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NOTE

From:	Presidency
To:	Working Party on Frontiers/False Documents - Mixed Committee (EU-Iceland/Liechtenstein/Norway/Switzerland)
No. prev. doc.:	15502/16; 5633/17
Subject:	Questionnaire on issues related to Registration of Identity - Assessment of the replies

Delegations will find enclosed the assessment of the replies to the questionnaire related to

Registration of Identity prepared by the Commission services.

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<u>Purpose of this document</u>

This document aims at providing a summary of Member States and Schengen Associated Countries' (MS/ SAC) responses to the questionnaire on issues related to registration of identity. It also draws on the experiences of MS/ SAC to identify leading practices used by the majority, singles out innovative solutions and draws attention to pros and cons regarding national procedures for identity registration. With this in mind, MS/ SAC can compare a **wider range of practices** with their national practices and consider whether those can serve as incentive for national procedural improvement, which will eventually enhance the security of the Union as a whole.

This document will be presented at the meeting of the Working Party on Frontiers/ False Documents to be held on 22 September 2017.

1.   Introduction/ Background

Registration or evidence of identity refers to processes enabling the tracing, linkage and verification of identity against breeder documents (e.g. birth certificate, ID cards, etc.) [1] in order to ensure the authenticity of the identity of a person.

According to the division of competences set out by the Treaties, while security standards and biometrics for travel documents and border control requirements are set at EU level, Member States are responsible for registering the identity and issuing breeder documents, including the production and issuance of travel documents, since these issues are closely related to nationality. Measures/ policies in these domains are not harmonized. Therefore, information sharing and collection of best practices should help MS/ SAC to identify loopholes and serve as incentive for introducing changes in the national systems/ identity infrastructures [2].

In line with the relevant measures in the Action Plan to strengthen the EU response to travel document fraud (AP), and having regard to the Council Conclusions of 27 March 2017 which prioritise the importance of more secure breeder documents to prevent fraud when used as evidence of identity, **Member States with the support of the Commission, should consider a set of measures spanning from registering procedures to auditing mechanisms.** With reference to the actions/ measures listed in the AP, these include the following ones:

— (1) how to best avoid issuing authentic documents based on false identities, for instance through reinforcing procedures in cases of later in life registration of identity/ first time applications or name changing,

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[1]   As defined by ICAO/ International Civil Aviation Organization on its TRIP/ Traveller Identification Program '*which aims to establish the goal and objectives of traveller identification management, to lead and reinforce a global approach, and to provide direction for action by ICAO, States and the many international, regional and industry partners in identification management*. TRIP strategy is based on five interdependent elements requiring an holistic, coherent and coordinated approach: (1) Evidence of identity, (2) MRTD's, (3) Document issuance and control, (4) Inspection systems and tools, and (5) Interoperable applications.

[2]   *in* World Bank Dictionary of Terms on Civil Registration and Identification:
Identity management: A combination of systems, rules, and procedures that are defined between an individual and organizations regarding the entitlement, use, and protection of personal information in order to authenticate individual identities and provide authorization and privileges within or across systems and enterprise boundaries. **Identity management system:** The technical and organizational infrastructure used to define, design, and administer the attributes of an identity.

— (2) examine how 'breeder documents' can be made more fraud-resistant,

— (3) promote the use of the Europol handbook on breeder documents,

— (4) ensure full implementation of the 2006 Resolution on minimum standards as regards the security of issuing processes, and

— (5) swiftly implement the Regulation 2016/1191 on promoting the free movement of citizens and exploit its potential to enhance public document security through use of the Internal Market Information (IMI) system.

The Commission has contributed to facilitating discussion among Member States on these issues, including by assessing the current situation and promoting cooperation. In that context, the Commission supported the Maltese presidency building up a questionnaire on identity registration issues covering to the maximum extent possible the topics/ actions described above.

The questionnaire was set out in document 5633/17 FAUXDOC 6 COMIX 56 of 30 January 2017. It refers to key notions such as breeder documents [3] and population registers [4], and differentiates identity from document checks [5]. It is divided into six parts which seek to follow a logical approach from registering the identity to issuing breeder documents and control mechanisms:

1. Population registers
2. Initial/ foundational identity (first time registration)
3. Identity verification (subsequent registration)
4. Breeder documents
5. Other identity-related procedures
6. Control mechanisms

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[3] **Breeder documents** are birth, marriage and death certificates used to support applications for identity, residence and travel documents

[4] According to OECD, '**population registers** are accounts of residents within a country. They are typically maintained via the legal requirement that both nationals and foreigners residing in the country must register with the local authorities. Aggregation of these local accounts results in a record of population and population movement at the national level'. UN defines it as a mechanism for the continuous recording of selected information pertaining to each member of the resident population of a country or area, making it possible to determine up-to-date information about the size and characteristics of the population at selected points in time. (United Nations, 2001, §500)

[5] **Identity check** is the process by which a claimed identity is verified against biometric data (e.g. fingerprints or facial recognition). **Document check** is the process checking documents authenticity and integrity.

The questionnaire was presented at the False Documents WP held on 30 January 2017 and the MS/ SAC were invited to reply to the Council General Secretariat and the Commission by 15 April 2017. Five months after its presentation, at the date of the last reminder on 3 July 2017, still three MS/ SAC [6] had not responded.

2. Outcome of the responses to the Commission Questionnaire on issues related to Registration of Identity

Structure

The assessment of responses to the questionnaire on registration of identity includes a summary per group of questions 1 to 6 (Q1 to Q6). This is meant to define and clarify the objective of the subject matter before assessing the responses to the subset questions.

Subset question are often long and include other sub questions. Therefore, assessment of subset responses includes sub-headings to direct readers to the specific topics and an indication on the number of non-responding MS/ SAC or whose responses were insufficient/ unclear. It also includes a wrap up heading 'In conclusion' summarizing the main outcome.

Global assessment

Twenty-nine [7] out of the 32 MS/ SAC responded to the Commission questionnaire representing a response rate of 90, 6%.

Member States and Associated Countries responded to all six parts of the questionnaire. However, regarding the subset questions there were on average five non-responding countries. Questions more widely responded to related to population registers (Q1) with 98, 8% response rate, and name changing procedures (Q5) with 90, 8%. Breeder documents (Q4) comes next with 86, 2% response rate, followed by identity verification issues (Q3) with 80, 6%. At the other end, the questions with the lowest response rate were the ones on the initial/ foundational identity (Q2) with 63, 7% and on control mechanisms (Q6) with 79, 3%.

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[6]   FR, LI, IS.
[7]   AT, BE, BG, CH, CY, CZ, DE, DK, EE, EL, ES, FI, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, RO, SE, SK, SI, UK.

It has been difficult in some cases to draw sound overall conclusions on the basis of the replies provided. In order to overcome this limitation and make this document as complete as possible, the assessment sought to crosscheck all responses provided by a certain country. Even when a MS/ SAC did not respond to a specific question if that particular question was responded to somewhere else in the questionnaire, this was taken into account. Thus, Commission has compiled and reviewed this assessment document to the best of its abilities on the basis of the responses provided by the MS/ SAC. It cannot however exclude that certain mistakes or inaccuracies have been made while interpreting the responses.

Question 1 (Q1) on population registries

Question number 1 includes a subset of three questions related to population registries. It looks at how registers are structured regarding, e.g. the level of centralisation, the type of information therein and whether or not other entities are granted online/cross check access. Furthermore, it asks MS/ SAC if a personal identification number (PIN) is assigned to each identity/ person. **This information should suffice to gain a full/overall picture on how MS/ SAC organize and manage their identity registries**. The last question seeks to know if MS/ SAC take biometric identifiers for the process of registering the identity and if so which ones (e.g. facial image, fingerprints, others). Furthermore, it asks who has access to such information including the biometrics. In the event no biometrics is taken, MS/ SAC are invited to explain how they link the persons' claimed identity with the first registered identity a.k.a. foundational identity. **This should allow us to gather an insight on the use/non-use of biometrics at the level of registering the identity, and on how MS/ SAC establish the link between the person and his/her initial registered identity.**

a) Please describe your population register, indicating how it is maintained e.g. the level of centralisation, what kind of information it contains (civil status data and/or other) and whether it allows for online/cross checks by other authorised entities, etc.)?

