



**Unique Identification Authority of India (UIDAI)
Civil Society Workshop on AADHAAR
May 6, 2010, 10:00 AM to 2:00 PM**

Vigyan Bhawan Annexe, Committee Room A, Maulana Azad Road, New Delhi

On May 6, 2010, the Unique Identification Authority of India (UIDAI) organized a workshop in New Delhi and invited Civil Society organizations from across the country to discuss the AADHAAR initiative. The meeting was attended by 40 people (participants list is enclosed as *Annexure I, p. 5*). The group consisted of people who were supportive of the idea of AADHAAR and others who had serious concerns about the initiative. The workshop was structured in a manner that would enable an open discussion of the opportunities, concerns, benefits and challenges of the project (agenda for the meeting is enclosed as *Annexure II, p. 6*). Participants had several questions on UIDAI's plans and also suggestions on making the initiative inclusive in nature (detailed minutes of the meeting are enclosed as *Annexure III, p. 7*).

The Chair for the morning session, **Dr. Mihir Shah**, Member, Planning Commission, made brief introductory remarks emphasizing the need for consultations between Civil Society and government in order to formulate better public policy. He broadly categorized the themes for discussion and the issues that needed to be addressed by the UIDAI as:

- **Constitutional**
 - Should UIDAI be a statutory authority?
 - Should an independent commission be set up that reports to Parliament on the use and misuse of AADHAAR?
- **Legal**
 - The need to draft legislation on data protection and privacy, with penal consequences;
 - The need to clarify the relation between the National Population Register (NPR) and AADHAAR;
 - Will AADHAAR remain voluntary?
- **Technological**
 - Openness: to avoid vendor lock-ins, the use of open source software, open standards and interoperability.

He said the UIDAI must also share information on the benefits of AADHAAR, such as financial inclusion, countering money laundering, and more efficient delivery of public services.

Participants had several suggestions and questions that revolved around the following topics:

- Rationale for the AADHAAR initiative – benefits and costs;
- Concerns on the use of the data – privacy and data protection;
- UIDAI enrolment strategy - Registrars of the UIDAI and strategies for inclusion of poor and marginalized;
- Technology;
- Risks of the project and methods for risk mitigation;
- Transparency;

- Communication;
- Legal framework and safeguards.

Mr. Shekhar Singh, People’s Right to Information Assessment, chaired the second session and made the following concluding remarks, as he summed up the **ideas and suggestions** of the participants:

- In a post-AADHAAR world, misuse of the number may or may not be intentional. The UIDAI however can’t say future use is not its responsibility;
- Efficiency and integrity of system: legal safeguards must be in place and efficiency of using Registrars must be studied;
- Technological accuracy should be discussed in a separate consultation;
- Exclusion of marginalized must be addressed– for all categories;
- Benefits – the UIDAI needs to do a cost-benefits analysis and there needs to be more discussion;
- AADHAAR: Mandatory/ Choice? It is still not very clear in people’s minds;
- Issues raised in past consultations must be addressed and CSOs need to be provided with answers. This must be reflected in subsequent consultations.

Based on the discussions of the day and the suggestions of the participants, **UIDAI has committed to taking the following actions:**

Suggestion: The UIDAI website and other information must be available in different languages.

UIDAI Response: UIDAI is translating all major documents into Hindi and other regional languages. These will be available on the UIDAI website in a couple of months.

Suggestion: The UIDAI Draft legislation should be open to consultations.

UIDAI Response: The UIDAI draft law will be open to public consultation, subject to the legal precedent in this regard.

Suggestion: Under Section 4 of the RTI on ‘proactive disclosure’ the UIDAI should put the minutes of its public consultations on its website.

UIDAI Response: All consultation documents and committee reports are being made available online. The UIDAI will proactively partner with Civil Society to make its website accessible and RTI compliant.

Concern: How can we ensure that information collected by UIDAI is not used for surveillance/ tracing?

UIDAI Response: The UIDAI draft law will include provisions data security of the UIDAI database. Moreover, the UIDAI will endorse any effort to put in place a national data protection/privacy framework.

Concern: What happens after few years if backend policy changes?

UIDAI Response: The UIDAI will endorse any effort to put in place a national data protection/privacy framework.

The UIDAI also addressed some specific questions from the participants with the following responses:

Question: Can identity cards issued by a non-governmental organization incorporate AADHAAR?

UIDAI Response: In principle, all kinds of cards issued by government or non-government agencies can incorporate AADHAAR.

Question: What does the UIDAI do when a person has no Introducer – why cannot there be a system where a person can get AADHAAR without owning any identity documents?

