Boys Smith, who carried out the 2008 review of transport personnel security for the Department for Transport.

4.13. As my role is UK-wide, my office held a preliminary meeting with the Northern Ireland Office and a conversation with officials in Wales. I also wrote to the Scottish Executive. I propose to visit Northern Ireland, Scotland and Wales in 2010.

Other stakeholders

4.14. I have sought the views of those outside government including prominent lobby groups. There are a number of organisations who are opposed to the National Identity Service. I want to listen to their position, making clear that it is not my responsibility to take a view on the policy of issuing identity cards, but rather to ensure that the policies and processes fit with Parliament's requirements to deliver the service as set out in the Identity Cards Act, including being satisfied that adequate complaints handling procedures are in place.

I am interested in the views of those who have complaints about or who are dissatisfied with the service, and of those who strongly advocate identity cards.

- 4.15. I was interested to hear the views of the police service about the National Identity Service, particularly as they welcome the role of identity cards in preventing and detecting crime. I met Assistant Chief Constable Peter Lowton of Essex Police, the Association of Chief Police Officers (ACPO) lead on identity crime. We discussed the range of work being undertaken by the police service and its partners in reducing identity crime.
- 4.16. I met Justice, the all-party law reform and human rights organisation who spoke of their concerns about identity cards. Chief among these was ensuring appropriate access to, and security of, the personal information held on the National Identity Register, including sharing that data with European Union partners.
- 4.17. I would have welcomed a chance to meet and listen to NO2ID and have written to them twice to ask them to meet me. They replied to my first letter by saying that they would be willing to speak with me if there were any prospect that our meeting could lead to a restriction or abandonment of the identity card scheme. I await a response to my second letter.
- 4.18. As befits my independence, I have offered to discuss my role with other political parties. Damian Green MP, Shadow Minister for Immigration, accepted my invitation.

Visits

Manchester airport

- 4.19. I visited Manchester airport to see at first hand the proposed process for enrolling customers under the Early Propositions Programme. IPS representatives at the airport explained how they had set about establishing an identity card office within the airport. I was walked through the process of identity card application from form-filling and appointment booking to attendance at the identity card office and the capture of biometric details.
- 4.20. On the same visit I met senior staff from Manchester Airports Group, who were positive about the benefits of the identity card system. They could see real potential for reducing their administrative overhead in issuing airside passes to staff.

The IPS Durham office

- 4.21. I visited the Durham office of IPS which is responsible for verifying the identity of those applying before an identity card is issued. During my visit I was taken through the verification process and observed an application being validated, as well as the work of the identity card appointment booking telephone call centre. This is an area to which I will return as it is fundamental to the integrity of the National Identity Service. I was grateful for the opportunity to gain further understanding of the identity card process as well as broader IPS operations and the culture of a passport and identity card office.

IPS Globe House

- 4.22. I visited the enrolment office in the London headquarters of IPS, Globe House. The purpose of this visit was to build on my experience at the issuing office in Manchester airport and deepen my understanding of the process by observing a live enrolment.
- 4.23. At the time of my visit, most applicants were IPS and Home Office officials, although a minority were individuals from the Manchester region who were applying in London for reasons of convenience or speed; either they found it an easier centre to reach or the competition for enrolment slots was less stiff.

Public Panel and the Experts Group

- 4.24. I was invited to address the inaugural meetings of the National Identity Service Public Panel South, in London, and North, in Manchester. I explained to the panel that my role was to find out, to the best of my ability, what was going on in terms of the uses to which identity cards, and the linked data, were being put and to let people know about it. I made clear that I would be looking at the design of the systems underpinning the National Identity Register to check that they conformed to the law and were effective. As I said at the meetings, I am keen to hear further from the Public Panels.
- 4.25. In early December, I had a brief discussion with Peter Whittle, convener of the IPS Experts Group. The Group has been established by IPS to provide an independent perspective to inform the development of the National Identity Service. I hope to meet the Convenor and Experts Group in 2010.