Population register: which structure?

The population/civil registry is centrally maintained (data is collected by regional administrations and transmitted to the central database) by the majority of the MS/ SAC [8]. Depending on the MS/ SAC, information is administrated by the Ministry of Interior [9], Ministry of Justice [10] or at municipalities/ communes level [11]. Some MS/ SAC[12] have different centralized databases for keeping records on the population depending e.g. on whether they are nationals or foreigners. In other MS/ SAC, [13] data is managed by different authorities and/or at different levels. The case of IE and the UK is specific as they do not keep a population register, nor do they issue national ID cards. In IE for instance, the General Registry Office is the central civil repository for records relating to births, stillbirths, deaths, marriages, civil partnerships and adoptions and has responsibility for the administration of the Civil Registration Service. Despite containing details on events that occurred throughout life, these registers do not serve for establishing the identity. Certificates generated from these registers are not evidence of identity but rather confirmation that a particular life event occurred at a particular time.

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[8]   BE, BG, CH, CY, CZ, DK, EE, ES, HR, LT, LV, MT, NL, NO, PL, PT, RO, SE, SI
[9]   CZ, DK, EE, HR, LV, SI
[10]   ES
[11]   DE
[12]   **AT** (Central Registry of civil status; Central Registry of citizenship; Central Registry of Population; Central Registry of Foreigners); **EL** (for IDs operated by local police and for Passports operated by National Passport Centre); **IT** (two different registers, one permanent dedicated to the resident population which is then granted ID cards and a temporary one dedicated to those who only have temporary residence in the country).
[13]   LU, FI, HU (local authorities; districts' authorities; metropolitan Government).

Population register: which information?

The majority of MS/ SAC [14] (18) keep the same basic information in their civil/ population registries. It includes but is not limited to: i) persons' identity details (name/ surname, date/place of birth/death, gender, personal number and nationality), ii) persons' permanent/current address, and iii) data on marital status (single, married, divorced, in partnership, etc.).

In some cases, [15] it includes additional information on: iv) parents' right of custody, v) persons' legal capacity (if limited), vi) ethnic nationality (education/ mother tongue), vii) voting rights [16], viii) permission/ prohibition to donate body organs, ix) financial situation. In addition to this, the **LT** population register contains data on fingerprints and facial image.

Furthermore, in most cases [17] population/civil registries comprise information on: i) national citizens ii) foreign nationals born or permanently residing in that country, iii) stateless persons, and iv) persons granted refugee, asylum or humanitarian status.

Online/cross checks permitted? Y/N

As to online/cross checks, fourteen MS/ SAC [18] specified that certain government authorities are authorized to access the information in population registers under certain pre-set conditions.

All MS/ SAC provided a fairly detailed response. For more in-depth information, please refer to the individual responses.

In conclusion:

— The vast majority of MS/ SAC (19) maintain the population register at a central level. It comprises information on nationals, foreigners, stateless and refugees living in the country. Basic information covers the persons' identity details, permanent/current address, and civil status. A myriad of other information is stored depending on the MS/ SAC.

— About half of the responding MS/ SAC allow for online/cross checks by certain authorised entities.

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[14]   AT, BE, BG, CH, HR, CY, DE, EL, ES, FI, HU, IE, MT, NL, PL, RO, SE, SK
[15]   CZ, DK, EE, LU, LV, PT, SI
[16]   CH, DK, EE, LU, SI
[17]   BE, BG, CZ, EE, FI, LT, MT, NO, NL, PT, SE, SK
[18]   AT, HR, CY, DE, DK, EE, ES, FI, LV, MT, PL, RO, SE, SI

b) Is a personal identification number (PIN) assigned to each identity?

Personal Identification number (PIN): Y/N?

A significant number do MS/ SAC [19] assign a unique identification number to each individual. Three MS/ SAC [20] do not have any PIN, while in the case of UK the provisions are not applicable. EL and IE have a specific approach in place. Instead of a PIN, EL assigns a social security number, which is also unique for each citizen. IE assigns a Personal Public Service number that although unique to each individual is not classified as identification number.

All MS/ SAC provided a fairly detailed response.

In conclusion:

— The vast majority of MS/ SAC (23) assign a unique identification number (PIN) to each individual. Three use no PIN.

c) Are biometric identifiers taken for the process of registering the identity in your population register? If yes, what are the biometrics enrolled (photo, fingerprints, others)? Who has access and in which circumstances? If no, what is the unique identifier used to link the claimed identity with the initial registered ID, in case an identity checks (as opposed to a document check) is needed?

Biometric identifiers for registering the identity: Y/N?

Only four MS/ SAC [21] use biometric identifiers in the process of registering the identity in the population registers. Many others MS/ SAC [22] (15) do not take any biometrics. However, it must be noted that seven MS/ SAC [23] referred to biometrics for issuing IDs or Passports which is not the same as taking biometrics at the level of registering the initial identity.

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[19]   BE, BG, CH, CY, CZ, DK, EE, ES, FI, HR, HU, LT, LU, LV, MT, NL, NO, PL, PT, RO, SE, SI, SK
[20]   AT, DE, IT
[21]   AT (only for foreigners) ES, LT, PT
[22]   BG, CH, HR, CZ, DE, DK, EE, FI, LU, NL, LV, RO, SE, SI, NO
[23]   BE, CY, EL, IT, HU, MT, PL

If yes, which ones and who accesses such information?

PT takes facial image and fingerprints (both enrolled live) and the information is provided to the issuing authorities and to law enforcement on demand. In the case of LT, biometric data includes facial image and signature that may be used by law enforcement authorities, intelligence services and ID issuing authorities. Worth noting is the case of ES, where the medical staff takes from the new-born two footprints together with the mother's two index fingerprints and sends them directly to the civil registry. PT takes a similar approach linking new-borns and the mother. Finally, AT takes biometrics (photo and fingerprints) only from the foreigners in Austria and makes them available to '*foreign authorities and police*'.

If no, how is the link made between the persons' claimed identity and his/her initial registered ID?

The unique identifier used to link the claimed identity with the initial registered ID is either i) the PIN [24], ii) authentic documents such as birth certificate/ ID card/ Passport/ Residence permit [25] or, iii) the applicant should come in person in order to have a visual comparison between physical appearance and his ID/Passport [26].

With the exception of one [27], all MS/ SAC provided a fairly detailed response.

In conclusion:

— Only a few MS/ SAC (4) take biometrics for registering the identity of citizens. From these one (AT) does it only for registering foreign nationals. The most common biometrics recorded are the facial image and fingerprints, which are accessible for law enforcement authorities, ID issuing authorities and in some case made available to foreign entities (AT). Apparently, a number of MS/ SAC (7) misunderstood the question as they related biometrics taking to issuing of documents and not to first time registration of identity.

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[24] BG, CH, CZ, EE, FI, RO, SI
[25] BG, HR, DE (In case of DE, the identity should be proved by supplying the German civil status certificate), DK, LU, LV
[26] NL, SE
[27] SK replied n/a

— In the case that no biometric identifiers are taken, the most used unique identifier to link the claimed identity with the initial registered ID is either the PIN or resorting to '*authentic documents*'.