UIDAI Response: The UIDAI has the option to empanel its own set of Introducers to ensure inclusion of the marginalized groups.

Concern: The UIDAI must look at alternative Registrars from outside the state machinery, especially in places where the government is formed by a violent group/minority that can target/exclude people.

UIDAI Response: The UIDAI enrolment process may allow for NGOs to be enrolling agencies in specific circumstances.

Question: How do we fight new forms of fraud that permeate the system post-AADHAAR?

UIDAI Response: We can use biometric authentication at the point of work; the technological solutions to do this exist. AADHAAR can also be used to update muster rolls.

Question: Can a resident's information be locked by his/her own biometric data?

UIDAI Response: The UIDAI acknowledges this is a good idea and will look into it.

Ideas and suggestions from the participants:

TRANSPARENCY

- UIDAI should set up an ombudsman to monitor AADHAAR.
- There must be a section on the UIDAI website addressing people's security concerns.
- There should be a citizens' audit group in every district.
- There should be a provision for public hearings in every state on the UIDAI law.
- Issues raised in past consultations must be addressed and CSOs need to be provided with answers. This must be reflected in subsequent consultations.

INCLUSION

Cards

- The UIDAI should consider issuing residents with an ID card.
- The UIDAI must consider alternative AADHAAR delivery mechanisms/cards for people who migrate frequently.
- How a person's name appears on the database and how a person spells it elsewhere may vary as many 'new' languages do not use standardized spellings/phonetics. In these cases, a card would make it easier for a person to authenticate their identity.

Introducer System

- There should be a mechanism for homeless people to act as Introducers for each other.

Marginalized People

- The UIDAI should communicate the special efforts it plans to make to include those that are hard to reach, like orphans, de-notified tribes, differently-abled people and widows.
- The UIDAI needs to commit human and financial resources to reach the marginalized. It cannot simply rely on CSOs or outsource this task.
- The UIDAI should do a pilot project targeting the poor and marginalized such as de-notified tribes to demonstrate it can successfully deliver AADHAAR to these groups.

Registrars

- In some parts of the country, like the North Eastern States, citizenship is a sensitive issue and the NPR and AADHAAR must not be linked.

- A fast track, time bound approach is required to issue AADHAAR. Those who abuse the current system may try and block it.

PRIVACY/ DATA PROTECTION

- Will the UIDAI Act have a clause that it will not be functional until the data protection framework is in place?
- Can a person be fined/jailed for refusing to give their data to the NPR?
- There need to be more discussion on who controls the information collected by the UIDAI.

TECHNOLOGY

- The UIDAI must initiate a separate discussion on its technology policy with CSOs.
- The UIDAI can use biometrics to make service providers accountable
- A public audit of the software used by the UIDAI is essential.

RISK ASSESSMENT

- There is a need to quantify the benefits and identify what the new kinds of fraud that will come up post AADHAAR.
- The UIDAI must detail how it will deal with risks in the future.
- The UIDAI must identify threats and problems and what CSOs can do to deal with these.
- The UIDAI should examine potential dangerous scenarios to assess future risks.
- Registrars maintaining copies of the residents' biometrics is a huge concern; the UIDAI should consider collecting its own data.
- There are many areas where the AADHAAR can help curb corruption, the UIDAI must clearly identify what these are and do a cost benefits analysis.

COMMUNICATION

- The UIDAI must share information on the benefits of AADHAAR.
- What can CSOs do to publicize and promote the AADHAAR and facilitate the enrolment process?

LEGAL

- Legal boundaries of the UIDAI must be clearly defined.

