

Listing of Major Items of Interest in the British Columbia Enhanced Driver's License Program Phase 1 Post Implementation Review (Redacted)

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Summary: This document identifies key sections of the Post Implementation Review of the B.C. EDL (Phase 1) Program. I focus on: (1) the status of sharing EDL information with American authorities; (2) findings and survey data associated with EDL applicants; (3) citizenship validations performed by CIC; (4) CSIS' role in examining ICBC's employee's; (5) the level of testing performed on the Facial Recognition and RFID technologies incorporated in the EDL program; (6) An evaluation of media attention towards EDLs in B.C. Page references made in this document refer to the *British Columbia EDL Program Phase 1 Post Implementation Review* document, dated August 14th, 2008.

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Overview

The post implementation review is intended to meet the following objectives:

1. Demonstrate that Phase 1 of the B.C. EDL program satisfied the requirements of the BCSA and CBP as an acceptable travel document;
2. Determine the level of public demand, as well as response and customer satisfaction;
3. Verify compliance of the B.C. EDL program with privacy legislation and requirements;
4. Determine impacts on border crossings;
5. Acquire lessons learned that can be applied in other federal and territorial EDL initiatives and guide Phase 2 implementation of the B.C. EDL program (p.1).

Status of Sharing EDL Information

As of the writing of the post implementation review, no information of Canadian EDL holders has been shared with the United States authorities – in the redacted document there is no explicit mention as to why, save that the CBP failed to meet their administrative responsibilities (p.19). In light of this, it was impossible to perform an audit of CBP’s use of Canadian personal data. The document does offer a cautionary note surrounding the sharing of Canadian EDL data with the US:

Section 5 of Annex A of the CBSA/CBP MOU indicates: “CBP is expected to access the EDL information provided under this Annex only for border crossing purposes...” However, section 7 of the same annex indicates: “CBP is expected to notify CBSA...in the event that CBP is required by U.S. Law or

national security to disclose EDL Information...other than for a border crossing purposes..." Thus it is clear that there is potential for secondary use. Further, it is possible that if there was a disclosure pursuant to the *USA Patriot Act* that CBP may not be legally able to advise CBSA (p.21).

RFID readers have yet to be deployed by Americans at the Ports of Entry, which has prevented the reviewers from evaluating whether or not they will operate as expected in 'live' environments (p.23).

Information Shared by CBSA to CBP

The following is a listing of the information that CBSA will share with CBP in Phase 2 of the implementation process, once CBP has met their administrative requirements.

- Full name (first name, last name)
- Birth date
- Gender
- Citizenship
- License issuing jurisdiction
- Issuing country
- EDL expiration date
- Optical character recognition unique identifier
- Digital image (Applicant photo)
- Radio frequency Identification unique number
- License status and status changes
- Tag identification number (B.C. Phase 1 EDL does not include a tag ID)

Some information elements, such as height and eye colour, are only on the physical card and are not transmitted electronically to CBP. In light of CBP failure to meet their administrative requirements, they have not had any Canadian EDL data released to them – this suggests that the worries about Canadian data being housed in the US have failed to materialize thus far. As a consequence of CBP not meeting these requirements, it has been impossible to evaluate the effectiveness of data transfer and/or retrieval by the CBP. Only after data has been released will it be possible to review data transmission, and the review document suggests that an audit should be performed three months after releasing data to the US to determine if secondary uses of EDL data has occurred (p.27).

Applicants and EDLs

When the BC government announced that they were looking for volunteers to take part in the trial, they were inundated with potential applicants. In total, there were 799 applicants. Only 625 people arrived for their application interviews, with 521 people ultimately receiving their EDLs (p.6). Phase 1 called for 30 minute pre-screening times (it is suggested in the review that this changes to 20-25 minutes) and 15 minutes for the issuance stage (58% of workers think that this is an appropriate amount of time) (p.7). It took, on average, 10 second to digitally validate birth certificates between ICBC and BCVSA, and 10 minutes on average to

manually validate these certificates. 43 applicants were denied an EDL due to problems with their birth certificates.

- 17 could not be verified;
- 19 were denied because they held an older certificate that lacked a registration number that could be electronically identified;
- 7 were denied because they lacked a birth certificate.

