

Enhanced Driver's Licenses and Privacy - What You Need to Know

November 21, 2016 - You may never have heard of "enhanced driver's licenses." (EDL) If that's the case, you probably don't have one. But because the Department of Homeland Security has started to put pressure on states to begin issuing EDLs, that could easily change; and that will have significant privacy implications. EDLs include RFID chips which are used to track border crossings. But the chips can be read from a distance and the data they contain isn't encrypted. And that's a real problem.

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EDLs are currently only available in five states; Washington, Vermont, Minnesota, New York and Michigan. They cost anywhere from \$15 to \$45 more than a traditional license, but they do provide a significant advantage for some consumers. Anyone who has an EDL can use it to cross the international borders of Canada, Mexico and much of the Caribbean without need of a passport.

EDLs are not acceptable for international air travel. They can only be used for land and ocean crossings. But it isn't hard to see how people living in Border States that make frequent trips across the border would find them convenient.

At present, EDL's don't store much data on their RFID chips. In fact, the only data stored on them is a number. When scanned by a border agent, that number accesses a DHS database allowing the agent to see the personal information of the person presenting the license. Unfortunately, federal programs like this tend to experience mission creep over the years. A perfect example is the social security card. Years ago, those cards had "Not for identification" printed on the face of the card. Those days are long gone.

Beyond that, because the cards can be read from a distance and the chips can be easily counterfeited, it's reasonable to think that a determined criminal who had a need to cross the border regularly could steal all of your personally identifiable information—including the number stored on the RFID chip—and create counterfeit EDL to cross the border using your information. The long term impact of such an identity theft is unknown but it is reasonable to believe that victims could wind up with legal problems in both the United States and neighboring countries. Those victims could easily find themselves having to prove that someone else was using their identification. That may not be an easy task.

Last year, California's governor vetoed a bill that would have placed RFID chips in the state's driver's licenses. But the pressure to reverse that decision is growing. California and 10 other states issues driver's licenses to illegal aliens. As of 2018, licenses in those states won't be acceptable forms of identification to enter federal buildings or to climb on an airplane for a domestic flight. EDLs solve that problem. In order to get one, you have to prove that you are an American

citizen.

Anyone who already has an EDL would be well served to have an RFID protected wallet to prevent reading data stored on it. Frankly, that's not a bad idea even if you don't have an EDL. That's because RFID chips are making their way into credit and debit cards too. Consumers need to be prepared to protect themselves.

by Jim Malmberg

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