ANNEXURE 1

LIST OF PARTICIPANTS

S. No	Name	Organization	Phone	E-mail	Attended
1	Ajay Mehta	National Foundation for India (NFI)	011-2464-1864	ajay_s_mehta@NFI.org.in	Yes
2	Alok Prasad	Microfinance Institutions Network (MFIN)		alokprasad144@gmail.com	Yes
3	Amit Kaushik	Pratham	98105-84477	amit.kaushik@pratham.org	Yes
4	Amita Joseph	Business-Community Foundation (BCF)	98112-99989	ajoseph@bcfindia.org	Yes
5	Anal Jain	Sa-Dhan- MFI Association	98450-21571	anal.jain@micro-ventures.eu	Yes
6	Anoop Kaul	BASIX	99994-77863	anoop.k@basixindia.com	Yes
7	Aruna Roy	Mazdoor Kisan Shakti Sangathan (MKSS),		arunaroy@gmail.com	No
8	Avani Kapur	Accountability Initiative, Center for Policy Research	98181-82946	akapur@accountabilityindia.org	Yes
9	Avenash Datta	HelpAge India, Delhi	011-4168-8955	avenash.datta@helpageindia.org	No
10	Dr. Amod Kumar	Mission Convergence Scheme, Delhi		amodkumar@yahoo.com	No
11	Dr. G. Nagarjuna	Free Software Foundation of India (FSF India)		nagarjun@gnu.org.in	Yes
12	Dr. H. Sudarshan	Vivekananda Girijana Kalyana Kendra (VGKK), Karuna Trust	99729-57487	drhsudarshan@gmail.com	No
13	Dr. Mihir Shah	Member Planning Commission	96505-21522	mihir.shah@nic.in	Yes
14	Dr. Sunil Kaul	The Ant, Assam/IDeA	94351-22042	sunil.theant@gmail.com	Yes
15	Dr. Anit Nath Mukherji	National Institute of Public Finance and Policy (NIPFP)	98183-30629	anit.mukherjee@gmail.com	Yes
16	Gagan Sethi	Center for Social Justice (CSJ), Janvikas	98240-23209	gaganssethi@gmail.com	Yes
17	Harsh Jaitli	Voluntary Action Network (VANI)	98240-23209	harsh@vaniindia.org	Yes
18	Indu Prakash Singh	Indo-Global Service Society (IGSS)		indupragya@gmail.com	Yes
19	Kameshwari Jandhyala	Formerly Mahila Samakhyas, A.P.	94415-97783	kameshwarij@gmail.com	No
20	Malavika Jayram	Center for Internet & Society (CIS)		malavika@jllawindia.com	Yes
21	Mohammed Asif Iqbal	Pricewaterhouse Coopers	98300-59830	mohammed.asif.iqbal@in.pwc.com	Yes
22	Nikhil Dey	Mazdoor Kisan Shakti Sangathan (MKSS)	94140-01480	nikhildey@gmail.com	Yes
23	Nilesh Arya	Sa-Dhan		-	Yes
24	Prabir Purkayastha	Delhi Science Forum		prabirp@gmail.com	Yes
25	Pramathesh Ambasta	Samaj Pragati Sahyog (SPS), M.P.	99936-70202	pramathesh.ambasta@gmail.com	Yes
26	Prashant Bhushan	Supreme Court Lawyer	98111-64068	prashantbhush@gmail.com	No
27	Premila Nazareth Satyanand	Center for Civil Society	98118-52889	premilanazareth@gmail.com	Yes
28	Prof. Sunil	IIM-A, Ekalavya, Association for Democratic		sunilhanda@eklavya.org	Yes

	Handa	Reforms (ADR)			
29	Prof. Trilochan Sastry	IIM-B, Association for Democratic Reforms (ADR)		trilochans@iimb.ernet.in	No
30	Raj Mathur	Kandalaya		raju@kandalaya.org	Yes
31	Rajiv Khandelwal	Aajeevika Bureau	94141-65851	rajiv@aajeevika.org	Yes
32	Rangu Rao	Central Employment Guarantee Council			No
33	Ranjani K. Murthy	Independent Researcher/Gender Specialist	99401-77127	rk_km2000@yahoo.com	Yes
34	Renana Jhabvala	SEWA Bharat	98250-50727	renanaj@sewabharat.org	Yes
35	Ruchi Gupta	Writer and Social Activist	99102-06490	gupta.ruchi@gmail.com	Yes
36	Shekhar Singh	People's Right to Information Assessment	011-2616-8759	shekharsingh@gmail.com	Yes
37	Venkatesh Hariharan	OpenSource India		venkyh@gmail.com	No
38	Vinay Baidur			-	No
39	Vrinda Grover	Supreme Court Lawyer	98108-06181	vrindagrover@gmail.com	Yes
40	Joaquin Zaleman	UNICEF		igonzalezaleman@unicef.org	Yes

ANNEXURE 2

AGENDA

9:30 Registration

10:00 Welcome by Ms. K. Ganga, Deputy Director General, UIDAI

10:05 Remarks by the Chair, Dr. Mihir Shah, Member Planning Commission

10:10 Remarks by Mr. Nandan Nilekani, Chairman, UIDAI

10:25 AADHAAR – Background and Status, by Mr. Ram Sewak Sharma, Director General/Mission Director, UIDAI

10:40 AADHAAR Enabled Benefits , by Mr. Shankar Maruwada, Head, Demand Generation, Awareness and Communication, UIDAI

