Identity and the ID Divide

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To Begin

- Today, talking about having a government-issued ID
- How many have one? At least 3? A security clearance?
- How many use ID to enter your work place?
The ID Divide

- US population 2014 (Census): 319 million
- Adults: 244 million (76.4% of population)
- Citizen population: 220 million
- Registered to vote: 142 million (64.5% of citizens)
  - 78 million not registered
- Have no government-issued ID: over 20 million
  - Lack driver’s license?
  - Blind, young, elderly, poor, minorities, other sub-groups
- In our identity summit, this issue affects millions of people
Themes to Consider

- How should federal/state policy address the ID Divide, the many millions of citizens who do not have driver’s licenses or similar government-issued IDs?
- What principles should apply to your identity systems, as you design our systems for the coming years?
Overview of the Keynote

- Swire background
  - NSTIC at Georgia Tech
- Principles for authentication and identification: the ID Divide & NSTIC Principles
- John Oliver and the example of Martin
  - It’s *hard* to get ID unless you already have ID
  - We should do something about that
- The Counter Arguments
- What You Can Do About the ID Divide
- Conclusion
Swire Background

- Now, Huang Professor of Law & Ethics, Scheller College of Business, Georgia Tech
- Senior Counsel, Alston & Bird LLP
- Teach:
  - Privacy Technology, Policy, and Law
  - Information Security Strategies and Policy
- 1999-2001, Chief Counselor for Privacy, OMB
  - HIPAA
  - GLBA
  - Encryption
  - Wiretap and Internet
  - OMB guidance authentication
Swire Background (2)

- Law professor since 1990, when not in government
- National Economic Council, 2009-2010
- June 2013, Snowden revelations began
- August, 2013: President Obama’s Review Group on Intelligence and Communications Technology
  - Report, December 2013
  - 70% of 46 recommendations adopted by administration
  - USA-FREEDOM Act (2015)
Swire & Georgia Tech Research Institute Pilot Project on Trustmarks

- Organization-to-organization authentication:
  - Police forces and other public safety organizations across the country
  - Scaling authentication across communities of interest
- I played a consulting role on privacy
  - Privacy issues usually modest in this setting
  - Is an organization that is being authenticated
  - Data sent from one organization to the other is under standards created in the distant sub-system
NSTIC Pilot: Scaling Interoperable Trust Through a Trustmark Marketplace
Trustmark Registry Concept
Enable Trustmark Defined
Perimeters
Learn More Here

https://trustmark.gtri.gatech.edu
Principles for Authentication & Identification

- The ID Divide
- NSTIC Guiding Principles
- Disclaimer – many of you are working on these issues every day, and will know some current developments more than I do
The ID Divide Project

- I chaired a project 2007-2008 that led to “The ID Divide: Addressing the Challenges of Identification and Authentication in American Society”
- Issues and experts:
  - National/homeland security
  - Immigration
  - Voting
  - Electronic health records
  - Online authentication
  - Computer security (Bruce Schneier)
  - Privacy & civil liberties
Principles from that Project

- Due diligence review for new systems for authentication and identification
  - Achieve real security or other goals
  - Accuracy
  - Inclusion
  - Fairness and equality
  - Effective redress mechanisms
  - Equitable financing for systems
NSTIC Guiding Principles

- Many of you have devoted many more hours to the NSTIC process than I have
- The four Guiding Principles:
  - Identity solutions will be privacy-enhancing and voluntary
  - Identity solutions will be secure and resilient
  - Identity solutions will be interoperable
  - Identity solutions will be cost-effective and easy to use
Principle 4: Convenient and Easy to Use

- Often called “usability,” but is more than that
- They must be “intuitive, easy-to-use, and enabled by technology that requires minimal user training”
  - To whom? Includes the bottom quartile (or 10%) in tech or literacy
    - How well do your engineers understand that, deep in their bones?
  - “Identity solutions must bridge the ‘digital divide’”
  - **That is a key insight for the ID Divide**
  - “They must be available to all individuals”
  - “They must be accessible to the disadvantaged and disabled”
Offline and Online Identity