Question 2 (Q2) on initial/foundational identity (first time registration)

Question number 2 includes a subset of four questions on initial/foundational identity. **It aims at either looking how MS/ SAC undertake the first-time identity registration after-birth (standard process) or late-in-life (special process)**, e.g. what procedures, information and documents are required to obtain a birth certificate. Furthermore, it enquires if the parents/legal guardians must be present and whether MS/ SAC conduct interviews at this initial stage. Last question seeks to know how MS/ SAC deal with cases of late-in-life registration of identity, e.g. when the individual is already an adult. **This aims at gathering MS/ SAC practices, which prevents identity fraud phenomena from occurring.**

a) How do you register the initial or foundational identity? Which information/ documents are required?

Registration of the initial/ foundational identity: how?

Considering the responding MS/ SAC, there are two main practices related to the initial identity registration: i) either the birth is directly registered by the Registry Office on the basis of a birth notification received from the midwife/ hospital where the child was born (eBirth based system) [28] or, ii) the legal representative of the child (parent/ legal guardian) must go in person to the register office for registering the new-born (declaration based system) [29], in which case, some MS/ SAC [30] impose a time limit. EE accepts both approaches. In any event, registration of the initial identity requires a document attesting the birth. This can be a maternity hospital letter or a medical birth certificate for those birth cases occurring outside a medical institution. The health unit or the physician / practitioner that attended the birth is typically the one who issues such document.

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[28]   AT, BG, CH, CZ, EE, ES, FI, IT, LT, PT, SE, SI
[29]   BE, CY, EE, HR, IE, LV, MT, NL, PL, RO
[30]   NL within 3 days, SI within 15 days, EE within 30 days, RO within 30 days.

Worth noting is the case of MT and PT. In MT the local hospitals regularly send to the Public Registry Unit a list of all new-borns. In addition to the parents' declaration of birth, this procedure allows the Registry Unit to make sure all births are indeed registered. The PT project '*Nascer Cidadão*' (Born as a Citizen) links the biographical and the biometric data of a new-born to his/her mother's identity and sends it from the hospital to the registering authority. Implementation is wide but full national coverage is not ensured: firstly because not all hospitals work with the system, secondly because there will always be cases where the child is not born in a Portuguese hospital. In NO every identity is assigned with a PIN and '*from 1 January 2017, the Tax Administration also started checking the identity of persons applying for a foreigner's identity number when the agency ordering the number believes that an ID check is necessary*'.

Registration of the initial/ foundational identity: which information required?

The hospital's letter includes information on the new-born and on his/her parents. About the new-born, the information includes, but is not limited to the following: i) name, ii) date of birth, iii) weight, iv) height and v) gender. Regarding the parents, the following is relevant: name, personal identification number (PIN), nationality, address, how many children, how many marriages, etc. Additional documents that may be required include: i) parents' birth certificates, ii) parents' identity documents, iii) marriage certificate, iv) registration of residence, v) *affidavit* recognizing parenthood of the child, if applicable, vi) residence permit, if applicable, vii) work permit, viii) rental contract, etc.

With the exception of the UK, all other MS/ SAC provided an answer. However, a number MS/ SAC [31] offered insufficient/ unclear information. Apparently it was not evident for MS/ SAC to distinguish the initial/foundational identity registration moment (e.g. at birth) from the subsequent identity registration (e.g. after birth when for instance asking for a passport). The question aimed at the former as a follow up of question no.1 on the population registries.

Some MS/ SAC (8) failed to provide a response or offered insufficient information.

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[31]   DE, DK, EL, HU, LU, NO, SK, UK

In conclusion:

— A number of MS/ SAC (12) have in place an electronic birth system (eBirth) which allows for immediate foundational identity registration. In some other MS/ SAC (10), the registration is made upon declaration. In either case, the first time registration of the identity requires always a document attesting the birth. It can be from the maternity hospital or provided by a health unit or a physician/ practitioner that attended the birth. A myriad of documents are required depending on MS/ SAC's different approaches.

b) Do you request the presence of one or both parents/ legal guardians?

A number of MS/ SAC [32] (10) require the presence of, at least, one parent/ legal guardian when registering the initial/foundational identity, while only two [33] ask for the presence of both parents. In some MS/ SAC, [34] the presence of the parents/ legal guardians is not requested at all, notably where the initial/ foundational identity registration takes place electronically (eBirth). Finally, there are MS/ SAC [35] that require the presence of one or both parents depending on whether or not they are married.

Some MS/ SAC [36] (7) failed to provide an answer or offered insufficient/ unclear information.

In conclusion:

— Two MS/ SAC ask for the presence of both parents/ legal guardians for registering the initial/foundational identity. Ten ask for the presence of at least one parent/ legal guardian, and in 5 , the presence of parents is not needed. Four other MS/ SAC require the presence of one or both parents/ legal guardians, depending on whether or not the parents are married.

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[32]   AT, BE, CY, IT, LU, PL, PT, RO, SE, SK
[33]   HR, NL
[34]   CZ, DK, ES, FI, SI - Although eBirth is in place in 12 MS (AT, BG, CH, CZ, EE, ES, FI, IT, LT, PT, SE, SI), only 4 MS have expressly confirmed that the presence of parents is not needed in connection with online identity registration.
[35]   EE, IE, LV, MT
[36]   BG, FI, IE, NO, UK, HU, LT

c) Do you conduct interviews to establish identity? If yes, in what circumstances?

Interviews for establishing identity: Y/N?

Some MS/ SAC [37] (7) conduct interviews at the time of establishing the identity and six [38] do not follow any interview procedure. Instead of interviews, in the case of NL and PL, the concerned authorities may request additional documents, and PT may require the presence of two witnesses when doubts arise on the veracity of the applicant's identity.

Interviews for establishing identity: in what circumstances?

The above-mentioned seven MS/ SAC conduct interviews on a need basis, notably when in doubt about the children's parenthood. CY resorts to interviews when the child is born outside of marriage.

Many MS/ SAC [39] (16) have not replied or offered insufficient/ unclear information. Due to such a low response rate, sound conclusions cannot be drawn.

In conclusion:

— Some MS/ SAC (7) conduct interviews at the time of establishing the identity. As a rule, these procedures apply on a need basis, notably if there are doubts on the child's parenthood.

— Other MS/ SAC (6) do not follow interview procedures, but three of them resort, on a need basis, to additional document checks or the presence of witnesses.

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[37] AT, CH, CY, DE, HR, HU, MT
[38] IT, NL, PL, PT, SI, RO
[39] BE, BG, CH, CZ, DK, ES, EE, EL, FI, IE, LT, LU, LV, NO, SE, SK, UK

d) In case of late-in-life registration of identity, i.e. in adulthood, do you apply special procedures? Which ones?

Special procedure for late-in-life registration of identity: Y/N?

Eleven [40] MS/ SAC resort to special procedures in case of late-in-life registration of identity, many of which are related to nationals having been born abroad. Seven [41] MS/ SAC do not have specific procedures in place.

Special procedures: please describe?

Every MS/ SAC has different procedures in place. While MS/ SAC provided very detailed information, the following summary is relevant.

In ES for instance, the applicant must submit specific evidence requested by the Judicial Authority, in addition to a National Police report and the presence of two witnesses. In MT, the applicant should present a baptismal certificate issued by the parish church. In CH the applicant should pass exhaustive interviews and if applicable, to provide documents from their host country. '*Should there be no family members in Switzerland living, the person must provide extensive biographical information, including photographs from the present and past*'. In PT if the birth occurred more than a year ago, the procedure depends if the first time applicant is younger or older than 14 years of age. If younger, the parents need to declare the birth, while in the latter case the parents and two witnesses are required. In RO, if the registration occurs within 30 days from the date of birth, the applicant has to submit a certificate issued by the town hall where the birth took place and endorsed by e.g. the General Director for Person's Records. On the contrary, if the registration is done after 30 days from the date of birth, the declarant also needs to provide medical expertise attesting the date of birth and gender of the child. Depending on the person's age, additional information may be required such as information on medical records, declared domicile, education background, etc. For HR a photo ID is mandatory for identity purposes. Failure to produce one implies handing over the case to the police for further/ special verification.