- 4.26. A detailed list of my appointments is included at Appendix C.

Public communications

- 4.27. On 24 November, I gave evidence to the Home Affairs Select Committee in a brief session to introduce myself and outline my role. My appearance generated a very little media interest.
- 4.28. From my website, I have received 67 general queries to 31 December 2009. One enquiry has been received by post.

Progress

- 4.29. My focus of activity in 2009 was information gathering and knowledge building. Although that process is far from complete, I am confident that my team and I now possess sufficient understanding of the National Identity Service to undertake more analysis, enabling us to identify issues of interest and make recommendations in future reports. In the following chapters I outline my early views and note where I intend to concentrate in 2010.

5. Early areas of interest

5.1. In compiling a set of key issues, I have found it helpful to follow the structure of the obligations the 2006 Act places on me. In discharging these obligations, I am required to take into account how the confidentiality and integrity of information recorded on the National Identity Register is secured and how complaints about the carrying out of those functions are dealt with. I should, of course, add the caveat that these issues are identified very early in my tenure.

Arrangements made by the Government to fulfil the purposes of the 2006 Act and its subordinate legislation

5.2. The National Identity Register came into effect with the production of the first identity cards in October 2009, and with it my statutory duties. IPS has explained to me that there are two phases to the technology underpinning the National Identity Register. The current, or tactical, technology servicing the Early Propositions Programme will be in place until 2012 and is concerned with the National Identity Register in support of the issue of identity cards only. From 2012, it is the Government's intention that the technological underpinning will be provided by a longer-term, or strategic, solution. This will be subject to a combination of secondary legislation under the 2006 Act and new primary legislation, which will bring together the data for passports and identification cards for foreign nationals as well as that for identity cards. IPS assure me that the current tactical National Identity Register is in line with statutory

obligations. I will be undertaking work in 2010 to review plans for the longer term strategic solution and to ensure that the switch-over, when it comes, occurs without any compromise to the security and integrity of the data. My initial view is that I see no problem with having two distinct solutions.

5.3. I have been briefed on IPS work to counter identity fraud. I intend to pursue this further during 2010 to ensure that I understand fully the issues and can provide assurance that the risks of identity fraud are being properly and appropriately managed.

5.4. My role does not require me to take individual complaints from the general public, but my office is open to receive queries and to hear comments from the public. We have received comments about identity cards and the National Identity Service and I have noted the useful points I have received. My remit on complaints does not extend to whether or not there should be a national identity card and where correspondents have lobbied on this I have directed them to IPS. A number of the queries my office has received were from people who wished to receive an identity card but who were not able to under the current rollout criteria. The majority of the queries came from UK nationals living abroad. There has also been interest from people outside the early rollout areas in the UK. IPS are, no doubt, considering these questions.

- 5.5. I was asked during evidence to the Home Affairs Select Committee if any figure had been suggested for the number of identity cards that may end up forged or in the wrong hands. If this arose, I was asked who would be responsible for sorting out who was whom. I said that I would pursue the point. Every effort is made to establish that an applicant is applying in his or her genuine identity. But the system cannot be foolproof. It will require a combination of skill, resources and luck to obtain a card in a false identity but no-one claims that it cannot be done. By definition it will always be impossible to know how many cards have been obtained fraudulently. At this very early stage when the number might well be none, it is not even possible to make an informed guess. In this context it should also be noted that the biometric element of identity cards makes abuse more difficult and limits the benefits. As the integrity of the National Identity Register is a central issue of concern in my work, as set out in section 22(3)(a) of the Identity Cards Act 2006, I will continue to pay close attention to this subject.

Arrangements made by designated document authorities

- 5.6. As there are currently no document authorities designated, I have no comment on this area.