- “The [NSTIC] Strategy does not explicitly address identity and trust issues in the offline world”
- “However, offline and online identity solutions can and should complement each other”
- Verifying the identity of an individual and “the quality of identity source documents have a profound impact on establishing trusted digital identities”
- “But the [NSTIC] Strategy does not prescribe how these processes and documents need to evolve.
- **Key:** the offline identity solutions are crucial to solving ID Divide
Our example: Martin

- I grew up in Albany, NY; moved to Atlanta 2 years ago
- Our example:
  - Martin is 20 years old
  - Born and grew up in NY
  - Moved to Georgia to look for work
  - Lives with his cousin
  - Has never had a driver’s license or passport
    - Driver’s ed
    - Urban vs. suburban
    - Cost
    - Family car insurance (!)
Challenges to Martin When Lacks ID

- Jobs: I-9 and E-verify
- Voting
- Government buildings
- Airplanes or trains
- Every time you use ID
- Large and expanding range of other activities
John Oliver and Losing Your ID

- [Link](https://www.youtube.com/watch?v=0UjpmT5noto)
- [6:15 to 8:14]
Martin Does Research in GA

- To get a driver’s license, need a birth certificate
- To get a birth certificate, need a driver’s license or similar government-issued ID
More Research

- Get birth certificate first
  - His parents (hope they are alive and get along)
  - His maternal grandparents
  - His paternal grandparents IF father listed on birth certificate
- NYS birth certificate online for $110.87 plus shipping
- Minimum wage $7.25/hour
- That’s 15.3 hours to get just the birth certificate
- Oops, can’t get a job if requires E-Verify or I-9
- Other work-arounds, but hard to find online
I-9 Identity Requirements

- Mainly driver’s license or other photo ID by a government agency
- School ID card with photograph (what if he graduated 2 years ago? Or, never graduated?)
- Voter’s registration card (but, need driver’s license or equivalent to get that)
- Ouch. Not easy to get a job to pay for the identity documents.
Traits Rewarded by Our ID System

- **Money** - $100 for birth certificate, then $$ for driver’s license, and time/hassle to prove that when you don’t fit
- **Residence** – live in same place, $$ to move; homeless
- **Name** – never change your name; don’t get married
- **Job** – go gray/black market if can’t do I-9
- **Crime** – never victim of ID theft; harder if ever committed a crime to get ID
- **Language** – speak/write to handle the forms
- **People in this room** – which side of the ID Divide are you? Consider if several of these criteria were not favorable for you.
Conclusion on the Martin example

- There are big challenges that the well-credentialed rarely experience or have as minor inconvenience.
- A civil rights/fairness issue for our time (Martin Luther King today).
- You in this room are building the new identity systems and can play your part.
The Counter Arguments

- The thesis today: the offline/online identity system should address the ID Divide
  - On-ramp for government-issued ID even for young, elderly, poor, minorities, disabled, victims of ID theft, etc.
  - On-ramp for right to vote – should not be an obstacle course to be able to register
  - The identity eco-system should enable access for citizens or others legally eligible
- Let’s consider 5 counter-arguments
Counter #1: Make It (Pretty) Hard to Vote

The Counter:
- Voting is a privilege – those who value it should have to show they care by jumping through hoops
- Voting is most important in a locality for those with a stake in the community – long-time residence, own property, know the local issues

My response: The right to vote
- One person, one vote – we gave up property qualifications to vote over 200 years ago
- It is not a “government of the (rich) people, by the (rich) people), and for the (rich) people
- This is not a legitimate argument for strict ID rules that we know exclude tens of millions of voters from national elections
Counter # 2: Fight Illegal Immigration

- The Counter:
  - Strict ID is essential to prevent having undocumented workers from taking jobs away from eligible American citizens
  - Strict ID deters illegal entry to the country

- My response:
  - Immigration is a highly contested issue
  - But, essential to have on-ramp for tens of millions of U.S. citizens to enable legitimate employment
  - Don’t knowingly push these citizens to gray or black markets for employment
  - Equality of opportunity for U.S. citizens
Counter #3: Fight Fraud