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[40]   CH, CY, EE, ES, HR, IE, IT, MT, PT, RO, SI
[41]   AT, BE, DE, EL, LU, NL, SE

For its part CY applies an additional penalty fee of 30€ or 150€ depending if the registration takes place later than 15 days or 3 months following the date of birth.

EE underlined those cases occurring when the child was born and lived abroad without registering the birth in the Estonian registry. As a result, the applicant has to apply for Estonian citizenship first, gain a PIN from the Population register and only then apply for an identity document. In addition, SI underlined those cases where a SI child was born abroad, whereby the child needs to register before reaching 36 years of age. The general rule in IT stipulates that identity should be registered 10 days following the date of birth. When not '*if known, the delayed act is reported to the Prosecutor's Office*'.

At last, the case of IE whose procedure regarding late-in-life registration was described in detail. Registration of identity requires a Personal Public Service (PPS) number. '*To get a PPS number, in general, a person must attend a face-to-face interview at a PPS number allocation center, complete an application form, provide evidence of their identity and provide evidence of why they need a PPS number allocated. The person must also provide proof of their address. Where a person does not have the required documents, they will be asked to provide whatever documents they do have, and a decision is made based on those. However, a PPS Number will only be issued where there is a high level of assurance as to the person's identity*'. IE added that '*SAFE registration provides the most robust identity registration process in the Irish State. In conjunction with a number of Government Ministries, a rules based standard for establishing and authenticating an individual's identity for the purposes of access to public services was developed. It is based primarily on a face-to-face identity registration process that involves the capture of an individual's photograph and signature; the verification of identity data already held by the Ministry of Social Protection through documentary and database checks; and facial image matching. Regardless of their nationality, a person must supply evidence of their identity and proof of address.*'

A number of MS/ SAC [42] (11) offered insufficient information or no answers.

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[42]   BG, CZ, DK, FI, HU, LT, LV, NO, PL, SK, UK

In conclusion

— A number of MS/ SAC (11) apply special procedures in case of late-in-life registration of identity. The procedures differ from country to country depending mostly on the time elapsed since birth, whether the (national) child was born abroad or if it concerns a foreigner. The information is very detailed, is a good example of practices-sharing and offers factual incentives for MS/ SAC.

— Some MS/ SAC (7) do not apply specific measures, and a significant number of them (11) failed to answer.

Question 3 (Q3) on identity verification (subsequent registration)

Question number 3 includes a subset of three questions on identity verification, which follows the initial/ foundational identity registration. It aims at looking how MS/ SAC validate the claimed identity of a national/ non-national (identity checks) and the documentary evidence submitted (document check) when applying, e.g. for an identity or travel document. Last, it enquires if there are specific procedures in place for first-time applicants of a travel document, notably for adults. **In effect, it seeks to know if and how often MS/ SAC perform biometric checks for validating the identity to preventing identity fraud**.

a) What kind of checks do you perform to validate the claimed identity and the documentary evidence submitted: biometric checks (photo or fingerprints), birth/marriage/death records, others?

Identity and document checks: which ones are performed?

For the overwhelming majority of MS/ SAC [43], the claimed identity is verified on the basis of previously issued documents (e.g. ID, Passports or breeder documents) or any other additional documents deemed relevant, including consulting relevant databases. It can also be checked based on the information declared by the applicant, which is then checked against relevant databases to ensure coherence between the claimed identity and the recorded information.

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[43]   AT, BG, CH, CY, CZ, DE, DK, EE, EL, ES, FI, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, RO, SE, SI

Some MS/ SAC also referred to: i) conducting interviews or requiring physical presence of the applicant [44] and/or, using ii) biometric data [45] and/or, iii) witnesses' statement [46], contacting foreign authorities (AT), or performing forensic document examination (DE).

FI specified that '*having an ID card or passport is not compulsory (…)Finnish and sometimes even foreign citizens are identified only based on the personal identity code (PIN); in other cases, other cards such as driving licenses or social insurance cards are accepted for identity verification*'. SE indicated that when moving between Nordic countries persons can be checked against the other Nordic countries civil registries. In NL, the person must appear in person and provide a valid proof of identity including additional documents such as breeder documentation, resident permit, working permit or rental contract. '*If the individual cannot submit any documents, the personal data can only be registered if the individual declares under oath that the given data is correct*'. SK requires '*public documents and a report from the doctor*'.

Only three MS/ SAC [47] failed to provide an answer.

<u>In conclusion:</u>

— With the exception of one, for all other responding MS/ SAC (26) the claimed identity is verified on the basis of previously issued documents (e.g. ID, Passports or breeder documents) or any other additional documents deemed relevant, including consulting relevant databases.

— For 12 MS/ SAC it is possible to resort to biometric checks, i.e. face or fingerprint matching.

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[44]   AT, CH, EL, NL
[45]   In NO '*children born in non-western countries a DNA test may also be required to prove family ties*'. CH, CY, DK, EE, EL, ES, HU (only for foreigners), IE, LV, PL and PT referred, more or less explicitly, to the possibility of resorting to face or fingerprint matching.
[46]   EL, ES
[47]   BE, UK

b) Is there a difference between identity verification of a national and of a non-national? If yes please describe the different approach and why.

Nationals' vs non-nationals' identity verification: is there a difference?

For the majority of MS/ SAC [48] there is no difference between identity verification of a national and of a non-national. The procedure is the same except that different databases are consulted and different documents are checked, e.g., residence permits or passports for foreigners and ID cards or birth certificates for nationals.

A few MS/ SAC [49] signalled that the procedure is diverse or slightly distinctive. ES noted that for non-nationals the procedure is less expeditious and that the relevant consular representations may need to be consulted. BE, IT and RO pointed out how differently they check foreigners legally residing in the country from those that are undocumented and from asylum seekers. In RO, it is often the case to resort to interviews and consult many different databases to ascertain the identity of the person. BE may request additional documents for completing the information on the person's identity and noted that foreign new-borns are entered into the Belgium identity registry on the basis of the information provided by the foreign parents and/or provided by the respective consular representation. IT resorts to biometric checks and SE referred that for undocumented foreigners the process is handled differently but did not provided details. DE underlined that foreign documents must always be certified (legalization or apostille) and that foreigners must prove their identity and nationality by presenting a valid passport and, if necessary, a certificate issued by their country of origin. If doubts subsist on the authenticity of the documents, a forensic examination is carried out.

A few MS/ SAC [50] (6) failed to provide an answer or offered insufficient information.

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[48]   AT, CH, CY, DK, EE, EL, HR, IE, LT, LU, LV, MT, NL, PL, PT, SK, SI
[49]   BE, DE, ES, IT, RO, SE
[50]   CZ, FI, NO, UK, BG, HU

In conclusion:

— The vast majority of MS/ SAC (17) do not differentiate identity checks on nationals and on non-nationals.

— On the other hand, a few MS/ SAC (6) signalled that the procedure is diverse or slightly distinctive. All in all the procedure is more expeditious for nationals than for non-nationals, in which case some MS/ SAC resort to interviews, biometric checks and additional database checks.

c) In case of first-time application for a travel document do you have special procedures in place? Which ones?

First-time application for a travel document: special procedures?

Slightly over half of the responding MS/ SAC [51] do not have special procedures in place for first-time applications for a travel document, i.e. regular and first time applicants are treated the same way. Presumably, the procedures are slightly different for minors and adults, but none explicitly specified them, instead many referred checks against relevant databases.