Of the 521 people who were carrying EDLs, there were 14 cases where a client was found using multiple applications for an EDL. The multiplicity of records arose because when a client made a change to their personal information that ICBC held, a new application was created and 'overlaid' on the old application – the new application always took precedence, despite the series of records being associated with an individual (p.11).

Survey of EDL Participants

A detailed survey of the EDL participants was conducted. 'Participants' included all individuals involved in the program, including individuals who either did not come to their application, or who were rejected as applicants. Only 48 of 799 individuals involved in the process cited any privacy concerns. There were some individuals who decided not to use the RFID cage, with their stated reasons being that it, "doesn't fit in wallet" is "inconvenient" or is "unnecessary" (p.14). It should be noted that of the applicants, 58% already held a Canadian passport, suggesting that those who applied for EDLs are, or expect to be, highly mobile across national borders.

Of the individuals who didn't arrive at their pre-screening (and thus did not receive an EDL), 7 of 53 (13.2%) cited concerns about EDLs that they had heard of since beginning their application. In the once case where an individual ended the application process in the middle of the application and requested copies of all the documents that they had supplied to ICBC, there was some confusion as to how to proceed but copies of the documents were given to the applicant.

Citizenship Evaluations by CIC

There were multiples cases of incomplete scans of documents being sent to CIC. It is suggested that in Phase 2 no application should be approved until a successful scan is sent to, and validated by, CIC. CIC recommends that all applications and their accompanying documents are sent o CIC so that they can thoroughly search their databases for each applicant (p.11-12).

Employees of ICBC

It should be noted the employees working with EDLs must undergo a CSIS background check. In the instance of CSIS discovering something of note about the employee, they have stated that they *will* inform the employee's manager of the item in question, rather than simply denying the security clearance to the individual (p.20). While enrolling in the EDL-employee program is voluntary, it adds a level of concern for employees who want to work with, or receive their own, EDLs.

Facial Recognition (FR) Technology and RFID

Every reported match/duplicate of a face when scanned was a false positive. The document notes that, “[t]his was expected due to the small participant group, the parameters set out for participation, and the face-to-face prescreen process during the application” (p.8).¹

The RFID chips do not appear to have malfunctioned; the supplier of the cards (i.e. IBM) did not report any defective cards. It should be noted that, given that RFID readers have not been installed at U.S. Ports of Entry, which meant that an “[a]ssessment of RFID chip functionality cannot be completed” (p.9). Moreover, given that these readers have not been installed, there is no conclusive evidence that the RFIDs will actually enhance border transaction rates, though 46% of EDL holders believed that they spent less time at border crossing points by using their EDL. 15% of holders reported an *increase* in border wait times, though this is thought to relate to unfamiliarity with the EDLs (p.16).

Given the dual lack of a large sample size for testing the FR and RFID technologies, which have been prominently stated as ‘security measures’ for protecting the sanctity of identity documents, it is questionable as to whether they will be effective or not. Rather than encourage further testing, perhaps by extending the Phase 1 trial, they will be tested in Phase 2 instead of being trialed prior to a wide scale ‘live’ deployment.

Media Attention

The review repeatedly associates neutral and positive media stories, and separates them from purely negative stories. This establishes an impression that the vast majority of articles are positive, whereas by establishing a strong correlation between neutral and negative articles the opposite impression would be developed. Negative articles attended to worries about the RFIDs, and the various privacy concerns raised by EDLs. There is a recognized worry that with only 521 individuals enrolled in the program that there was relatively little desire for the media to attend to negative stories, that a large-scale enrollment will likely lead to negative stories being increasingly published (p.24).

It should be noted that, playing into the media strategy, there has been an analytic distinction between ‘significant’ and ‘insignificant’ identifiers. ‘Significant’ identifiers can be used to access other data, and includes a Driver’s License number. The RFID identifier is being labeled as ‘insignificant’, despite the fact that it will be used to access citizenship data through the database hosted by CBSA (p.22).

¹ **Note:** given these comments, it suggests that the parties involved were not actively concerned/interested in aggressively testing the FR technologies – a greater sample size would have been needed to effectively test the success/failure rates of the FR technologies that were deployed.

Reference

BC EDL Phase 1 Post Implementation Review, August 14, 2008, available at:
<http://idforum.ischool.utoronto.ca/documents/BC%20EDL%20Phase%201%20PIR%20Released%20A-2008-01436.PDF>