- The Counter: Fraud is so bad that it is better to exclude the eligible than let any ineligible in.
- My response: Type I and Type II errors
  - Vividly imagine yourself caught in the “I can’t prove my identity” trap – poverty, ID theft, etc.
  - I am concerned that today we are too willing to deny eligibility to many deserving people for fear of allowing one non-eligible person.
  - Overton study: “photo-identification requirements would deter over 6,700 legitimate votes for every single fraudulent vote prevented.”
Counter #4: Technical Cyber-security

- The Counter: It is *hard* to build a secure system, so need to set a high hurdle to proving identity
  - For hacking, a concern about scale
  - If an exploit exists, it can illegally credential many people
- My response: yes, it is hard to build a secure system
  - It is also hard to live in this society if your driver’s license is taken away, you can’t pay the fines to get it back, you can’t get a job, you can’t vote, you can’t get out of the no-ID trap
  - Don’t let technical challenges be a reason to have terrible outcomes; instead, solve them with supplementary ways to handle cases for those caught in the ID Divide
Counter # 5: Politics

- The Counter, more often thought than voiced in public: “My political views won’t do as well if more people vote, so I prefer to exclude eligible voters from the right to vote”
  - Better to exclude (1/10/1000/6700) voters than let one ineligible vote be cast
  - Consider the right to vote: see if you can look yourself in the mirror after you study these facts.
  - Instead, consider what you can do to improve the system
What You and We Can Do

- The thesis: you in this room are national and global experts at building better identity systems
- Consider what you, personally, can do to help with the ID Divide
  - What if you help one eligible person (10, 100) cross that divide?
One Idea That Should Happen in All of the States

- Have a range of reasons why individuals may lose their driver’s licenses
  - Dangerous drivers
  - People don’t pay fines and this gives incentive to pay
- Idea – if driver’s license is suspended or revoked, and identity is valid, automatically issue state ID card
  - Don’t push people into the ID Divide of having no way to prove identity, get a job
  - Makes money for the states – more likely to pay the state fines if have a job, can prove E-Verify and I-9
  - Doesn’t push people to gray/black market for work, so reduces crime
Fairness Impact Assessments

- NSTIC Guiding Principle 4: usability, cross the digital divide, access for all the sub-populations – design principles for you
- My suggestion: a formal or informal “Fairness Impact Assessment”
  - Like Privacy Impact Assessments or DHS Civil Liberties Office guidance on not discriminating against religious and national origin minorities
  - What are the sub-groups that may find it hard to use your identity system? Young, old, poor, bad English, disabled, and more
  - If principle path to eligibility doesn’t work, what alternative paths?
  - Have you skewed your type I and II errors?
  - Have you let engineering elegance or convenience of those operating the system trump the effects on the excluded?
  - Just asking these questions can help answer them
One Possible Policy Solution

- Leverage school authentication
  - Huge ID Divide for those who turn 18
  - Relatively good authentication in school – not worth it to spend a year in boring classes to establish a fake identity
- Nudge – default on state ID card and voter registration when turn 16 or 18
- This idea getting some attention in presidential campaign, but you can consider how to expand the idea
- What other innovative paths to identity?
Addressing ID Theft

- People fall into the ID Divide
  - My student named Smith – warrant outstanding!?
- Assess your system for possibility of ID theft and person needs to re-establish credentials
- With data breaches at scale, and fastest-growing crime of this century, this is an integral part of any fair identity system
Some Other Parts of Reform

- Equitable funding – the right price to cover costs of the system and the right price for the indigent
  - “Free” is not always free – get to the DMV, day off from work, second day, third day
- Federal/state funds: part of Help America Vote Act Reform and state reforms
Conclusion

- The ID Divide exists, and gets more critical as lack of identity becomes a bigger disadvantage.
- The Martins of this world, and the blind, and the grandparents, and others face these challenges.
- You, as experts in the world on this, can play a decisive role to help.
- The counter-arguments are weak.
- Please help: “If not now, when? If not me, who?”