The other nearly half of the responding MS/ SAC [52] treats first-time applicants for a travel document differently. Some MS/ SAC made a distinction between nationals and non-nationals and others between minor and adult first-time applicants. While the former are important, the question aimed primarily at the latter, i.e. adult first-time applicants. Only CH pointed out non-nationals first-time applicants, underlining the requirement for several database checks and in some cases for biometric checks.

As for the **minor first-time applicants**, besides the presence of the parents or legal guardians, some MS/ SAC draw a line at different age limits spanning from 8 (SI), 12 (FI), 14 (MT) to 15 (CZ) years of age. For example in the case of FI if the minor is over 12 additional checks are performed and an interview may be conducted, while SI demand the physical presence of children older than 8. In MT, minors over 14 need to have the parents' consent and be accompanied by a witness testifying in writing to know the minor for at least two years.

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[51]   AT, CY, DE, EL, ES, IE, LT, LU, SE, SK, RO
[52]   CH, CZ, DK, EE, FI, HR, MT, NL, SI

Only a few MS/ SAC [53] explicitly mentioned the **case of adult first-time applicants**. For MT adults aged 18 or over must have their application form endorsed by a witness whose identity has been established previously and who must testify in writing to knowing the applicant for at least two years. Same goes for HR for applicants with no photo ID. If still not possible to establish his/her identity, police officers apply a specific procedure laid down in a special regulation. In turn, NL specified that the person must submit any documents the public officer deems necessary in order to establish the identity (e.g. breeder documents, resident permits, working permit, rental contract etc.). DK deems essential to have the PIN number for issuing any travel document. In case the applicant is undocumented (and does not know his/her PIN) the issuing authority can still issue a document providing that the applicant has been previously registered in the system and that s/he passes and interview. Only in exceptional cases can the applicant be identified by a witness. In this case, an interview is also conducted and the applicant must answer different control questions. The witness identity needs to be previously established. UK performs additional identity checks including an in-person interview designed to establish the link between the applicant and the claimed identity.

Some MS/ SAC [54] (8) failed to provide an answer or offered insufficient information.

In conclusion:

— Most responding MS/ SAC (11) treat regular and first-time applicants for a travel document the same way.

— The other responding MS/ SAC (9) treat differently first-time applicants for a travel document. Some pointed out how minor first-time applications are dealt with, while a few referred to adult first-time applications in which case interviews and the presence of a witness is usually required.

— Most MS/ SAC did not focus on the particular case of (adult) first-time applicants and many opted for describing the full passport issuance process.

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[53]   DK, HR, MT, NL, UK
[54]   BE, BG, HU, NO, PL, PT, IT, LV

Question 4 (Q4) on breeder documents

Question number 4 includes a subset of four questions on breeder documents. **It aims at knowing whether MS/ SAC issue breeder documents and what its security level is, including plans for improvement**. It also seeks to know if MS/ SAC provide training to document-issuing authorities on the correct enrolment of biometrics and on the detection of forged documents/ breeder documents. Last, it enquires if MS/ SAC ensure distribution of the Europol handbook on breeder documents to the document-issuing authorities. **Jointly, training activities and manuals on breeder documents can act as a fraud deterrent to reduce ID theft/ ID fraud. This is particularly relevant for issuing authorities responsible to ascertain applicant's identity at the very early stage of the identity chain**, when registering the identity and/or asking for a document for the first time.

a) Do you issue breeder documents or are authorised entities in your country able to access the information in a population register online? In case breeder documents are issued, which is their security level? Can you provide details of the security features? Would you envisage to raise the security level of your breeder documents, e.g., by adding new security features? If yes, which ones would you envisage?

Issuance of breeder documents: Y/N? Online access to the information: Y/N?

In general terms, MS/ SAC differentiate between two main cases. Those cases where MS/ SAC [55] issue breeder documents and cases where they [56] issue/print extracts or certificates of the relevant civil registry databases (print screens as often referred to). All the latter MS/ SAC allow for online checks of some authorised entities at a certain point in time. Their computer-based systems allow for a swift procedure and only in the case of need of a certificate to present abroad (EE, FI) are the extracts issued in paper format. EE referred they abolished paper breeder documents since 1 July 2010.

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[55]   AT, BG, CH, CY, CZ, DE, DK, EL, HU, IT, LT, LV, MT, NL, NO, PL, RO, SK, SI, UK
[56]   BE, EE, FI, LU, PT, SE

The majority of MS/ SAC issuing breeder documents also allow for online checks [57]. However some [58] failed to provide information regarding online access and only a few MS/ SAC [59] said explicitly they not allow such functionality, the main reasons being data protection issues (CH) and the lack of a unified register (CZ).

Only two MS/ SAC [60] failed to provide an answer or offered incomplete information.

In conclusion:

— Several MS/ SAC (20) issue breeder documents, while some (6) issue/print extracts or certificates of the relevant civil registry databases.

— A significant number of MS/ SAC (13) allow for online checks to population/ civil registries. These include MS/ SAC issuing breeder documents and those printing extracts of civil registries.

Breeder documents: which current security level/ features?

For the purpose of this question, only the responses from MS/ SAC issuing breeder documents are relevant (see relevant footnote from the previous question). Also ES and HR provided a response, but there were instances in which MS/ SAC provided incomplete/ unclear information. MS/ SAC stating they only print extracts of the civil registries (and not breeder documents), all referred that these certificates are signed and stamped.

Four MS/ SAC [61] pointed out that the security level of their breeder documents is non-existent or fairly low. In addition, some said there is no harmonization across the country and models differ over time. Worth mentioning is the case of LV issuing a uniform format of breeder documents but containing no security elements. This country mentioned that '*after a study that showed that security features had no added-value, breeder documents are issued with no security features*'.

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[57]   BG, DE, DK, LT, LV, MT, SK
[58]   AT, CY, EL, HU, NL, NO, PL, RO, SI, UK
[59]   CH, CZ, IE, IT
[60]   ES, HR
[61]   BG, EL, IT, LV

On the other hand, most respondent MS/ SAC emphasised that security features include some of the following: security paper, watermark, fibres, offset printing, micro text, ultraviolet reactive inks and unique numbering. HR and SK were the only ones referring to hologram devices and PL and SK the only ones referring to intaglio printing. In turn, UK was the sole country noting solvent sensitive inks, while PL was the single country noting chemical sensitiveness of the paper. PL added they issue very secure breeder documents. In all cases MS/ SAC noted that breeder documents are signed and stamped by the issuing authority. Only AT referred to a QR code and DE mentioned secure data exchanging procedures. Some MS/ SAC provided a plain Y/N answer.

Only IE said the question was non-applicable.

In conclusion:

— Among the MS/ SAC (22) issuing breeder documents, the common security level seems to consider the use of a numbering system, together with the use of security paper with reactive inks (ultraviolet, solvent sensitive) and security printing (anti-copying features, intaglio or micro text). Only one MS/ SAC referred to digital security features. None noted existing or planned use of biometrics in breeder documents.

— Only a few MS/ SAC (4) said the security level of their breeder documents is non-existent or very low.

Breeder documents: security upgrade planned?

Nearly half of the respondent MS/ SAC [62] do not plan to upgrade the security level of their breeder documents either because they consider the current security level adequate [63] or because they have an electronic/online-based system, which allows for online checks [64].

Key arguments for those MS/ SAC not planning to upgrade breeder documents are the ongoing dematerialization process of archives (IT), while LV '*believes that raising security level of breeder documents should be advanced through improving administrative cooperation among competent authorities and by seeking solution in possibilities provided by the information technologies*'.

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[62]   AT, BG, CH, CZ, DK, EE, HR, LT, LV, NL, PL, RO, SK, SI
[63]   SK, RO, PL, NL, CH
[64]   EE, IT, LT, LV

In turn, some MS/ SAC [65] plan to upgrade the security level of their breeder documents. DE referred to introducing a digital seal (2D barcode), while LU mentioned a QR code. EL, UK and CY aim at improving the overall security printing, but CY referred to it in the framework of establishing possible EU minimum-security standards for breeder documents. MT referred to watermarked paper.

