

Baroness Neville-Rolfe [V]

My Lords, I shall speak to Amendment 52 on digital ID and I thank the noble Lords, Lord Clement-Jones and Lord Stevenson of Balmacara, as well as my noble friends Lord Bourne of Aberystwyth and Lord Arbuthnot of Edrom—who was squeezed out by the limit of four proposers. I also thank the British Retail Consortium for its advice. The members are old friends because for many years during my Tesco days, I was the consortium's deputy chair. It turns out that digital ID is a subject that garners great interest right across the House and indeed, despite her rather discouraging comments in Committee, I discover that it is also of considerable interest to my noble friend the Minister, and her response today will be critical.

There are two key issues. The first is the urgent need for digital ID to complement the system of physical ID on which we currently rely for sales of alcohol, whether in shops or in pubs. This, as the Minister explained in Committee, is because there is no industry standard for digital ID. Ironically, the work on developing it has been delayed by the pandemic until next year, as we heard from the Minister. That seems to be very slow given the security technology that exists and our proficiency in such matters here in the UK.

The situation with alcohol contrasts with that on verifying sales of knives—which is surely more dangerous—tobacco, lottery tickets and fireworks. Digital ID is in regular use in all these areas, despite the lack of this standard. Operators are ready and willing to use this for alcohol too, and it would bring benefits through productivity, fraud control and—this is the second key issue for today—infection control under coronavirus. Its use would remove the need for customers or staff to wash hands or resanitise. There would be no requirement to show paper ID or carry a passport, as some youngsters do when they go out, sometimes leading to loss in my experience. That is a serious matter, given current Passport Office delays. It is especially helpful at automatic check-outs and could speed up queues at pubs and elsewhere.

Our Amendment 52 permits the use of digital verification, provided the licence or certificate holder reasonably believes, with all reasonable precautions and due diligence, that the individual purchasing alcohol is under 18 years old. The amendment is drafted, in effect, to allow the Government a trial for digital ID. It would end after six months, in January, and could be extended once only, by which time we expect the industry standard to be in operation and Covid to be behind us.

We need both a firm commitment from the Government to make this standard happen in the first half of next year and a temporary arrangement to permit the use of digital ID during Covid. For some other requirements, for example at the CMA and ICO, regulators are operating an easement programme during Covid. Another approach that occurs to me is for the Government to give guidance to trading standards that the requirement for paper checks for age ID for alcohol will not be enforced, where there is a reliable digital verification method in operation, until the new standard is adopted. We all want proper enforcement. We must make progress on this, and I look forward to hearing what the Minister says before pressing my amendment.

Lord Clement-Jones

My Lords, Amendment 52, which I have signed and strongly support, is similar but different, in a crucial respect, to the one which the noble Baroness and I tabled in Committee. I am delighted that we are joined by even heavier artillery on Report. In Committee, the noble Baroness, Lady Williams, said:

“At present it is not possible to use a digital ID as proof of age for the purchase of alcohol in the UK because there is no industry standard for digital ID... Until such a standard is agreed, the current restrictions should be upheld. I hope that my noble friend will not press her amendment. I shall finish there.”—[*Official Report*, 13/7/20, col. 1435.]

I am not going to repeat what I said in Committee—for which I am sure the Minister is grateful—but I know she is always open to sound argument. I want to show why her brief in Committee was not entirely accurate.

It is rather misleading to say baldly that there is no industry standard for digital ID. Back in 2016, the age verification group of the Digital Policy Alliance—which has some distinguished and knowledgeable present and former parliamentarians among its members—sponsored a publicly available specification, PAS, code of practice standard number 1296 on online age checking. This was adopted by the British Standards Institution and the independent regulator, the Age Check Certification Scheme. It is now PAS 1296:2018.

A publicly available specification is a voluntary standard intended to assist providers of age-restricted products and services online with a means to adopt and demonstrate best practice and compliance. There are easily available audit processes and services to check conformity with the PAS, involving policy, quality and technical evaluation, and an enormous number of reputable companies provide age-verification services through digital ID systems. As the noble Baroness said, in many ways the UK is leading the way in digital ID. It is active across the range of age-restricted products and services, such as DVDs, gambling, lottery tickets and scratchcards, knives, air weapons, fireworks, petrol, solvents and cigarettes, but not—perversely and uniquely—alcohol.

