No one should be left behind. No one should face the "indignity of exclusion". No one should be denied every opportunity to realize full potential by exercising basic human rights. And no one should be deprived of its share in the "progress pie" brought about by the country’s economic development towards digital age. Every person has the right to participate in political, economic and social life within the bounds of exercisability. Without proof of identity and lack of guiding principles, inclusive framework and sustainable design for the national identification system, people may be denied access to the many rights and services attached to citizenship or residence.

ABSTRACT

At least one in every six individuals in the world are unable to prove their identity, according to World Bank’s Identification for Development (ID4D) progress report 2016. Without proper identification, there would exist an unreasonable barrier between the government and the intended beneficiaries of various social programs, such as healthcare, educational support, conditional cash transfers, and social security benefits. In the Philippine setting, access to these benefits are scattered across various government agencies and associated not-for-profit organizations, each requiring at least one agency-specific identification card or other accredited alternate documents to prove identity.

To respond to issues like these, the Philippine House of Representatives sitting in the 17th Congress has approved on 8 September 2017 the House Bill 6221, also known as "An Act Establishing the Filipino Identification System" (FilSys). This bill envisions as a matter of policy declaration the simplification of the processes in public services, reductions of redundancy and delay in government services and transactions, elimination of multiple government identification system, bringing down administrative costs and expenses, promotion of greater convenience to the public, facilitating private businesses, identification of fraudulent transactions and misrepresentations, and preventions of the use of false or stolen identities. While the vision of bill is pristine in its own right, ethical issues in the development of policies and drafting of implementing rules and regulations should be considered upfront to ensure that the spirit of the bill (or the law once enacted) is faithfully upheld. These ethical issues include, but not exhaustive, (1) risk exposures of private and personal data resulting from mishandling and involvement of corrupt politicians in the process; (2) overburdening the current workload of Philippine Statistics Authority (PSA) if a separate dedicated agency will not be created; (3)
creation of invisible barriers to marginalized groups and technologically-challenged leading to exclusion; and the (5) stigma associated with the requirement to constantly prove citizenship to naturalized Filipinos and other minority groups.

Failure to consider the ethical implications identified in this policy paper will put into risk the right to privacy of at least 100 million Filipinos and, more so to the needed access to social welfare and benefits of those identified to be poor comprising at least 20 million people or the 21.6% poverty incidence based on PSA’s Family Income and Expenditure Survey (FIES) in 2015.

IDENTITY AND THE NEED FOR VERIFICATION

Identity defined

Identity is a set of attributes that uniquely describes an individual or entity. It is the fact of being who or what a person or thing is and serves to establish who the holder, owner, or wearer is by bearing their name and often other related details such as signature or photograph (www.google.com.ph). The logic behind identity is upheld by Leibniz’s law or specifically in the “identity of indiscernibles”, which states that there cannot be separate objects or entities that have all their properties in common (i.e., entities x and y are identical if every predicate possessed by x is also possessed by y and vice versa) (www.wikipedia.com). This establishes identity, in terms of personal identity, is something unique – as each person is unique in his own right.

Ethical considerations attached to identity

Identity, and the ability to provide a verifiable evidence of own identity, is used to access financial services (such as opening a bank account or obtaining capital and credit), social benefits (including food vouchers, pensions, or cash transfers), healthcare (such as health insurance, vaccinations, and maternal care), education (such as enrolling children in school or applying for scholarships), political and legal rights (such as voting, filing petitions in courts, owning property, or receiving an inheritance), gender equality (including prevention of early and child marriage), and migration (including seeking asylum and crossing borders legally and safely) (http://www.worldbank.org).

Without official identification, there will be barriers that individuals face in exercising their human rights. On a larger scale, these collective barriers as magnified will be even more challenging for the country. World Bank explained that when strong identification system is missing, countries can struggle to deliver vital services to people, govern effectively, eliminate duplicative or inefficient programs, make efficient use of limited resources, and produce statistics accurately.
Linkage to sustainable development goals

The provision of identification—“proof of identity”—is embodied in Sustainable Development Goals (SDG) of the 2030 Agenda for Sustainable Development, a resolution adopted by the United Nations General Assembly on 26 September 2015.