10:50 UIDAI and Civil Society, Mr. Raju Rajagopal, Civil Society Outreach Coordinator, UIDAI

11:00 Q & A

12: 00 Tea Break

12:30 AADHAAR: Benefits, Opportunities, Concerns, and Challenges, Chair – Mr. Shekar Singh, People's Right to Information Assessment, Rajasthan

**** An opportunity to hear from all the participants ****

1:45 Moving Forward – Chair, Mr. Shekhar Singh and Closing Remarks by Chairman, UIDAI

2:00 Adjourn for lunch

ANNEXURE 3

MINUTES OF MEETING

The meeting opened with **Ms. K. Ganga**, Deputy Director General, UIDAI welcoming all the participants from CSOs and the UIDAI staff to the event.

The Chair for the morning session, **Dr. Mihir Shah**, Member, Planning Commission made brief introductory remarks emphasizing the need for consultations between Civil Society and government in order to formulate better public policy. He broadly categorized the themes for discussion and the issues that needed to be addressed by the UIDAI as:

- **Constitutional**
 - Should UIDAI be a statutory authority?
 - Should an independent commission be set up that reports to Parliament on the use and misuse of AADHAAR?
- **Legal**
 - The need to draft legislation on data protection and privacy with penal consequences;
 - The need to clarify the relation between the National Population Register (NPR) and AADHAAR;
 - Will AADHAAR remain voluntary?
- **Technological**
 - Openness: to avoid vendor lock-ins, the use of open source software, open standards and interoperability.

He said the UIDAI must also share information on the benefits of AADHAAR, such as financial inclusion, countering money laundering, and more efficient delivery of public services.

Participants had several suggestions and questions that revolved around the following **topics**:

- Rationale for AADHAAR – benefits and costs;
- Concerns on the use of the data – privacy and data protection;
- UIDAI enrolment strategy - Registrars of the UIDAI and strategies for inclusion of poor and marginalized;
- Technology;
- Risks of the project and methods for risk mitigation;
- Transparency;
- Communication;
- Legal framework and safeguards.

Mr. Nandan Nilekani, Chairman, UIDAI reiterated that AADHAAR must not be seen as a panacea to India's social, economic and political problems, but rather as a tool that adds value to public welfare programs, bringing choice, convenience and mobility to the people.

He added that in India we're faced with unique challenges, such as large sections of the population not having any identification documents, money laundering, huge leakages from social programs, etc. AADHAAR can break this stalemate.

He spoke about the challenges of delivering benefits to the people once a significant part of the population has been issued an AADHAAR. The unique number being an enabler for delivering benefits means effective

coordination within government and with the private sector becomes vital. He cautioned that although the UIDAI can be effective in encouraging potential adoption of the number and enabling changes to various processes, it could not make commitments on everyone's behalf.

He acknowledged that certain risks were inherent to a project of this magnitude. He pointed out however, that such risks came with any new kind of technology, and such concerns had previously emerged with computers and mobile phones. What was important, therefore, are checks and balances to prevent abuse, and to address threats to security, privacy and personal data.

He also spoke about transparency in the technology used and in the way the UIDAI communicates, with all said consultation documents and committee reports being made available online.

Following Mr. Nilekani's remarks, **Mr. Ram Sewak Sharma**, Director General/Mission Director, UIDAI presented the background and status of AADHAAR. He talked about the significance of consultations with CSOs pointing out that the first such consultations happened in October 2009.

He emphasized that the UIDAI's mandate is unique in its pro-poor focus, and previous attempts at national IDs had different goals. He stressed the fact that the UIDAI takes the issue of people's privacy very seriously and will not share the information in its database with anybody.

Speaking about operations, he informed participants that the AADHAAR enrollment stations will be manned by trained and certified personnel. He said that the UIDAI should start rolling out the first AADHAARs in 12-18 months, adding that the partnership with the NPR can help accelerate the delivery of AADHAAR.

Mr. Shankar Maruwada, Head, Demand Generation, Awareness and Communication, UIDAI made a presentation on AADHAAR-enabled benefits. He illustrated how AADHAAR can help in Financial Inclusion and micropayments, using MG-NREGS payments as an example.

Mr. Raju Rajagopal, Civil Society Outreach Coordinator, UIDAI made a presentation on UIDAI and Civil Society. He went through the series of consultations that have taken place since October 2009 and the inputs received from Civil Society.

The presentations from the UIDAI team were followed by a Q & A session.

Amita Joseph, Business-Community Foundation (BCF)

Q1: Is the UIDAI website available in different languages?