Arrangements made by those to whom information may be provided, for obtaining, recording and using that information

- 5.7. Sharing data from the National Identity Register with other bodies is obviously an important dimension of this work. IPS have explained to me that the 2006 Act is not a self-contained catalogue of data sharing powers. Rather, it recognises that there are various legal bases that support information provision, some enshrined in statute, others by order of the Court, and others emanating from the European Union. Information obtained under the 2006 Act can, therefore, be lawfully provided to another person where there is a statutory gateway, court order, community obligation or implied power.
- 5.8. Under the 2006 Act, I am obliged to ensure that all those who are responsible for sharing data from the National Identity Register do so in a way that is legal, proportionate, and in keeping with the terms of the legislation. I am, therefore, particularly interested in the process that is currently undertaken to ensure that information is only shared where it is proper and proportionate to do so; this applies to requests made with consent as well as those without. I am encouraged that, within IPS, the responsibility for approving a data sharing request appears to be made thoughtfully and at a senior level. I have asked for information about the guidance to staff, processes, checks and authorisation procedures that exist to ensure that appropriate decisions are made by IPS staff as data sharing questions arise.

- 5.9. At present, and in view of the limited nature of the identity cards pilots, there are few partners with whom data can be shared (with the consent of the individual as provided for in the 2006 Act). I am assured that both Manchester and London City airports will shortly sign a formal deed which sets out legally binding obligations on data sharing and strongly recommend this work is concluded promptly.
- 5.10. I note that while the number of cards in existence remains low, the number of data requests is likely to be few and that each data sharing request will be considered case by case by senior IPS officials in the short term. This will obviously change as volumes grow. I am encouraged that Manchester and London City airports have been approved for the purposes of being provided with information with consent.
- 5.11. I am clear that the correct training, guidance and protocols must be in place before requests for data sharing without an individual's consent are considered. If this does not happen, I shall want to understand why. I need to be content that there is no element of lottery whereby different IPS officers deal with data sharing in different ways; a standard approach should be set and adhered to.
- 5.12. I have had briefing on the issues surrounding the audit record data referred to in Schedule 1 of the 2006 Act. Although it is too early for me to give views on the processes and situations in which it might be created, how it is stored or the duration of retention, I want to ensure that the audit record data is handled sensitively and that all relevant requests for data sharing are recorded in the audit data.

The uses to which identity cards are being put

- 5.13. In view of the number of identity cards currently issued, and the limited uses to which they can be put, I have invested only limited time over my first three months in reviewing the uses to which identity cards are put. As the scheme grows, I will focus on this to ensure that their use is made as effective as possible, and that the potential for malicious or fraudulent use is minimised.

Currently, I note that:

- **identity cards are being used to prove identity.** Identity cards are legal forms of identity verification and therefore should be readily accepted by those to whom they are presented. I recognise it is early days and that it is not going to be possible for every person who comes into contact with an identity card to be familiar with them. Raising awareness will be key for IPS in 2010
- **identity cards are being used to cross borders.** I want to ensure that their use is effective and holders are being granted passage where appropriate. I am aware of two specific cases where identity cards have not been accepted for travel purposes; if more cases arise, IPS will no doubt want to sort out the problem. Again, raising awareness with those who transport passengers and man the borders will be vital and
- **identity cards are being used to confirm identity at airports for those requiring airside passes.** I have visited the pass office at Manchester airport and spoken with transport security officials at the Department for Transport. I have noted the additional efficiency and security benefits identity cards have the potential to offer.

- 5.14. The issue emerging from this is that to derive maximum benefit from the National Identity Service individuals must be confident that their identity cards will be widely recognised and accepted as proof of identity and entitlement to travel (where this is appropriate).
- 5.15. After three months of seeking to understand an ambitious and complicated programme of work, it would be foolish to give it a clean bill of health. But, as I say in the foreword, my initial reaction is to be reassured rather than alarmed. A lot of work remains to be done and some tricky issues are not yet resolved. On the other hand, on the basis of wide experience of central government, IPS strikes me as well-motivated and equipped with the right culture and skills to make it more likely than not that it will succeed. The staff I have met at all levels take pride in the organisation. More than in most places staff understand why security needs to be taken seriously rather than its being regarded as an irritating obstacle to getting the real work done. The senior team has the right background for the effective management of large-scale IT procurement. This initial positive reaction will not make me complacent or lower my guard; I will continue to scrutinise and challenge IPS in line with the role set out in the legislation.