In particular, SDG Target 16.9, requires the provision of “legal identity for all, including birth registration.” Identification was emphasized to be a key enabler of numerous other SDG Targets, such as the following:

- a) 1.3 (implementing social protection systems),
- b) 1.4 (ensuring that the poor and vulnerable have control over land, property, and financial assets),
- c) 5a (giving poor women equal access to economic resources, including finance),
- d) 5b (enhancing the use of technology, including ICT to promote women’s empowerment),
- e) 10.7 (safe and responsible migration and mobility),
- f) 10c (reducing the cost of remittance transfer),
- g) 12c (phasing out harmful fuel subsidies),
- h) 16a (strengthening the capacity to fight terrorism and crime), and
- i) 16.5 (reducing corruption), among many others.

With the advent of digitalization, opportunities exist to move over paper-based identity documentation to digital infrastructure and platforms for registration or enrollment and authentication of identity.

Why verify identity?

The ability to prove identity is crucial to ensure access to educational opportunities, financial services, healthcare, social welfare benefits, ride with economic development such as with the growing credit demand and increasing financial inclusion, and the right to vote.

For developing nations such as the Philippines, Asian Development Bank (ADB) pointed in their report on identity for development in Asia and the Pacific that identification systems (ID system) can offer as a means to fast-track economic and social development. In particular, ID systems can assist various stakeholders in making service delivery more efficient.

The use of identification cards have evolved over time, from the tool used to exercise the right to elect government officials to massive registration to capture the entire community intended to be covered by economic, political and social programs.

The principles behind the need to verify identity were explained by World Bank to include the following:

- a) Ensuring universal coverage for individuals from birth to death, free from discrimination;
- b) Removing barriers to access and usage and disparities in the availability of information and technology;
c) Establishing a robust (unique, secure, and accurate) technology;

d) Creating a platform that is interoperable and responsive to the needs of various users;

e) Using open standards and ensuring vendor and technology neutrality;

f) Protecting user privacy and control through system design;

g) Planning for financial and operational sustainability without comprising accessibility;

h) Safeguarding data privacy, security, and user rights through a comprehensive legal and regulatory framework;

i) Establishing clear institutional mandates and accountability; and

j) Enforcing legal and trust frameworks through independent oversight and adjudication of grievances.

The preceding principles are based on inclusion (universal coverage and accessibility), design (which is envisioned to be robust, secure, responsive and sustainable), and governance (i.e., building trust by protecting privacy and user rights).

For financial inclusion, providing a verifiable identity to the people would facilitate government (through the Bangko Sentral ng Pilipinas) and accredited banks with their Know Your Customer (KYC) requirements to expand the use of financial services and allow them to perform efficient targeting to reach the unbanked population.

The ID system can therefore be the conduit of the government in reaching development goals at a much faster rate. It will enable transparency in governance and curb leakages in government’s spending process. It will also help government policy-makers create informed decision-making thought process and ensure that transactions are verifiable down to identity level.

**Alignment with Data Privacy Act 2012**

R.A. 10173 is also known as “AN ACT PROTECTING INDIVIDUAL PERSONAL INFORMATION IN INFORMATION AND COMMUNICATIONS SYSTEMS IN THE GOVERNMENT AND THE PRIVATE SECTOR, CREATING FOR THIS PURPOSE A NATIONAL PRIVACY COMMISSION, AND FOR OTHER PURPOSES”. It stated in its policy declaration that “it is the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The State recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected.” The law in itself is anchored in protecting the people’s right to privacy. With the national I.D. system, this right might be put into risk if the use of data falls into the hands of ill-minded, unauthorized persons. This will ultimately outweigh the anticipated benefits that the national I.D. envisions, such advancement of social welfare development, among others.

In the United States of America, data privacy was also highlighted by the government in the so-called “The fourth amendment” in their constitution. It states that “the right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be
violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” The amendment sets limits on government’s rights to search peoples’ homes and businesses and seize documents and other personal effects. With the unprecedented pace of technological developments, however, much of our personal information is no longer safe in our homes; it resides in huge databases outside our control. New technologies allow the government to search people’s homes without entering them and search persons from a distance without their knowledge.

Move to national ID system from around the world

In Venezuela and Bolivia, the New Left government promoted a massive civil registration and distribution of cards as an “opportunity to repair historical fractures and incorporate larger segments of the population into the national community” (Ragas, 2017). The initiatives were done under campaigns of “Mission Identity” for Venezuela and “’I do exist, Bolivia does exist” (“Existo Yo, Existe Bolivia”) for Bolivia. One innovative feature of Bolivia’s registration program was to grant the transgender community the ability to select their genders.