A1: the UIDAI is translating all major documents into Hindi and other regional languages. Raju Rajagopal added that the UN Solutions exchange group in Bangalore may be setting up a discussion forum on AADHAAR in English and Kannada.

Mohammed Asif Iqbal, Pricewaterhouse Coopers

Q1. The irises of some visually impaired people cannot be scanned. How will the UIDAI issue an AADHAAR to such people?

A1. The UIDAI is aware that in a population of more than 120 crore people there will be special cases and will regardless issue such people an AADHAAR working with whatever biometric information that can be captured; inclusion will be an overriding objective.

Q2. Why is AADHAAR not restricted to citizens?

A2. AADHAAR is a tool that enables delivery of services; it is not a test of citizenship.

Rajiv Khandelwal, Aajeevika Bureau

Q1. Why is the UIDAI not issuing residents a card? There is a strong case for a card especially in the case of migrant labour, who usually do not have any other form of identification. Can identity cards issued by a non-governmental organization incorporate AADHAAR?

A1. All AADHAAR holders get a letter containing their unique identification number which can be laminated and conserved.

In principle, all kinds of cards issued by government or non-government agencies can incorporate AADHAAR. Registrars are the ones delivering services and therefore issuing cards. AADHAAR can be incorporated by these agencies, and the choice to do so or not must be made by the agency issuing the card.

Prof. Sunil Handa, IIM-A, Ekalavya, Association for Democratic Reforms (ADR)

Q1. Migrant labour, as witnessed in the case of labour from Rajasthan working in Gujarat, often have no ration cards or other form of identification and consequently no access to services.

A1. Migrants can use the AADHAAR for identification. The UIDAI's mandate is to issue all residents of India an AADHAAR which can be authenticated upon request anywhere in the country. This number enables you to prove your identity nationwide and is not restricted to the geographical location where it was issued.

Dr. Mihir Shah, Member, Planning Commission

Q1. Has the RBI accepted KYC Norms = UID's KYR Norms?

A1: The decision on AADHAAR being sufficient for opening no frills accounts is to be taken by the RBI and the Ministry of Finance (MoF). The RBI has sent a letter on this matter to the MoF, accepting UID's KYR norms as sufficient for KYC, to open no frills accounts.

Pramathesh Ambasta, Samaj Pragati Sahyog (SPS), M.P.

Q1. What happens after a few years if backend policy changes? Tomorrow there may be a change of policy/ architecture/ changes to software codes. Tomorrow there may be a different view and government may want to access information, how will people know. Will the UID code be open for public viewing?

A1. The source code cannot be made public since this would be a security hazard.

Mr. Nikhil Dey, Mazdoor Kisan Shakti Sangathan (MKSS), National Campaign for People's Right to Information (NCPRI)

Q1. Bank accounts for MG-NREGA workers have been an advantage, however new kinds of fraud have crept into the system; those who don't work at all get paid through bank accounts. There is a risk that AADHAAR will further facilitate this. How do we fight the new forms of fraud that permeate the system post-AADHAAR?

A1. We can use biometric authentication at the point of work; the technological solutions to do this exist. AADHAAR can also be used to update muster rolls.

Q2. Biometrics is already in use in some places, how does AADHAAR add value?

A2. AADHAAR enables national de-duplication of identification data, while current projects are local. The quality of the biometrics data to be captured for AADHAAR will be high and will follow the same standards all over the country; current projects follow different standards and make it difficult for systems to work in different places. AADHAAR authentication will add value for delivery of benefits and it offers a common platform for service delivery throughout the country

Q3. What will the UIDAI do to eliminate the problem of people getting on the BPL list when they do not deserve to be there?

A3. AADHAAR enabled de-duplication will over time weed out duplicates and ghosts in the system; however who is BPL and who is not is a determination that other government agencies must make.

Q4. How will the UIDAI ensure efficiency/accuracy in capturing data?

A4. The UIDAI captures demographic and biometric data while following a standardized process. Data is de-duplicated before AADHAAR numbers are issued. The UIDAI also allows people to check their own data and correct it.

Premila Nazareth Satyanand, Center for Civil Society

Q1. What is the process for getting AADHAAR? Some Registrars may discriminate against/ exclude certain people; the UIDAI should look into capturing the data itself.

A1. The UIDAI will initially depend on existing infrastructure of service agencies, and there will be multiple Registrars (thus providing choice to a resident) enrolling for the AADHAAR. The UIDAI will also collaborate with the NPR for capturing data. The process also allows for Civil Society organizations to be enrolling agencies as well as Introducers to address the problem of exclusion.