6. Plans for 2010

- 6.1. I am very mindful of changes that may impact my role. Unless and until the law changes, I will continue in my role as set out in the Identity Cards Act 2006, and develop my work programme for 2010 on this basis.
- 6.2. In broad terms, in 2010 I will continue building my knowledge of the current arrangements for delivering the 2006 Act, and understanding the proposals for transition to the strategic solution in 2012. The areas below will receive particular focus within my statutory obligations.

Arrangements made by the Government to fulfil the purposes of the 2006 Act and its subordinate legislation

- 6.3. I have taken initial briefing on the system architecture for the National Identity Service, both in its current and future forms, but am far from being an expert on the integrity of the National Identity Register in either format. I will take specialist professional advice to provide me with the reassurance I need that the current, tactical National Identity Register holds information securely and that proposals for the strategic solution in 2012 will be equally robust. I look forward to visiting the IT providers and sites where the data are currently held and the cards printed.
- 6.4. I intend to scrutinise further the end to end identity card enrolment process including the capture of biometrics which comprises an individual's ten digital finger and thumb prints and digital facial photograph. I want to be assured of the security and integrity of the current enrolment process as well as that developed for the strategic solution in 2012.

- 6.5. In respect of complaints under the Act, I will seek assurance from IPS that the system for complaints handling for the National Identity Service (which is based on that for passports) meets the requirements of the Identity Cards Act. In judging this, I will pursue how and where complaints about identity cards are routed, the guidance provided to IPS officials on the handling of complaints on access or alleged access to a National Identity Register record, and what information can be provided to the complainant.

Arrangements made by designated document authorities

- 6.6. I have received no indication that there will be any document authorities designated in 2010. If this changes I will, of course, look at the arrangements undertaken by these authorities.

Arrangements made by those to whom information may be provided, for obtaining, recording and using that information.

- 6.7. I will start the year by looking further into the process for sharing data under the delegated powers of the 2006 Act. I want to understand who grants data requests, what the internal clearance procedures are, and what guidance exists for assessing the authenticity of requests for data. At present, relatively few requests for data are being received and I appreciate that these can be considered on a case by case basis by IPS senior executives. In 2010, I intend to scrutinise IPS' longer term plans for dealing

with the increasing volume of data sharing requests that I expect to be made as more individuals' data are placed on the National Identity Register. I shall also be looking at how the person managing a request for data assesses whether the disclosure sought is proportionate to the purpose for which it is requested. I will, on occasion, look at individual requests for data to ensure that IPS is adhering to its guidance.

- 6.8. I am keen to understand the system for audit data and how data usage is measured and monitored. I want to understand whether IPS will be providing public reports on the number of requests for data sharing made of the National Identity Register without the consent of individuals both in relation to single records and to multiple record data sets.

The uses to which identity cards are being put

- 6.9. I will keep abreast of plans and developments, monitoring the arrangements made to bring in new partners and ensuring that the uses to which identity cards are put are appropriate.

Appendix A

Relevant Sections of the Identity Cards Act 2006

The statutory basis for the Identity Commissioner's role is given by sections 22 and 23 of the Identity Cards Act 2006. For convenience, these are provided in this Annex. The full 2006 Act is available online at:

http://www.opsi.gov.uk/ACTS/acts2006/ukpga_20060015_en_1

Section 22 Appointment of National Identity Scheme Commissioner

(1) The Secretary of State must appoint a Commissioner to be known as the National Identity Scheme Commissioner.