This is the digital ID marketplace that the Government said they wanted to build, in their call for evidence last year. Most of these companies are UK-based and many are global. Nearly all work to the standard set by PAS 1296:2018. Many of them have other forms of certification and security standards in place, such as ISO 27001. There is an active trade body, the Age Verification Providers Association, whose members—as the Minister probably knows—have just had good news from the High Court in an important judicial review case involving non-implementation of the age-verification provisions of the Digital Economy Act.

Another government department, BEIS, through its Office for Product Safety and Standards, together with the Chartered Trading Standards Institute, provides training that

“will enable participants to confidently apply the PAS 1296:2018”.

Not only is there a form of auditable standard in place, but reputable training in compliance with PAS 1296.

As we pointed out in Committee, this is a strongly deregulatory measure. Retailers have noted that almost 24% of supermarket baskets contain an age-restricted item. As a result of current rules, many customers are waiting longer than necessary. This would ease any congestion, mitigate the risks of queuing, reduce the need for continual sanitisation by staff—as the noble Baroness said—and be for the benefit of all in infection control. Rather than being the last ship in the convoy, can the Home Office not steam ahead on this? The noble Baroness, Lady Neville-Rolfe, explained that it is essentially a pilot period only. I urge the Government to accept our amendment.

Lord Stevenson of Balmacara [V]

My Lords, I speak in support of Amendment 52. I very much hope that the Government welcome the spirit of what was said by the noble Baroness, Lady Neville-Rolfe, even if they

cannot accept the amendment today—although I hope they can. There are a number of areas in public life where we urgently need a proper age-verification system that deals directly with what an individual can and, on occasion, cannot do. Gambling and access to legal pornography are two that come to mind, but access to alcohol, whether consumed on or off the premises, is under direct consideration today.

The noble Baroness, Lady Neville-Rolfe, spoke convincingly in Committee and again this evening on the benefits that a digital ID system would bring. This was echoed by the noble Lord, Lord Clement-Jones, who also explained what is happening in the digital marketplace. If, as the noble Baroness says, this boils down simply to putting ID cards, passports or driving licences on mobile phones, it is hard to see why the Government do not grab this initiative. It is already widely used, particularly for verifying age for knife sales.

There may be other work going on in the Home Office on digital ID, but I would be satisfied if the Government today confirmed that they are aware of the benefits of digital ID, supportive of the technology in principle and prepared to work with the industry to resolve any outstanding issues in the near future.

Baroness McIntosh of Pickering

My Lords, I too will address Amendment 52. I thank my noble friend Lady Neville-Rolfe for the interest she has shown in digital ID. I again declare my interest as chairman of the board of PASS, the Proof of Age Standards Scheme. I welcome the opportunity to again put on record my support for digital age verification. I am proud of the work PASS does; it has stood the test of time well in providing assurance through a set of national standards and an independent audit of physical proof-of-age cards. However, we are determined that PASS will not stand still. In an age when so many young people own a smartphone—according to Ofcom data in 2018, 95% of 16 to 24 year-olds own a smart- phone—it is only pragmatic for proof-of-age schemes to adapt to the technology most widely used by young adults.

That is precisely why PASS launched a consultation to seek views on its proposals to develop a set of standards to underpin digital proof of age. The PASS proposals will offer a seamless transition from physical to digital verification, continuing to support the many thousands of physical proof-of-age cards currently in use while mirroring those high standards for a new generation of digital proof of age. It will create a universal solution that will work in any number of outlets that sell or provide age-restricted products, as well as for alcohol licence holders. It will avoid additional costs for retailers and pubs, which are, as we all recognise, experiencing unprecedented challenge and change—that is why this Bill, and its measures to help businesses as the economy starts to reopen, are so welcome. It will allow for a level playing field of competition and choice for the new market of digital-age providers, where retailers and licence holders will not be reliant on a single supplier.

I do not believe that we want to prejudge the findings of the consultation: it closes this week, on 24 July, and the responses so far run into hundreds. However, there is support for the direction of travel set out by PASS from retail trade bodies, including the Association of Convenience Stores, the National Federation of Retail Newsagents, the Retail of Alcohol Standards Group, and the Wine and Spirit Trade Association, and high-street supermarket brands, some of which are members of the British Retail Consortium. There is support within the hospitality sector, including from some well-known pub companies, and from the majority of card issuers, including CitizenCard and Young Scot. There is also support from the Age Verification Providers Association, which includes many of the new generation of tech

companies, specialist in digital solutions, and the Government's very own commissioned expert panel on age restrictions.