Mr. Amit Kaushik, Pratham

Q1. How will the numbers be delivered on the ground if people have to produce proof of identity and residence?

A1. The verification process of the UIDAI recognizes three ways of including people:

- Document based verification (*Refer to DDSVP Committee report on the website¹*)
- Community based verification (door to door data collection and NPR process of putting the data in wards and *Gram Sabhas*)
- Introducer based verification (for people who do not have any documents). UIDAI and Registrars will identify Introducers jointly, and a balance will be struck between accuracy and inclusion.

Q2. How can you have an authentic and credible Introducer system – can there be a framework and criteria for being an Introducer?

A2. The demographic data standards and verification process committee recommends the Introducer system and suggests that the Registrars recognize and empanel “Introducers”. The Report also states that if the Registrar based Introducers do not seem to be fulfilling the goal of inclusion, the UIDAI has the option to empanel its own Introducers, which could include CSOs.

Vrinda Grover, S.C. Lawyer

Q1. While there is no doubt about the integrity of the UIDAI’s mission, there will be unintended risks arising from sharing data with partner databases like the NPR and the NATGRID which need to be discussed. Why is the UIDAI silent on this? The UIDAI must take responsibility for unintended consequences, it can’t absolve self of responsibility by saying, “If a data protection framework is put in place the UIDAI will endorse it”.

A1. The UIDAI will work towards sensitizing people and partner agencies on privacy. A proposed partnership between NPR and UIDAI -- to avoid duplication of data collection – is not new and has been on the public space for quite some time, and has been referred to in the mandate of UIDAI when it was created. There is a joint institutional mechanism to guide the NPR-UIDAI partnership. NATGRID is a separate and distinct initiative.

¹ http://uidai.gov.in/documents/UID_DDSVP_Committee_Report_v1.0.pdf

Q2. Information collected by the UIDAI will be available to a range of actors both state and corporate, how can we ensure that this information is not used for surveillance/tracing?

A2. A broader legal framework is required to tackle privacy and data protection issues. The UIDAI draft law will include provision for data security of the UIDAI database. The UIDAI draft law will be open to public consultations, subject to the legal precedent in this regard.

Prabir Purkayastha, Delhi Science Forum

Q1. While the UIDAI may have technological capabilities, a social structure should be in place to prevent misuse. While centralizing the database can ensure its safety, it may compromise privacy.

A1. The UIDAI will take all steps to ensure that the UIDAI database is secure.

Q2. Why is the UIDAI putting variant data such as address along with invariant data like name, date of birth, name of parent/spouse/guardian?

A2. The resident is the owner of his/her information and can change the variant fields as per the established procedure.

Dr. G Nagarjuna, Free Software Foundation of India (FSF India)

Q1. How will the UIDAI counter Registrars storing data in their databases which may in turn lead to profiling?

A1. Registrars are entities who are delivering benefits and they issue cards and collect data for their purposes, as they do today. The protection of the data which is with the Registrar is the responsibility of the Registrar.

Q2. Why is AADHAAR not mandatory?

A2. AADHAR cannot be made mandatory today; this will lead to exclusion of people at the very outset (particularly poor and marginalized).

Q3. Only 1% of ISO standards are open standards, this puts a question mark on their legitimacy.

A3. ISO standards are being used only for capturing iris scans and fingerprints. (*Refer Biometrics report on UIDAI website.*²)

Q4. Can authentication take place without the AADHAAR holder initiating it?

A4. There are different kinds of authentications. A person's name can be matched with his AADHAAR without his consent, and this would be a weak form of authentication; however no biometric authentication can take place without the AADHAAR holder's consent. The UIDAI can also decide to block any authentication request without the resident's presence.

Mr. Gagan Sethi, Center for Social Justice (CSJ), Janvikas

Q1. What special effort is the UIDAI making to include those groups that are hard to reach like orphans, denotified tribes, differently-abled people and widows? The UIDAI cannot rely on CSOs alone to enroll such marginalised peoples. The UIDAI will need to have a special strategy for this and dedicate specific resources, maybe have targets year on year in order to reach these groups.

A1. The UIDAI will initiate different drives complemented by efforts from CSOs to reach marginalized people.

Q2. Where will the authority be hosted? Who will have access to the data collected by it? The mechanism for access should be clear.

A2. It is proposed to make UIDAI a statutory authority. The UIDAI will not share its data with any or agency.

² http://uidai.gov.in/documents/Biometrics_Standards_Committee_report.pdf

Mr. Renana Jabhvala, SEWA Bharat

Q1. How will the UIDAI mobilize people to reach the marginalized?