(2) It shall be the function of the Commissioner (subject to subsection (4)) to keep under review—

(a) the arrangements for the time being maintained by the Secretary of State for the purposes of his functions under this Act or the subordinate legislation made under it;

(b) the arrangements for the time being maintained by designated documents authorities for the purposes of their functions under this Act or that subordinate legislation;

(c) the arrangements made, by persons to whom information may be provided, for obtaining the information available to them under this Act or that subordinate legislation and for recording and using it; and

(d) the uses to which ID cards are being put.

(3) Where the Commissioner reviews any arrangements in accordance with subsection (2), his review must include, in particular, a review of the extent to which the arrangements make appropriate provision—

(a) for securing the confidentiality and integrity of information recorded in the Register; and

(b) for dealing with complaints made to the Secretary of State or a designated documents authority about the carrying out of the functions mentioned in that subsection.

(4) The matters to be kept under review by the Commissioner do not include—

(a) the exercise of powers which under this Act are exercisable by statutory instrument or by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12));

(b) appeals against civil penalties;

(c) the operation of so much of this Act or of any subordinate legislation as imposes or relates to criminal offences;

(d) the provision of information to the Director-General of the Security Service, the Chief of the Secret Intelligence Service or the Director of the Government Communications Headquarters;

(e) the provision to another member of the intelligence services, in accordance with regulations under section 21(5), of information that may be provided to that Director-General, Chief or Director;

(f) the exercise by the Secretary of State of his powers under section 38; or

(g) arrangements made for the purposes of anything mentioned in paragraphs (a) to (f).

(5) It shall be the duty of every official of the Secretary of State's department to provide the Commissioner with all such information (including information recorded in the Register) as he may require for the purpose of carrying out his functions under this Act.

(6) The Commissioner is to hold office in accordance with the terms of his appointment; and there shall be paid to him out of money provided by Parliament such allowances as the Treasury may determine.

(7) The Secretary of State—

(a) after consultation with the Commissioner, and

(b) subject to the approval of the Treasury as to numbers, must provide the Commissioner with such staff as the Secretary of State considers necessary for the carrying out of the Commissioner's functions.

(8) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities for the purposes of that Act), at the appropriate place, insert—

"The National Identity Scheme Commissioner."

(9) In this section "intelligence service" has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23).

Section 23 Reports by Commissioner

(1) As soon as practicable after the end of each calendar year, the Commissioner must make a report to the Secretary of State about the carrying out of the Commissioner's functions.

(2) The Commissioner may also, at any other time, make such report to the Secretary of State on any matter relating to the carrying out of those functions as the Commissioner thinks fit.

(3) The Secretary of State must lay before Parliament a copy of every report made to him under this section.

(4) If it appears to the Secretary of State, after consultation with the Commissioner, that the publication of a particular matter contained in a report under this section would be prejudicial to—

(a) national security, or

(b) the prevention or detection of crime, the Secretary of State may exclude that matter from the copy of the report that he lays before Parliament.

(5) Where a matter is excluded under subsection (4) from a copy of a report laid before Parliament, the Secretary of State must, when he lays that copy of the report, also lay before Parliament a statement that a matter has been excluded from the report under that subsection.

Appendix B

Financial overview

1. The Office of the Identity Commissioner is an independent organisation sponsored by the Identity and Passport Service (IPS). Our annual budget is allocated and scrutinised by IPS.
2. Section 23(1) of the 2006 Act makes clear that reports to the Secretary of State must be issued as soon as practicable after the end of each calendar year. Due to the disparity between calendar and financial years, it will not be possible to include in these reports an audited account of yearly expenditure. Audited accounts will be submitted to the Secretary of State, as required, after the end of the financial year, possibly as an appendix of the IPS annual report or the Home Office annual report.
3. In the interests of openness and transparency, this report contains a summary of resources available to the office for the financial year 2009-2010, which from setup to 31 March 2010 is £565,000. We are working to ensure that all money spent derives maximum value for money; the figures are an indication of budget allocation, not actual spend.