I pay tribute to the hard work and responsibility of the retail and hospitality industries over recent years. That we talk less today than in the past of the scourge of underage drinking and the dangers of age-restricted products is a great tribute to their hard work and responsibility. But let us not lose sight of the importance of preventing the sale of such products to minors; the protection of children from harm is a vital licensing objective. Regulation is important in managing risk, and accreditation against agreed and independently audited national standards is vital.

We have no quarrel with digital age verification, but rather are convinced that it is part of the way forward. However, the problems with Amendment 52 are these. Digital age verification must be underpinned by robust, practical and universal standards. It cannot be right or helpful to leave matters to the vagaries of reasonable belief about what might be reasonable precautions. As the noble Lord, Lord Carlile, said earlier, any regulation peppered with "reasonable" leaves him in a great quandary as to what its effects will be.

Nor is there any evidence at all to suggest that in any way are physical cards less safe than mobile phones. There is no clamour from retailers of any shape or size to commit, right now, new time and money to training staff in how to scan QR codes from one phone to another or in new electronic points of sale and other till systems. It is important to note that the PASS-accredited digital proof of age will be free to users. I believe that what is set out in Amendment 52 is a step too far, too fast.

It is extremely important that the need for a set of standards is established before the guidance and mandatory conditions on age verification are amended. Digital age verification must be universally available as a platform, and not to the commercial benefit of one provider or another.

The Deputy Speaker (Lord Russell of Liverpool) (CB)

I call the noble Lord, Lord Naseby. Oh, as he is not there, I will move on to the noble Lord,

Lord Harris of Haringey [V]

My Lords, this is a slightly strange group of amendments. We have talked about microbreweries and so on, but most of the debate has focused on Amendment 52 in the name of the noble Baroness, Lady Neville-Rolfe. I support what has been said on it. Of course there is no industry standard yet for digital ID; the whole process has been very slow. However, as a number of noble Lords have commented, security technology has been moving very rapidly and there is no doubt that this could be delivered without any great difficulty.

The reality at the moment is that, when young people go out to pubs or bars for an evening of entertainment, they have to take a physical card with them; often, it is a passport or a driving licence. In the nature of things, those physical documents get lost, which brings extra costs and security issues that we should all be wary of. However, people's ability to safeguard their mobile phone is always very high.

The noble Lord, Lord Clement-Jones, gave us probably more detail than any of us ever wanted to know about this particular topic and the standards being adopted and agreed.

However, I think that the approach taken by my noble friend Lord Stevenson of Balmacara is the way forward, and I hope that the Minister can agree something this evening.

I listened with great interest to the speech of the noble Baroness, Lady McIntosh of Pickering. She was clearly concerned that if this amendment were to pass tonight, it would somehow favour one or other of the current developers of the technology for digital age verification. However, if you listen to her speech, you will find that she seemed to be defending the right of PASS—a scheme which she chairs, and which has done noble service to age verification over the years—to continue as is for several more months.

I hope that when the Minister looks at this, she can find a way forward along the lines of Amendment 52, in the name of the noble Baroness, Lady Neville-Rolfe.

Baroness Pinnock [V]

Another very important amendment, Amendment 52, would enable digital age verification. It is surprising that that does not already exist. A very strong case has been made for this change by the noble Baroness, Lady Neville-Rolfe, and my noble friend Lord Clement-Jones. In the light of the experience throughout this crisis of a significant shift being made across society to digital means of providing services, this proposal should surely be accepted by the Government. Perhaps the Minister will be able to indicate when that move to digital age verification will be enabled—as come it will.

Lord Kennedy of Southwark

A convincing case has been laid out for Amendment 52, in the name of the noble Baroness, Lady Neville-Rolfe, and other noble Lords. I supported the idea in Committee. Equally, I see some of the points made by the noble Baroness, Lady McIntosh, and I accept that this is a temporary Bill; perhaps doing something permanent in a temporary Bill may be a problem, but the least we should get tonight is a commitment. Technically, this can be done and the Government should get on and make sure that it happens.