On 31 December 2015, India’s Aadhaar project scheduled one billion citizens to enroll into system, through the directive of the Unique Identification Authority of India (UIDAI). The Indian attempt was tagged as the most ambitious move to provide personal identification to 1.2 billion people, representing 1/7 of the human race. The project now houses the largest biometric laboratory in history (Ragas, 2017).

In the Middle East and Africa, violence caused by numerous radical groups have displaced millions of people into various territories, beyond political borders and even beyond the reach of their respective governments. Various strategies were already employed by interest groups – both international and local; government and private entities – to provide legal protection to refugees and undocumented immigrants. The registration process, as promoted by the United Nations Refugee Agency (UNCHR), aims to provide assistance to those who need, in particular the elderly, the sick and the children (aside from obtaining an accurate list of names and personal date from these refugees).

Other movements that compelled governments to either issue national ID’s or strengthen the identity verification process were related to the dispersion of around 22,000 Rohingya Muslims who crossed borders in Bangladesh as early as 1990s. In South Sudan, there were also around 265,000 refugees who came from Democratic Republic of Congo and the Central African Republic. Registrations were carried out in camps to issue documents to the refugees.

In Pakistan, at least 22,000 refugees from Afghanistan brought with them fake or forged ID’s. A remarkable story was that of Sharbat Gula who was featured in National Geographic magazine in 1984, who was accused of possessing fake identification document. In the more recent identity issues, Pakistani government struggled with the black market brought about by “desperation for obtaining” the new Computerized National Identity Card. In an attempt to gain access to the government’s social services, the black market operated, with the involvement of corrupt government officials and circulation of fake documents (Ragas, 2017).
Until recently, biometric technology in Pakistan also included realizing the full potential of the system, which includes ensuring women receive cash transfers directly. This empowers Pakistani women to decide how the money should be spent.

In the United States, there were even community-level versions of ID’s, to establish “inclusive democracies”. The same move for “neighborhood card” was happening in Spain, which aimed to provide “access to health, educational, social, and leisure services as well as to promote job positions.”

In Thailand, the national ID number helps the government achieve universal health coverage and improve overall delivery of health services.

In Peru, universal registration of the population allows their government to send immediate assistance to families affected in the event of a natural disaster.

**ETHICAL CONSIDERATIONS ASSOCIATED WITH THE NATIONAL I.D.**

Identity and ability to provide proof about it is a priceless possession. Globally, however, 1.1 billion people have no formal proof of identity. Approximately 170 million of these people are children and identification is critical to their future.

In the Philippines, the total population count was 100,981,437, based on the 2015 Census of Population (POPCEN 2015). We do not know yet how many are unidentified two years hence.

Base line issues are enumerated in the subsequent sections below:

1. **Universal coverage, free of discrimination**

   Coverage to provide legal identification is suggested to be available to all residents, not just to citizens of the country and without discrimination. The IRR should therefore consider and anticipate legal, procedural, and social barriers related to enrollment or registration. Particular attention should be provided to poor people and groups who are at risk of exclusion due to cultural, political and other reasons. World Bank gives us examples of these groups who are at risk to be placed on a margin – “women, children, rural populations, ethnic minorities, linguistic and religious groups, migrants, the forcibly displaced, and stateless persons.”

2. **Initial registration should remain free upon implementation and other relevant costs to the people should be kept at minimal and should be reasonable**

   House Bill 6221 currently specifies in Section 9, Compulsory Registration that “No fees shall be charged for the filing of applications for registration”. The change of personal status and residence in Section 12 of the same bill, however, is silent on the costs that the residents or citizens will bear.
The principle in this policy recommendation is that barriers to inclusion in the FilSys should be considered, which includes the costs that people will incur. In other words, costs should not be a barrier to access services associated with the need to verify the identification. Fees for certain additional services should therefore be reasonable, proportional to costs incurred, and transparent to the public (as suggested by ID4D).

Given that FilSys will connect opportunities for the government to fully utilize and realize the benefits of digitalization, at least in its day-to-day operations, people who are technologically-challenged may be marginalized, criticized, defamed, or technically excluded. The stakeholders, as centralized through PSA, should therefore ensure there is at least flexibility in the roll out of technology. In particular, there should be “online and offline infrastructure can be extended to provide “last-mile” access and connectivity, particularly for those in rural areas.”