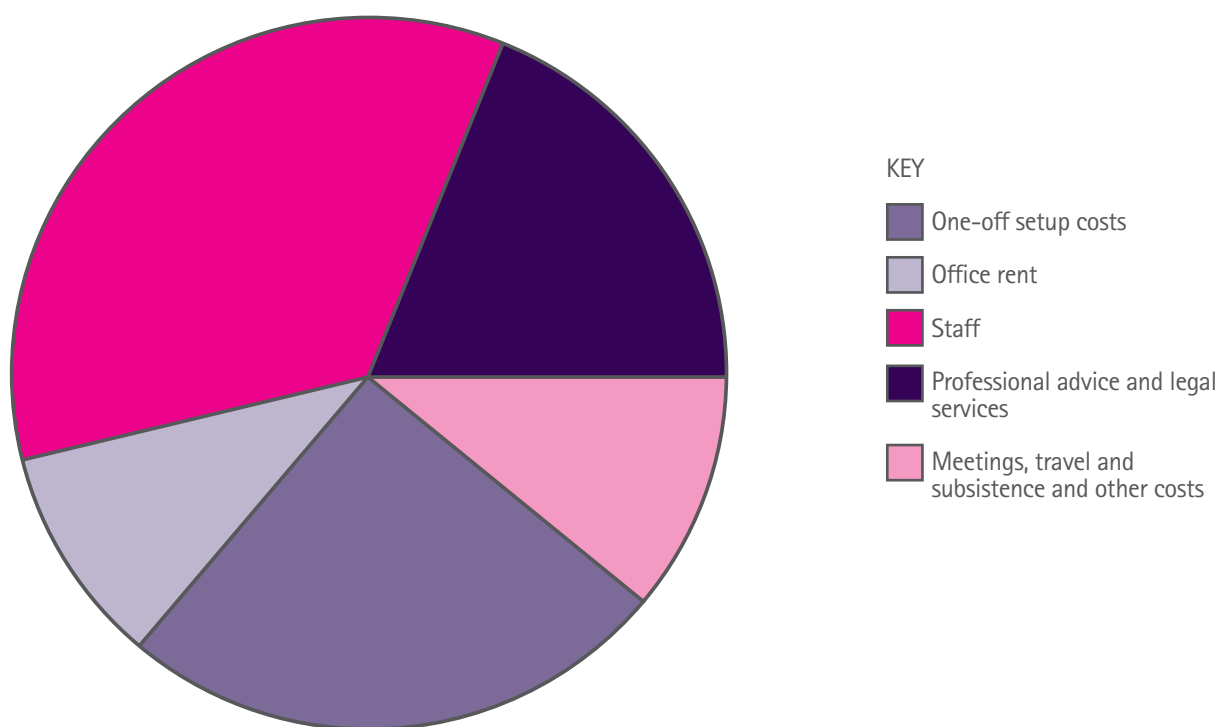
Fig.1 - Office of the Identity Commissioner - Available resource FY 2009-10

Cost	Available Resource £000s
One-off setup costs*	142
Office rent	54
Staff	200
Professional advice and legal services**	105
Meetings, travel and subsistence and other costs	64
TOTAL	565

*One-off setup costs include refit of office space, the setup of IT systems and staff recruitment processes.

** Contingent sum

Fig.2 provides a proportional breakdown.



Forward look

4. The Office of the Identity Commissioner is currently in the process of finalising its work plan and forecasting expenditure for 2010/11. It will work closely with IPS to ensure it has the necessary resources to carry out duties.

