Post-Hearing Questions of Senator Patrick Leahy
"Will REAL ID Actually Make Us Safer?
An Examination of Privacy and Civil Liberties Concerns"
Senate Judiciary Committee
May 15, 2007

Questions for Bruce Schneier:

1. At the Judiciary Committee's hearing, you testified about the relative ineffectiveness of identity-based security systems.

Assuming that identity-based security has some place in the larger national security picture, what suggestions would you give the Committee in terms of identity-based security measures that can be effective?

Identity-based security is valuable as an access control device. For example, airports use identity based security to verify mechanics and other airport workers. Businesses use identity-based security to verify who is allowed in the buildings and on the computers. I think a more robust identity-based system makes a lot of sense in these, and similar, applications. It's when the system is applied to the population as a whole that it fails as a security measure.

2. The draft regulations for the REAL ID Act issued by the DHS do not require that information stored on a REAL ID driver's license be encrypted, which leaves the machine-readable data vulnerable to anyone with the tools to scan the information. Just last week, the DHS' Data Privacy and Integrity Advisory Committee raised serious concerns with REAL ID, calling it "one of the largest identity management undertakings in history," that does not mention any steps states should take to prevent unauthorized access to information on the cards.

Do you have any concerns about the ability of states and the federal government to manage and secure a database of 260 million people?

It would be impossible to secure a database of this size. The DHS has maintained that the problem is easier because it is not one single database, but 50-plus individual databases that are connected. But that's a semantic dodge; they're the same thing. The REAL ID database is a single database, regardless of how it is technically configured and organized.

Securing a database of that size is very difficult, as the daily litany of personal-information exposures demonstrates. The REAL-ID database will be particularly difficult to secure because of several reasons other than its size.

One, it will be accessible by law enforcement officers – and potentially at airport security checkpoints and other locations – in all jurisdictions all over the country by tens of thousands of people. This means that it is more likely that someone will give away his password or otherwise allow outsiders to view the information. This also means that it is more likely that trusted law enforcement officers will access the data for personal use.

Two, it will contain highly valuable information, and hence be an attractive target to criminals. As a single point of personal information, the REAL ID database will likely receive more hacking attempts than smaller databases with more limited uses.

And three, it will be cobbled together from 50-plus individual databases. This means that a vulnerability in one state's database will put everyone at risk.

Do you have any concerns about the possible creation of a parallel database in the private sector?

There is a robust data broker industry in the U.S. that maintains databases filled with personal information about every one of us. Already this industry collects information from driver's licenses, either by purchasing that information from the states or from organizations that collect it individually. I have had my driver's license photocopied when I checked into hotels, and I have had my license scanned when entering bars. This information is regularly sold to data brokers, who collect and resell it to others.

Google for "drivers license scanner," and you too can buy a small device that reads the information off all U.S. driver's licenses.

There is absolutely no reason to believe that this practice will cease if licenses become REAL ID compliant. Data brokers will create parallel databases that contain the same information that is on a REAL ID license.

3. Many Americans – especially older Americans and those who have suffered in the wake of natural disasters – do not have access to important enrollment documents like their birth certificates.

If the DHS agrees that States may waive the requirement for certain "breeder" documents that may have been lost or destroyed, doesn't this undermine the entire system?

Yes. Any identification system is only as good as the enrollment procedures. That is, REAL ID can be no more secure than the breeder documents required to get one. And if the system waives the requirement for such breeder documents, it can't provide the identification verification it claims to.

Is there a viable alternative to addressing the likely reality that some applicants simply will not have access to the required documents should the REAL ID Act come into effect?

Unfortunately, there isn't. If someone doesn't have the documents required to get a REAL ID, either because those documents have been lost or destroyed, or because they never existed, the system can either refuse him a REAL ID or give him a REAL ID anyway. And if REAL ID becomes a requirement to receive government services, this will turn into a real barrier – especially in poor rural communities where the documents are hardest to get.

4. I believe there are troubling parallels between the REAL ID and the Western Hemisphere Travel Initiative (WHTI) programs, as both face serious hurdles to implementation. Some have suggested combining the two documents, or allowing States to issue WHTI-compliant REAL ID cards.

What are your thoughts on making REAL ID compliant licenses an acceptable credentialing document to enter the U.S. from Canada, Mexico, or the Caribbean?

I see nothing wrong with the old system of allowing conventional driver's licenses as acceptable documents to enter the U.S. from Canada, Mexico, or the Caribbean. Allowing a REAL-ID-compliant license is certainly no worse than that. And forcing residents of the U.S. and those other countries to get yet another identity document is a serious burden.

Would it be wise to integrate the WHTI Passcard with the REAL ID Card?

At this point, yes. In general, we are more secure with a distributed identity system: a variety of ID cards and credentials, each for its own purpose. But in this case there is no additional insecurity in allowing driver's licenses – REAL ID compliant or otherwise – to be used as identity documents for the WHTI program.