

**2004-2005 CD# 20.1
ALA Midwinter Meeting
January 19, 2005**

**RESOLUTION ON PRIVACY AND STANDARDIZED DRIVER'S LICENSES
AND PERSONAL IDENTIFICATION CARDS**

WHEREAS, the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) requires the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to issue regulations establishing minimum standards for driver's licenses and personal identification cards issued by a state for use by federal agencies for identification purposes; and

WHEREAS, the federal government will, after a phase-in period, refuse to accept licenses or identification cards for federal identification purposes that do not comply with the standard, thereby making the standardized card a de facto national "identity card"; and

WHEREAS, the Act requires that "standards for common machine-readable identity information be included on each driver's license or personal identification card, including the defined minimum data elements"; and

WHEREAS, the Act requires that security standards for driver's licenses and personal identification cards must be implemented in a manner "capable of accommodating and ensuring the security of a digital photograph or other unique identifier" that can easily be maintained in linked databases; and

WHEREAS, machine-readable driver's licenses and personal identification cards could allow the linking of financial, educational, health, travel, and other personally-identifiable information; and

WHEREAS, the states' machine readable databases can be mined or linked to create a national database, presenting the opportunity to use the data for purposes for which it was never intended, including profiling of individuals and the government's surveillance of the public; and

WHEREAS, driver's licenses are commonly used by the public as a means of identification for obtaining a library card and driver's license numbers have been entered into the user's registration record, and could potentially result in the ability to search library use by individuals; and

WHEREAS, the American Library Association's Library Bill of Rights affirms that libraries are committed to the principles of Americans as a free people and to "free expression and free access to ideas" in an open society; and

WHEREAS, the Code of Ethics of the American Library Association upholds the protection of "each library user's right to privacy and confidentiality with respect to

information sought or received and resources consulted, borrowed, acquired or transmitted;” and

WHEREAS, a stated intent of the Intelligence Reform and Terrorism Prevention Act of 2004 is to ensure “an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life” and that the “concerns with respect to privacy and civil liberties are appropriately considered in the implementation of laws, regulations, and executive branch policies related to efforts to protect the Nation against terrorism”; and

WHEREAS, the statute requires that implementation of the regulations “shall include procedures and requirements to protect the privacy and civil and due process rights of individuals who apply for and hold driver’s licenses and personal identification cards”; therefore be it

RESOLVED, the American Library Association urges the Chief Privacy Officers of the U.S. Departments of Transportation and Homeland Security to work closely with the Privacy and Civil Liberties Oversight Board created by the Intelligence Reform and Terrorism Prevention Act of 2004 to fulfill the law’s stated intention of ensuring a system of checks and balances to protect the liberties of the American public and our democratic society and to ensure that all implementations of the law respect privacy and civil liberties; and, therefore, be it further

RESOLVED, the American Library Association convey to the rulemaking committee its concern that the standardization of driver’s license and personal identification card information not be used to create a national database or to mine, link, or otherwise obtain access to the “information sought or received and resources consulted, borrowed, acquired or transmitted” by library users.

Adopted by the Committee on Legislation, January 17, 2005

Initiated by: COL Subcommittee on Privacy, January 16, 2005

Endorsed in principle by: OITP Advisory Committee, January 16, 2005.

Endorsed in principle by IFRT, January 2005.

Endorsed in principle by IFC, January 18, 2005

Policies: 1.3-A

Prior History:

CD #20.1: “Resolution on the USA Patriot Act and Related Measures That Infringe on the Rights of Library Users,” January 29, 2003.

CD #20.2: “Resolution on Proposed Amendments to the USA Patriot Act,” January 14, 2004.