Appendix C

List of appointments

September 2009

23.09.09	James Hall, Chief Executive and Registrar General, IPS (and 2.11.09 and 21.12.09)
----------	---

October 2009

7.10.09	Vince Gaskell, Executive Director – New Service Implementation, Identity and Passport Service (IPS)
7.10.09	Katie Davis, Executive Director – Strategy, IPS
12.10.09	Duncan Hine, Executive Director – Integrity and Security, IPS (phone call, followed by meeting on 16.11.09)
15.10.09	Visit to Manchester Airport IPS pass office and IPS Public Panel North
19.10.09	Bill Crothers, Executive Director – Chief Information Officer and Commercial, IPS (and 14.12.09)
20.10.09	IPS Public Panel South
22.10.09	Office of John Vine, Chief Inspector of the UK Border Agency*
27.10.09	Andrew Dent, Director and Senior Responsible Owner – Critical Workers Identity Cards Service, IPS* (and 19.11.09 with the Identity Commissioner)
27.10.09	Alastair Bridges, Executive Director – Finance and Performance, IPS
27.10.09	Event at Institute of Government: 'Strengthening Public Protection Through Information Management'

All Sessions attended by the Identity Commissioner expect those marked * which were attended by the Director of the Office of the Identity Commissioner.

November 2009

3.11.09	Meg Hillier MP, Parliamentary Under-Secretary of State for Identity
5.11.09	Isabel Hunt, Executive Director – Communications and Marketing, IPS
5.11.09	Ann Tutt, Non-Executive Director, IPS (and 21.12.09)
5.11.09	Robin Woodland, Director of Policy, IPS
9.11.09	Visit to IPS Durham Office
17.11.09	Alan Hughes, Non-Executive Director, IPS
17.11.09	Event organised by Detica: 'Protecting the Public From Harm'
18.11.09	John Todd, Northern Ireland Office*
19.11.09	Christopher Graham, Information Commissioner (phone call, followed meeting on 15.12.09)
19.11.09	Sarah Rapson, Executive Director – Service Planning and Delivery, IPS
24.11.09	Patrick Owens, Head of Consular Services, Foreign and Commonwealth Office
24.11.09	Andrew Powles, Acting Executive Director – Human Resources, IPS
25.11.09	David Buckley, Executive Director – General Register Office and Deputy Registrar General for England and Wales, IPS
26.11.09	Rowena Collins-Rice, Director General – Democracy, Constitution and Law, Ministry of Justice
30.11.09	Damian Green MP, Shadow Minister for Immigration

All Sessions attended by the Identity Commissioner except those marked * which were attended by the Director of the Office of the Identity Commissioner.

December 2009

1.12.09	Baroness Eliza Manningham-Buller DCB, House of Lords
1.12.09	Peter Whittle, Convenor of the Experts Panel, IPS
3.12.09	Eric Metcalfe, Barrister and Director of Human Rights, Justice
3.12.09	Sarah Blackburn, Non-Executive Director, IPS
3.12.09	Dame Janet Finch, Non-Executive Director, IPS
7.12.09	Dominic Hartley, National Identity Service Strategy Architect and Andrew White, National Identity Service Interim Schemes Architect, IPS*
8.12.09	Terry Moran, Chief Executive, Pension, Disability and Carers Service, Department for Work and Pensions (phone call, followed by meeting on 22.12.09)
8.12.09	Alexis Cleveland, Director-General for Transformational Government and Head of Cabinet Office Management, Cabinet Office
8.12.09	Niki Tompkinson, Director of Transport Security, Department for Transport
9.12.09	Peter Lowton, Assistant Chief Constable, Essex Police
10.12.09	Sir Peter Gibson, Intelligence Services Commissioner
10.12.09	Stephen Boys Smith, author of "Transport Personnel Review" July 2008
11.12.09	Visit to IPS Passport Office Globe House, London
16.12.09	Steve Lamey, Director General Benefits and Credits, Her Majesty's Revenue and Customs

All Sessions attended by the Identity Commissioner except those marked * which were attended by the Director of the Office of the Identity Commissioner.