Chair's Comment: The UIDAI needs to commit human and financial resources to reach the marginalized. It cannot simply outsource this task.

Q2. How will the UIDAI collect biometrics of people with worn out fingerprints, missing fingers or hands?

A2. AADHAR is an exercise in inclusion. The UIDAI will not exclude people for not being able to provide 'complete' biometric data. We will issue AADHAAR to people on the basis of the information they are able to provide.

Post-tea Session

Chaired by **Mr. Shekhar Singh, People's Right to Information Assessment** on "AADHAAR: Benefits, Opportunities, Concerns, and Challenges"

Questions and suggestions

Ms. Ranjani K. Murthy, Independent Researcher/Gender Specialist

Q. How do you make the enrollment process inclusive to include disabled, elderly, pregnant women etc.?

The UIDAI must look beyond stationary enrollment stations.

A. The UIDAI is going to have mobile registration units.

Q. How will the government change rules for the poor to avail poverty reduction programs post – AADHAAR?

A. Biometric based systems of authentication with the UID number can be used to make service providers accountable.

Mr. Raj Mathur, Kandalaya

Q. Exposing source code can invite hackers. But security by keeping the source code secret does not necessarily protect the database. e.g: EVM - The only way to ensure a system is secure is to open it up – *'more eyes means less bugs'*.

A. In the UIDAI's view, putting the source code on the web is not a good idea. However, UIDAI believes that components of the code can be put out for public scrutiny and this is the plan.

Q. Can a citizen's information be locked by his/her own biometric data?

A. The UIDAI acknowledges this is a good idea and will look into it.

Q. What checks are in place to ensure that a banking correspondent in a village, armed with a 'Micro ATM' can't store a user's fingerprints to authenticate unauthorized transactions in the future?

A. 'Micro ATMs' need to be registered and authenticated before they can conduct a transaction. The requirements for certification of the machinery will include that data cannot be stored on the device and unregistered devices will not be able to communicate with the database.

Mr. Harsh Jaitli, VANI

The UIDAI needs to demonstrate benefits to the poor to encourage enrollment.

UIDAI Comment: Registrars have an incentive in cleaning up their databases by removing fraudulent or ghost entries. In cases where Registrars are service providers, they can issue cards with AADHAAR to people. The UIDAI will make every effort to educate Registrars to not exclude people. [However, there is also the option to appoint CSOs as enrolling agencies to ensure that marginalized people are not excluded.]

Ms. Malavika Jayram, Center for Internet & Society (CIS)

Information about an individual should not be linked across databases using AADHAAR.

Q. If a person chooses not to enroll for AADHAAR, will they be denied services?

A. In time this may be the case. This depends on how the distribution system/ services providers adapt to AADHAAR and when and if they may choose to mandate it.

Q. Will the UIDAI Act have a clause that it will not be functional until the data protection framework is in place?

Q. Can a person be fined/ jailed for refusing to give their data, to the NPR, which will subsequently be used to issue AADHAAR?

Mr. Indu Prakash Singh, Indo-Global Service Society (IGSS)

>Homeless people usually have no form of identification. The 2001 census did not enumerate the homeless. There should be a mechanism for homeless people to act as Introducers for each other.

>The UIDAI must detail how it will deal with risks in the future.

Ms. Ruchi Gupta, writer and social activist

>The purpose of AADHAAR is to tag people, places and programs. AADHAAR is not necessary for delivering welfare services.

Q. How much will AADHAAR cost, will it not be a burden on public finances?

A. The UIDAI has been allocated Rs.1900 crore in the budget of 2010-2011. The overall project cost for the next five years is being worked out. The UIDAI believes that the benefits of the project in terms of efficient delivery of services would override the costs of the project. The intent of the UIDAI is to develop the framework for delivery of services and this will remain the core focus of the UIDAI.

Dr. Sunil Kaul, The Ant, Assam and IDeA

>In some parts of the country including the North Eastern States, citizenship is a sensitive issue and the NPR and AADHAAR must not be linked.

>A fact track, time bound approach is required to issue AADHAAR. Those who abuse the system may try and block it.

>The UIDAI must look at alternative Registrars from outside the state machinery, especially in those places where the government is formed by a violent group/minority that can target/ exclude people.

>The UIDAI must consider alternative AADHAAR delivery mechanisms/ Cards for those people that migrate frequently due to soil erosion or other reasons. The UIDAI can also consider laminating the letter containing the AADHAAR to increase its durability.