Some MS/ SAC [66] (7) failed to provide an answer or offered insufficient information.

In conclusion:

— Most MS/ SAC (16) do not plan to upgrade the security level of their breeder documents because they consider it adequate or as a result of having an electronic system in place.

— Some MS/ SAC (6) plan or are in the process of upgrading the security level of their breeder documents. Some emphasized printing elements, others pointed out digital security features.

b) Do you ensure wide distribution of the Europol handbook on breeder documents to the document-issuing authorities in your country? What has been the feedback?

Europol handbook: distribution to the document-issuing authorities – Y/N?

The vast majority of MS/ SAC [67] do not ensure distribution of the Europol handbook on breeder documents to the document-issuing authorities. Some said they were not aware of it [68], others provided a plain Y/N/n/a answer.

Among the MS/ SAC [69] that are apparently using the handbook some referred to it as unfinished and others [70] mentioned it is available via iFADO and therefore available to police and control authorities (but not to the issuing authorities as asked). CZ asked for a translation into Czech and IE will start using it soon.

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[65]   CY, DE, EL, LU, MT, UK
[66]   FI, NO, PT, UK, IE, HU, SE
[67]   AT, CH, DK, EE, ES, HR, IE, IT, LU, MT, NL, RO, SE, SI, UK
[68]   HR, IT, MT
[69]   BE, BG, CY, DE, ES, LT, NO, PL, RO
[70]   BE, EL,

Only NO reported feedback. Feedback from case handlers indicates that some have heard about the handbook, but rarely used it. Overall, it appears it is of little use, as some of the information is accessible in other databases.

A few MS/ SAC [71] (5) failed to provide an answer or offered insufficient information.

In conclusion:

— Most MS/ SAC (16) are not currently ensuring distribution of the Europol handbook on breeder documents to the document-issuing authorities.

— Only some MS/ SAC (7) stated using the handbook. The feedback from only one country indicates little use/ relevance as some of the information is already accessible in other databases.

c) Do you provide training in detecting forged documents/breeder documents to document-issuing authorities in your country? How often?

Training on document security/ document fraud to the document-issuing authorities – Y/N and how often?

A number of MS/ SAC [72] said they provide/ will soon provide (CY) training on the detection of forged documents/breeder documents to document-issuing authorities in their countries. Some others [73] responded they do not provide this kind of training arguing that document issuing authorities can refer the documents to responsible authorities in the country, e.g. laboratories.

These trainings are often provided when taking up duties and/or by request but not on a regular basis. Exceptions include LT and IE providing training once and twice a year respectively and EE having one to two trainings delivered per year in addition to in-service regular trainings. BE delivered last year and already early this year, a training course for the issuing authorities and aims at delivering other trainings addressing different target audiences.

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[71] FI, LV, PT, HU, SK
[72] AT, BE, BG, CY, DE, EE, IE, LT, LV, MT, NL, NO, PT, RO, SE, SK, SI
[73] CH, DK, EL, ES, HR, IT, LU, PL, UK

In the case of NO, the authorities '*established a system with second-line checks carried out by experts in the verification of proof of identity. A new training programme has been developed by the Tax Administration, including compulsory classes in the verification of identities and ID documents by means of technical and other investigative methods (for first-line ID checks). All the employees use/access the Keesing scanner as well as the Keesing help-desk, Document checker and other databases*'. In turn, RO and SK authorities provide regular training activities for issuing authorities to prevent the issuance of documents based on false identities. At the other end, DE and SE said the trainings provided are most likely to include very little about breeder documents and/or on detecting forged documents. NL noted they have developed a special training program on breeder documentations.

Only three MS/ SAC [74] did not provide a response to this question.

<u>In conclusion:</u>

— Many MS/ SAC (17) provide training on the detection of forged documents/breeder documents to document-issuing authorities. These training are mostly provided upon request/need basis but a few others (minimum 8) have or are in course of having structured training schemes in place. Some MS/ SAC (9) do not provide any of this training.

d) Do you provide training for the correct enrolment/caption of biometric identifiers to the document-issuing authorities? How often?

<u>Training on the enrolment of biometrics to the document-issuing authorities – Y/N and how often?</u>

A number of MS/ SAC [75] provide training on the enrolment of biometrics. As a rule, it is a basic training and it is mostly provided when taking up duties. Some MS/ SAC referred to refreshment courses every now and then. LT and SE were the only ones referring to training activities on a regular basis.

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[74] CZ, FI, HU
[75] BE, BG, CY, IE, IT, LT, LV, MT, PL, PT, SE

LT provides training once a year and in SE, '*the administrators undergo a nationally approved basic training. The training is two weeks long; one-week theory and one week practical training, which includes learning on how to take photograph, fingerprints and signature of the applicant. Administrators that have not dealt with these applications for more than 6 months lose their competence and have to go through a new basic training again*'.

Among the MS/ SAC [76] that do not provide training on capturing biometrics, some [77] specified that the civil registries do not take up biometrics and therefore no training is provided. (While this is ok, the question was on the training provided to issuing authorities which are a broader public that the civil registries.) Others, such as LU mentioned that '*the computer enrolment program controls the quality of the data*', while IE reiterated that '*software programmes reject or accept photographs to required standard*' adding that Passport office authorities '*provide training to photographic services staff on the International Civil Aviation Organization (ICAO) standards for passport photographs.*' NL indicated that training activities will soon address biometric enrolment issues.

A few MS/ SAC [78] (6) failed to provide an answer or offered insufficient/ unclear information.

In conclusion:

— A number of MS/ SAC (11) provide basic training on the correct enrolment/ caption of biometrics. The training is mostly provided when taking up duties and on a need basis. Only two MS/ SAC referred to training activities on a regular basis.

Question 5 (Q5) on other identity-related procedures

Question number 5 includes a subset of three questions on identity-related procedures. It aims at looking into whether or not a person is allowed to change his/her name and on which grounds. Furthermore, it asks MS/ SAC to provide detailed information on the number of requests as well as on the main grounds adduced for requesting name changing.

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[76]   AT, CH, DE, DK, EE, EL, ES, HR, LU, NL, RO, SI
[77]   CH, DE, EE, RO
[78]   CZ, FI, NO, UK, HU, SK

Together this information should suffice to gain a sound understanding of the extent and description of name changing procedures. Last question seeks to know how information on name changing is accessible to law enforcement authorities and reflected in relevant databases, **in order to trace individuals whose names have been changed**.

a) Do you allow for name changing? If yes, under which conditions?

Name changing: Y/N?

Twenty-eight out of twenty-nine responding States [79] allow for name changing. Essentially name changing is possible through following 1) a judicial procedure (ES), 2) an administrative procedure [80] or 3) both judicially and administratively[81].

Name changing: on which grounds?

Almost all MS/ SAC [82] allow for name changing at the time of changing certain relationships such as marriage/ civil partnership, divorce, adoption, in conjunction with recognition/ annulment of paternity, gender change and/or when the person has a negative experience with using their name i.e. vulgar, ridiculous, complex spelling, awkward pronunciation, foreign origin as well as other justifiable cases. In order to have the name changed, the concerned person has to present an explanatory statement/reasoned request to the competent authority stating the reason for name changing. In some cases, [83] the request must include additional documents or witness evidence. In others, [84] a person willing to change his/her name must provide evidence of using the new name. UK further added that '*Name changes on marriage/ civil partnership or gender recognition require change of name evidence only in the form of a marriage, civil partnership or gender recognition certificate. Use of name evidence is not required unless doubt exists regarding the name being used for all official purposes*'.

