E-Identity

Prof. Dr. Meinhard Schröder

Overview

- What is it?

- Legal Challenges

- State of Regulation

- Latest developments

What is it?

- Purposes:
    - Primary: confirm alleged identity („proof" that you are really you)
    - Secondary: residence verification, age verification
    - …

- How is the identity verified?
    - Traditional ID:
        - Trust in ID being genuine (and issuing authority having verified the identity)
        - person using the ID fits description on ID

    - e-identity: digital version of someone's ID (=data)
        - variety of possible ID formats (limited by law though)
        - no comparison with real person possible, instead:
            - Trust in ID being issued only after presentation of traditional ID / other verification of identity (e.g. certificate sent to "official" postal address)
            - Trust in ID being used by „owner" only (e.g. because of two-way-authentication, biometric identification,…)
    - Trust in issuing authority is of increasing importance

- Security

  – Trustworthiness / prevent identity invention or identity theft

- User-Friendlyness

  – Easy to use, e.g. not too many devices (card reader, …)
  – Additional information (email, payment, …)

- Wide Acceptance

  – No identity silos, digital internal market

- Platform Neutrality

  – Not only Android/iOS

- Digital Sovereignty?

  – Independence from „big tech"
  – Strengthen European solutions

- Self Sovereignty?

  – information is given out on a need to know basis
  – data protection, also with regard to meta data

- EU: eIDAS Regulation (EU) 910/2014
  - Different levels of assurance (basic, medium, high)
  - Mutual recognition of electronic means of identification following notification
- Germany
  - Qualified electronic signature as standard for e-Government and to substitute handwritten signatures (since early 2000s)
    - § 3a II VwVfG
    - § 126a BGB
  - e-ID
    - Since 2010: information stored digitally in ID card (RFID chip)
    - originally only with ID + card reader + PIN
    - Since 2014 contactless ID + smart device with "AusweisApp2" + PIN
    - Selective access to information (including residence or age confirmation)
  - Proprietary solutions in specific areas
    - e.g. authentication file for tax law (ELSTER online)

- EU

  – Revision of the eIDAS regulation

  – In particular: Introduce European Digital Identity Wallets

    - Mutual recognition among member states
    - Obligation to recognise for actors covered by DMA

- Germany

  – „Digital driving licence" – project failed

  – „Transfer" ID card to mobile devices (data source not ID card, but mobile device), § 18 PAuswG et al.

  – Technical implementation still controversial