(3) **FilID Card with printed CRN is still vulnerable to identity thefts and threats.**

It is not certain as of this policy paper date whether an accompanying implementing rules and regulations (IRR) was already drafted in anticipation of the bill becoming a law. Based on the wordings of the bill, however, the Filipino ID (FilID) will be in the form of a card that will show the computerized registration number (CRN) of an individual. House Bill 6221 Section 5 states that “upon reaching the age of eighteen (18), every Filipino whether residing in the Philippines or abroad is mandated to register personal data as required by the Filipino Identification System (FilSys), and, upon, application, shall be issued a nontransferable FilID with a CRN that shall be valid for life”, subject to replacement only under circumstances listed in Sections 5(a) to (c).

Further, Section 5 states that the FilID card shall contain on its face “personal data” relating to the individual in whose favor it was issued. The bill, however, delegates the prerogative to PSA in designing and structuring the “personal data” that will be shown (other than what has been specified in Section 7). In this case, PSA should assess what information are only relevant, using the principle formulated by World Bank related to a design that is robust, secure, responsive, and sustainable. These considerations should be addressed in the envisioned IRR.

When the card shows more than what is enough, citizens may be robbed of their freedom or right to disclose what is just enough. The number of “personal data” indicated in the card will be proportional to the risk exposure of an individual to identity theft and other related threats. Privacy should therefore be protected by legal and policy dimensions, such as being protected by strong penal provisions criminalizing the breach of confidentiality and privacy.

Another related challenge is for database management, which would require a reliable, safe network and fast internet-ready access. This requirement will only be a function of the speed and reliability of the existing broadband infrastructure in the Philippines.
Captured information in every instance the card is used is tantamount to movement surveillance, unless what is captured information is delimited. Threats to freedom and from being closely watched are few of the arguments against the potential overzealous surveillance that National ID system will bring (Baase, 2013). People will feel being doubted at all times in their homeland.

Policy development and implementation should still be principles-based

Access to social welfare and benefits should precede the need to present National ID. Simply put, FilSys should foster the programs envisioned by the government for human capital development and uplifting of lives. The absence of an ID does not make someone less of a Filipino, whose rights should remain intact despite there are exclusion issues.

IRR should address other issues that would not enhance creation of a black market

Coordination with key stakeholders for shared visions and provision of services is a must in ensuring multi-sectoral participation. World Bank is leveraging on its own financial resources and technical expertise to assist countries, at least with the following:

(a) Assessment of country ID systems and implementation of recommendations;
(b) Designing sustainable business models of ID systems, including public-private partnership (PPP) models;
(c) Development of appropriate legal and regulatory frameworks, including data protection and privacy requirements;
(d) Leveraging relevant technology standards and interoperability frameworks;
(e) Promotion of advocacy, awareness-raising campaigns and public-private partnerships;
(f) Ensuring that monitoring and evaluation mechanisms, including impact assessments, are included in the design; and
(g) Financing the infrastructure required for the public sector as well as streamline the process flow needed to support service delivery.

CONCLUSION

As World Bank would anticipate, a fully functional and effective national ID system would serve as an enabler of other pressing development challenges in the world today, such as (1) financial inclusion; (2) gender equality; (3) access to healthcare; (4) social safety nets; and (5) improved governance, among others.

A robust and efficient solution is becoming a priority for governments around the world and is included as Sustainable Development Goal (SDG) target 16.9: “By 2030, provide legal identity for
all, including birth registration.” It is also key to the attainment of many other SDG goals. Strong identification systems can lead countries to become more economically prosperous and secure, operate more effectively and efficiently, protect human rights, and deliver benefits to people. There is evidence of this in a number of developing countries as discussed in prior sections, such as universal health coverage, immediate assistance to people during natural disasters, receipt of cash transfers directly to the intended grantee, and ensuring that benefits and subsidies reach only the intended beneficiaries.

The discussions presented are not intended to raise a question on whether FillD should be enacted to a law or not but rather this paper strives to serve as a basic reminder to consider ethics in the policy development and drafting of the IRR. The ethical considerations will ensure that the policies are pro-people and there is economic value added to the entire country.

Indeed, everyone has a right to be counted – the right to participate in social, economic and political dimensions of being a resident or a citizen. Everyone has the right to privacy and freedom to move around without being overzealously watched. Everyone has the right to know that their government champions their rights as well.
REFERENCES