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[79] NL has not provided any data for the moment but will do it a.s.a.p.
[80] AT, BE, CY, DK, EE, EL, HU, IE, IT, LU, PT, RO, SK, UK
[81] BG, DE, FI
[82] BE, EL, LT and PL, have not provided the provisions under which the name changing is possible. CH just mentioned that change of name is very restrictive and should be approved by the special authority. HU and NO allow the name changing once in every 5 and 10 years respectively. SE provided the link of the national law (in Swedish) that regulates name changing.
[83] BE, IE PT, SK
[84] CY, ES, IE, PT, UK

In addition, some MS/ SAC [85] provided information on the grounds under which name change is not granted (i.e. a person pending criminal prosecution).

LV and EE allow for name changing of their citizens, but also of foreign citizens residing in their country and of persons that have been granted the status of stateless person in their respective countries. FI only accepts name changing of foreign citizens who have a permanent residing status in Finland.

Only one NL failed to provide a response, but informed they will do it shortly.

In conclusion:

— The vast majority of MS/ SAC allow for name changing through an administrative procedure;

— Nearly all MS/ SAC allow for name changing at the time of changing certain relationships and/or on the grounds of a negative experience with using his/her name. The request must always be justified and proven.

b) Statistics on requests compared to population/ granted requests/ main reason for name changing

Statistics on name changing: Y/N?

Most MS/ SAC [86] do not collect such statistics, while others have not provided any data. [87]

Statistics on name changing: scale of the matter?

However, based on the statistics provided by 6 MS/ SAC, [88] the annual percentage of requests compared to their population varies between RO 0, 009% (2059 absolute figures) and SE 3, 5% (350.000 absolute figures). However, it is impossible to draw any sound conclusions on the percentage of granted requests, because MS/ SAC offered incomplete and/or diverse data, which cannot be compared.

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[85]   HR, SI
[86]   AT, BG, CH, CY, CZ, DE, EL, HR, HU, IT, NO
[87]   BE, IE, LT, PL, NL, UK
[88]   EE, LV, MT, PT(data refers only to structural name changes), RO, SE

For example LU, LV, SK provided absolute figures of annually granted requests, while DK, ES, RO, SI provided information on granted requests compared to the number of their population. In turn, EE and SE gave the total number of applications received and others, notably MT, PT and FI provided only the number of refusals.

Nevertheless, the following may be concluded:

Annual granted requests related to population number. Year - 2016[1]			
Country	No. of Population	Granted requests (absolute no.)	Granted requests (%)
DK	5 700 000	50 000	0, 877%
EE	1 332 917	1398	0, 104%
ES	46 700 000	10 776	0, 002%
RO	22 342 101	2059	0, 009%
SE	10 000 000	304 500	3, 045%
SI	2 065 895	2403	0, 116%
[1]	All figures were provided by the MS/ SAC		

Statistics on name changing: grounds presented?

Based on the information provided by 7 MS/ SAC [89], the main reasons for name changing include but are not limited to: i) change of surname due to marriage/divorce ii) use the name of parents/ grandparents or great-grandparents, iii) use a national name, iv) add or remove one of the forenames, v) ensure that all identification documents bear the same name, vi) change the name because of difficult pronunciation or, v) someone holds the same name and s/he is suspected of and/or convicted for serious offenses.

All MS/ SAC replied, but many did not provide any data/ information.

In conclusion:

— Most MS/ SAC (17) do not collect statistics on name changing or did not provided any data (no statistics/ no data);

— Based on comparable figures provided by only 6 MS/ SAC the annual percentage of requests compared to their population varies between 0, 009% for RO and 3, 5% for SE, i.e. 2059 vs 350 000 requests respectively.

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[89]   EE, LU, LV, MT, PT, SE, SK

— On the basis of 7 replies above, the main reasons for name changing include but are not limited to: i) willingness to bear the spouse name, ii) use the name of parents/ grandparents, iii) use a national name, iv) add or remove one of the forenames or, v) avoid using the same name of a convicted person for serious offenses.

c) How do you link name changing to law enforcement procedure, such as updating the info on relevant databases?

Info on name changing: interlinkage with databases?

A significant number of MS/ SAC [90] (22) have provided information on linking name changing and law enforcement procedures. With one exception [91], when name changing is granted, the information is updated on the relevant national database (civil registry/population registry, birth register/common database). This information is then accessible to other authorities including law enforcement authorities. Few MS/ SAC [92] mentioned they keep the records on previous name changing for the same person. Worthy of note is the procedure in ES where the identity number remains the same throughout life, therefore for database purposes, the new name will always be linked to the former one. In LU, after validation of name changing, the new name is uploaded in the National Registry of Physical Persons (RNPP).

Worthy of note is NO, where it is always assessed whether name changing corresponds/ leads to a change of identity. This is a case-by-case assessment and aims at evaluating for instance if the person is also changing other identity details, such as date or place of birth or nationality. In the event of suspicion, the file is forwarded to the Norwegian Directorate of Immigration and goes through an in-depth analysis. In HU and CH the person requesting name changing is checked against arrest warrant databases/present an official document indicating their criminal records.

A number of MS/ SAC [93] (7) failed to provide an answer or offered insufficient information.

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[90]   AT, BG, CH, CY, CZ, DE, DK, EL, ES, FI, HR, HU, IT, LU, LV, MT, NO, PT, RO, SE, SI, SK
[91]   EL has no automatic procedures for updating the info on relevant databases. The applicant is obliged to declare his new personal data to the competent police service.
[92]   CY, SE, SI
[93]   BE, EE, IE, LT, NL, PL, UK

In conclusion:

— For the vast majority of MS/ SAC (21) once name changing is granted this information is updated on relevant national database and made accessible to other entities including law enforcement authorities.

— Of note is NO approach which differentiates name changing from identity changing, the latter being associated with changing other biographical attributes (e.g. date and place of birth).

— Procedures vary depending on how the civil registrars/ population registries are setup, e.g. with or without an identity number assigned.

Question 6 (Q6) on control mechanisms

Question number 6 includes a subset of three questions on control mechanisms related to the identity infrastructure [94]. It enquires whether, how often and by whom MS/ SAC audit the processes related to registering the identity and issuing of documents. For instance if the "4 eyes principle" is in place i.e. that '*no single member of staff should carry out every part of the issuing process for an individual*' as referred to in the Council conclusions of 2005. Another example is whether '*secure storage, transport and transmitting of data and components of documents are well ensured*'.[95]

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[94] *in* World Bank Dictionary of Terms on Civil Registration and Identification:
Identity management A combination of systems, rules, and procedures that are defined between an individual and organizations regarding the entitlement, use, and protection of personal information in order to authenticate individual identities and provide authorization and privileges within or across systems and enterprise boundaries.

[95] Council conclusions of 2005 on Common minimum security standards for national identity cards point out five minimum standards relating to the security of issuing processes:
   1. Applicants should appear in person at least once during the issuing procedure for identity cards;
   2. Applications should be verified by authorised personnel against existing databases which should be regularly updated, for example, civil registries, passport and identity cards databases or driving licence registers;
   3. Monitoring of the issuing process is recommended, including where processes are carried out by sub-contractors, and this should include regular audits;
   4. In principle, no single member of staff should carry out every part of the issuing process for an individual;
   5. Secure storage, transport and transmitting of data and components of documents should be ensured.

Taken together, these measures act as a protective shield against fraud and in benefit of the staff involved in the document issuing processes. It continues and asks detailed information on how MS/ SAC assess/ control the registration and issuance processes, e.g. to prevent human error or fraudulent issuance of documents. Last question seeks to know if MS/ SAC have implemented Regulation (EU) 2016/11914 and if yes to provide feedback.

a) Do you audit your identity infrastructure namely at the registration of identity and issuing level? How often? Which entity conducts the audit?

Audit procedures: Y/N?