>How a person's name appears on the database and how a person spells it elsewhere may vary as many 'new' languages do not use standardized spellings/phonetics. In these cases a card would make it easier for a person to authenticate their identity.

Mr. Ajay Mehta, National Foundation for India (NFI)

>The UIDAI must communicate on the problems in governance. It must sensitize Registrars, people and local administrations about exclusion and proving identity.

Mr. Anoop Kaul, BASIX

>The risks through exclusion are higher than those to privacy.

>What can CSOs do to publicise and promote UID and facilitate the enrolment process?

>What happens after people are issued AADHAAR? How can AADHAAR be used to enable bank linkage and access to services?

Dr. Anit Mukherji, National Institute of Public Finance and Policy (NIPFP)

>The databases of welfare programmes should be linked using AADHAAR for better service delivery and prevent leakages. Eg: the immunization database and JSY database should be linked with each other.

Mr. Nikhil Dey, Mazdoor Kisan Shakti Sangathan (MKSS), National Campaign for People's Right to Information (NCPRI)

>The UID Draft legislation should be open to consultations.

>Under Section 4 of the RTI on 'proactive disclosure' the UIDAI should put minutes of its public consultations on its website.

>The UIDAI should set up an ombudsman to monitor AADHAAR.

>There must be a section on the UIDAI website addressing people's security concerns.

>There are many areas where AADHAAR can help curb corruption; the UIDAI must clearly identify what these are and get exact figures for these.

Mr. Prabir Purkayastha, Delhi Science Forum

>Legal boundaries of the UIDAI must be clearly defined.

>The UIDAI must identify threats and problems and how CSOs can help deal with them.

>The UIDAI must initiate a separate discussion on its technology policy with CSOs.

Ms. Amita Joseph, Business-Community Foundation (BCF)

>The UIDAI should do a pilot project targeting the poor and marginalized like the homeless and de-notified tribes to demonstrate it can successfully deliver AADHAAR to these groups.

Mr. Gagan Sethi, Center for Social Justice (CSJ), Janvikas

>There should be a citizens' audit group in every district.

>There should be a provision for public hearings in every state on the UIDAI law.

>There needs to be more discussion on who controls the information.

>The discussion on the UIDAI project is essentially about the need for identity for several million people on the one hand, and the concerns about privacy among a small minority.

Dr. G Nagarjuna, Free Software Foundation of India (FSF India)

>A public audit of the software used by the UIDAI is essential.

Ms. Ranjani K. Murthy, Independent Researcher/Gender Specialist

>The benefits of linking databases to prevent leakages in the public distribution system outweigh the privacy risks.

Prof. Sunil Handa, IIM-A, Ekalavya, Association for Democratic Reforms (ADR)

>Benefits of education are understood, take a district and make AADHAAR work.

>The UIDAI should examine some potentially dangerous scenarios to assess future risks.

>Registrars maintaining copies of biometrics is a huge concern; the UIDAI should consider collecting its own data.

>Independent silos of information can also be used to defraud the distribution system.

Mohammed Asif Iqbal, Pricewaterhouse Coopers

>What does the UIDAI do when a person has no Introducer – why cannot there be a system where a person can get AADHAAR without owning any identity documents?

Vrinda Grover, S.C. Lawyer

>Privacy is linked to personal liberty, AADHAAR can have serious privacy implications with the possibility of marginalized people being tracked and surveyed.

>Will the safeguard data protection law be in sync with the UIDAI Act?

>People want services, not identity for the sake of identity. Is AADHAAR the only option?

SUMMING UP:

DG UIDAI

CSOs will play a vital role in the success of AADHAAR. Volunteers will help marginalized people, especially those with no access to regular Registrars, enroll.

Chairman, UIDAI

Quoted Jean Dreze, on the MG-NREGS, *“There are bound to be problems...but this does not detract from the fundamentally positive nature of this initiative, or from the possibility of making it a success.”*

The Chair, **Mr. Shekhar Singh** summed up the discussion of the afternoon session as follows:

- In a post-AADHAAR world, misuse may be intended or unintended. The UIDAI can't say future use is not its responsibility;
- Efficiency and integrity of system: legal safeguards must be in place and efficiency of using Registrars must be studied;
- Technological accuracy should be discussed in a separate consultation;
- Exclusion of marginalized must be addressed – for all categories;
- Benefits – UIDAI needs to do a cost-benefits analysis and there needs to be more discussion;
- AADHAAR: Mandatory/ Choice? It is still not very clear in people's minds.
- Issues raised in past consultations must be addressed and CSOs need to be provided with answers. This must be reflected in subsequent consultations.