Baroness Williams of Trafford

My Lords, I thank all noble Lords who have spoken in this debate, particularly for the interest in Amendment 52, tabled by my noble friends Lady Neville-Rolfe and Lord Bourne and the noble Lords, Lord Stevenson and Lord Clement-Jones, on digital age verification. I could agree with virtually everything said in the debate on this amendment. I am very keen to progress this agenda, and it was in discussing this that my noble friend and I realised that we had a mutual interest in moving this agenda forward—she as a former Digital Minister and me dealing with data and identity in the Home Office.

The Government have carefully considered the concerns raised by this amendment. We support its aims, and we believe that a more holistic approach is needed to enable the use of digital identity in compliance with age-verification requirements in the Licensing Act for the sale of alcohol. As I explained in Committee, the protection of children from harm is an objective that all licensed premises should promote. Age verification plays a critical role in this and it is essential that we have confidence in the forms of identification presented as proof of age to promote this licensing objective. As my noble friend Lady McIntosh of Pickering said, the PASS accredits a number of national and local suppliers of ID cards,

offering retailers flexibility to choose an appropriate card to fit their needs and fulfil their licence condition.

At present it is not possible to use a digital ID as proof of age for the purchase of alcohol in the UK due to the lack of an agreed industry standard for digital ID. Without trusted digital identity standards in place, licence holders cannot know that market solutions are fit for purpose. This would make it very difficult for them to meet the reasonable precautions and due diligence requirements described in Amendment 52. The lack of an equivalent national standard for digital ID would lead to uncertainty.

The noble Lord, Lord Harris of Haringey, was correct in saying that movement on this is slow. I share his frustration and I know that my noble friend, a former Digital Minister, does too, but we do not think it is right to place licence holders in a position in which they are being asked to accept proof of ID without a set of agreed standards, even on temporarily. To do so may place them at risk of committing a criminal offence.

Although the Government are resisting this amendment, we do not disagree with—in fact we are very supportive of—the principle of digital ID. I set out in Committee some of the steps we are taking to progress work in this area. A call for evidence was launched last summer and the responses overwhelmingly agreed that the Government have a role in developing a framework for digital ID use in the UK. Respondents stressed the need for legal certainty on how to use digital identity. The Government will consult on developing legislation to set provisions for consumer protection relating to digital ID, specific rights for individuals, an ability to seek redress if something goes wrong and where responsibility for oversight should lie. The Government will also consult on the appropriate privacy and technical standards for secure digital identity. Sufficient oversight of these standards needs to be established to build trust and to facilitate innovation, which will provide organisations with a handrail to develop new, future-facing products, which I know is exactly what my noble friend seeks.

The Government plan to update existing laws on identity checking to enable digital ID to be used in the greatest number of circumstances. However, it is only when the framework and, most importantly, the standards are in place that we can expect industry and citizens to trust and have confidence in using and accepting digital IDs. Now, knowing our mutual interest in this subject, I hope that the Government and I will be able to draw on my noble friend's considerable experience in this area as plans develop. I invite her to engage with Ministers and officials on this work as it develops. I am happy to give a commitment, on behalf of my noble friend Lady Barran, that we will work together with my noble friend towards our shared aspiration. To be honest, after four years in the Home Office I am glad that I have found someone interested in my policy area of digital ID and data. I hope that, with that commitment, my noble friend will support me in my longer-term vision for digital identities and will not move her amendment when it is reached.

Baroness Neville-Rolfe [V]

My Lords, I was a little disappointed by my noble friend the Minister's response, especially given our shared aspiration to get digital ID to come in. Will she agree to either a meeting or a letter to talk in a little more detail about the timing of digital ID—recognising that there are some difficulties but that she has made some good progress with her call for evidence? We could also discuss whether there is anything to be done on the enforcement of age

verification for alcohol during the Covid-19 period, perhaps using an easement of the kind that I mentioned to her has been used by some other departments.

Baroness Williams of Trafford

My Lords, I would be delighted to meet my noble friend to discuss making progress on this. As I say, I am very glad to have a friend in digital identity.

Lord Holmes of Richmond [V]

My Lords, I thank all noble Lords who participated in this group of amendments. I am very attracted to Amendment 52, along with many noble Lords who both spoke and signed up to the amendment. My only reason for not signing was that it already had the support that it needed. It illustrates the need across Government to up the activity of all potential digital applications. We have world-leading businesses in digital. We need to look at every possible opportunity and means of enabling them to flourish and solve problems which have dogged our society for decades. We have the tools to do so, and Amendment 52 is but one clear and effective example of that.