Respondent MS/ SAC [96] (23) confirmed they currently perform audits on their identity infrastructure, but just a few provided further details. Some perform audits at the level of registration and issuing [97], others do it only at issuing level [98] and one does audits only at registration level (MT). Two MS/ SAC [99] informed they do no audits. Overall, based on MS/ SAC's responses it appears that the question was unclear/ misunderstood.

Audit procedures: how often and by whom?

In terms of frequency, six respondent MS/ SAC [100] audit their identity infrastructure at least once a year while others[101] do it '*on a regular basis*'. After due review it appears that many replies are not precise enough, as MS/ SAC refer to different processes. Some MS/ SAC refer to a structural auditing of the entire issuing process, while others refer to controlling procedures performed on a case-by-case basis. For instance, while in PL the Control Department does an audit once every 2-3 years for checking data quality, SE does it on a need basis, when the identity of the applicant is suspicious. In such cases, SE Tax Agency Office double-checks if the applicant is indeed the person s/he claims to be as per the identity document presented. The authenticity of such document is also checked. HR provides an example where first-time applicants requesting Croatian documents (ID, Passport) go through an extensive check against the photo-documents issued by his/her country of residence/ origin.

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[96]   AT, BE, BG, CH, CZ, EE, EL, ES, FI, LT, NL, NO, MT, HR, IE, IT, LU, LV, PL, MT, PT, SE, RO
[97]   NL, LU, LV, PL
[98]   BG, FI
[99]   DK, SI
[100]   CZ, FI, NL, IT, LU, MT
[101]   NO, LT, LV

As to the audit entity, it should be noted that different MS/ SAC resort to different audit entities, depending on their administrative organization. In AT, for instance only local authorities conduct the audit. In some other MS/ SAC[102] there are more than one auditing body. The examples include the Central Police Authority, the National Passport Service, the Data Protection Inspectorate, a State Agency or the Civil Registry Officers.

Only 3 MS/ SAC offered an appropriate answer to the question whilst providing no further details. In IE the registration process is monitored/ audited by the Standard Authentication Framework Environment (SAFE) on a regular basis. In PL the audit activity is carried out by an independent firm (Centre for Informatics Technology - COI), while in MT the activity is carried out, from time to time, by the government Agency MITA (Malta Information Technology Agency).

Some MS/ SAC[103] (5) failed to provide an answer or offered insufficient information.

In conclusion:

— Overall, on the audits, many of the respondent MS/ SAC (23) failed to give a satisfactory response. Information is hardly comparable and it is difficult to draw any global conclusion. Largely, it appears that some refer to a structural auditing of the entire issuing process, while others refer to controlling procedures performed on a case-by-case basis. While all are relevant the question targeted the former approach, i.e. the entire issuing process.

— As to the auditing periodicity responses range from 2-3 years to on a need basis. The information provided for the entity conducting the audits is also quite diverse. In a few cases it relates to Information Technology agencies.

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[102]   CH, EE, RO, LU, MT, PT
[103]   CY, DE, HU, SK, UK

b) Please describe any other procedural or machine-based mechanisms in place aiming at preventing human error and/or fraudulent attempts to obtain authentic documents, including limiting the number of blank stolen items.

Additional control mechanisms against fraud

Most respondent MS/ SAC [104] (23) use machine-based mechanisms such as software tools, and/or manual procedures based on accounting and audit activities. A large number of respondent MS/ SAC have machine-based mechanisms [105] in place (CH, IE, ES operate with biometric data) and some others [106] resort to document accounting and auditing procedures to prevent human error/fraudulent attempts to obtain authentic documents. However, some MS/ SAC [107] link the process of issuing documents with the attribution of a unique code/pin. This prevents double registration and that the same person applies for several documents under different names. Furthermore IE operates with facial recognition software, including system validation of certain data and internal and external controls. In addition, IE Passport authority also does a monthly reporting activity on selected data, including annual audits of stocks also for blank items and issued passports. NL in turn, have three databases dealing with registration of identity (Passport Alert, Travel document and Verification database) and some municipalities use a scanning system to help detecting fraudulent passports. Dutch authorities also assign a unique PIN and have a centralized production facility for travel documents, which is an effective measure against the theft of blank items [108]. MT runs a multilevel security process (machine-based and procedural processes) including keeping records of all applications submitted, while each task is assigned to different staff members to be verified by at least three different officers.

Some MS/ SAC [109] (6) failed to provide an answer or offered insufficient information.

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[104] AT, BE, BG, CH, CZ, DE, DK, EL, ES, FI, HR, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI
[105] CH, ES, IE, LT, LU, MT, NL, PL, PT, RO, SI
[106] BG, DE, EL, IT, LV
[107] AT, BE, IE, NL
[108] No blank documents have been stolen in NL since central production and personalisation has been introduced in 2001
[109] CY, EE, HU, NO, SK, UK

In conclusion:

— A number of MS/ SAC (11) use machine-based mechanisms and/or manual procedures to prevent errors, fraud and theft of blank items.

— Common practice is to assign a unique personal number to the citizens to prevent double registration. Others have a centralized production facility for travel documents, which limits the number of blank stolen items. Some MS/ SAC operate with biometrics and one referred to redundancy schemes.

c) Have you already implemented/ experience with the authentication of breeder documents through the Internal Market Information System (IMI) as provided for in Regulation (EU) 2016/1191[110]?

As regarding the **implementation/experience with the authentication of breeder documents through the IMI as provided in (EU) Regulation 2016/1191**, nine MS/ SAC [111] are in the process of implementing the Regulation. As for the rest [112], there is a mix of no information available/ soon to be delivered/ not experienced yet, and for two MS/ SAC [113] the Regulation is not applicable.

A number of MS/ SAC [114] failed to provide an answer or offered insufficient information.

In conclusion:

— Only some MS/ SAC (9) are in the process of implementing (EU) Regulation 2016/1191 through the IMI. No MS/ SAC provided feedback on its implementation.

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[110] Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (OJ L 200, 26.7.2016, p. 1–136).
[111] AT, BE, CY, CZ, ES, MT, PL, PT, SI
[112] BG, DE, DK, FI, IT, LT, LU, LV, NL, RO, SE
[113] CH, UK
[114] EE, EL, HR, HU, IE, NO, SK

3. Way forward

In the light of the above conclusions and bearing in mind that registration of identity and issuance of documents is a MS/ SAC competence, **the Commission believes that further reflection as regards possible initiatives for the purpose of improving the security of registering the identity and of breeder documents in this respect, is needed.**

Therefore the Commission invites Member States to further improve sharing best practices in this area and calls on the Member States to further assess the practices described in this document (see also the individual responses provided by each Member State) with regard to their national practices and consider whether those can serve as examples for improvement. This exercise will eventually enhance the security of the Union as a whole.

In this context the Commission would also welcome Member States validation on the accuracy of the country references and content in this assessment document. The assessment work has not been an easy task due to the lack of common ground, definitions and notions/ concepts, multiple approaches and the challenge to aggregate (what appeared to be) common positions.

Having said this, the Commission stands ready to collaborate with the incoming Presidencies to take forward work in this respect, ensuring appropriate coordination with the Council General Secretariat, the Working Party on Frontiers/False documents/Mixed Committee, the on-going work within the Think Tank on breeder documents chaired by NL and other initiatives taking place in other relevant fora, notably in the context of the International Civil Aviation Organization Traveller Identification Program/ ICAO TRIP strategy.

It is with this is mind that the Commission will support the current EE Presidency organizing a thematic False Documents working party meeting addressing the issue of Registration of identity. This workshop will provide Member States with different perspectives spanning from the global ICAO approach on evidence of identity, to the OSCE regional one, including the EU perspective e.g. based on the outcome of the ORIGINS project, without mentioning the national viewpoints of each Member State.