

Electronic Passports of Citizens as a Personal Essential Attribute During the Pandemic

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ABSTRACT

The problem of digitization of personal identity documents, documents relating to a person's health status and other important information and personal data is very relevant. This issue is among the priority items of the agenda during the pandemic. Currently, in Russia and in the world, some approaches have been developed to various digitized (electronic) documents such as civil passports, driving licenses, health passports (immune passports), biometric documents. However, a common concept which contributes to global security has not been created. In general, this problem entails an interdisciplinary approach that takes into account social, political and economic factors, and, of course, an effective legal mechanism. In order to address the problem, we will propose a possible mechanism for introducing electronic (or digital) passports in Russia, in global practice, taking into account the pandemic, and justify the system of regulations in this area, based on the study of the models of digital passports in Russia and abroad.

Keywords: *electronic passport, personal data, identification, authentication, security*

1. INTRODUCTION

The current digitization of basic personal identity documents, documents relating to a person's health status and other important information and personal data allows to present the approaches to legal preparedness for digitization of citizens' basic documents in Russia and in several foreign countries. We mainly focus on the patterns (approaches) of legal preparedness for digitization of basic personal identity documents (civil passports, driving licenses, medical records, foreign passports, etc.) in this study. This issue is considered in several aspects: social, political, economic and legal. It is this interdisciplinary approach which allows to substantiate a possible adequate mechanism of legal preparedness for the process of introducing digital passports in Russia. To date, there is research experience in this sphere which was the basis for finding solutions of the following general issues: 1) justification of the introduction of digital personal identity documents and documents representing a number of other important information about a person; 2) readiness of society for digitization of personal identity documents, digitization of basic personal data and identifiers; 3) justification of the introducing the multidimensional detailed system of electronic documents (civil passports, driving licenses, health (immune) passports, foreign passports, etc.); 4) a legal framework for introducing electronic passports in Russia and the main requirements for legislation at that stage of the mechanism development.

We will conduct the study in two main directions in accordance with the target focus of the study on promoting the notions of the possible concept of a citizen's digital profile or several digital profiles (a set of digital documents) in the modern information environment, the digital world development in the pandemic.

1.1.1. Firstly, it is important to highlight the main established approaches to legal preparedness for creating person's digital profiles, legal regulation of digitization of basic identity documents (civil passports, driving licenses, health passports, foreign passports, etc.).

To that end, we will analyze the fundamental norms of the current domestic legislation that make up the system of legal regulation in this area, and also highlight the trends using formal logical and systemic methods.

1.1.2. Secondly, it is important to analyze the experience of different countries in law regulation of electronic personal identity documents. To that end, we will characterize the approaches to legal preparedness for digitization of basic identity documents (civil passports, driving licenses, health passports, foreign passports, etc.) using comparative legal and historical methods. Such an analysis will allow to draw the conclusion about the possibility of using the experience of legal regulation of digitization of passports and other similar documents in the Russian legislative and law enforcement practices.

2. MATERIAL AND METHODS

This article presents some approaches to the study of legal preparedness for digitization of basic identity documents (civil passports, driving licenses, health passports, foreign passports, etc.). The creation of a holistic concept of legal preparedness for digitization of basic identity documents (civil passports, driving licenses, health passports, foreign passports, etc.) will allow to address the important problem of embedding digital passports as one of the institutions in the integral system of the digital state, electronic government, information society in general, which we have discussed a lot in the previous studies [1; 2; 3; 4; 5]. At the same time, in general, the issues of identification, authentication are relevant to ensure all the most vulnerable sectors of public life, for example, for the transport sphere, transport security [6; 7], etc.1.3.1. The research material is structured in accordance with the declared directions, namely Section 2 highlights the main approaches to legal preparedness for the creation of person's digital profiles at the current stage of the global information society development, legal regulation of digitization of basic identity documents (civil passports, driving licenses, health passports, foreign passports, biometric, immune ones, etc.). The experience of different countries in law regulation of digital personal identity documents is analyzed in Section 3. Section 4 formulates the final conclusion on the possible directions of embedding digital passports as one of the institutions in the integral system of the digital state, electronic government, and information society in general.

3. RESULTS AND DISCUSSIONS

Digital transformation in all areas of society is in the public eye now. This process is no longer perceived as a prospect, but a reality. The State's interest in all the components of digitization is also exceptional and unprecedented. Proof of this is the important amending the main law of the state - the Constitution of the Russian Federation, namely, Article 71, paragraph "m". Thus, the issues of "security of a person, society and the state while using information technologies, digital data circulation" are reserved exclusively for the Russian Federation, along with traditionally important areas such as defense, defense production, which confirms the state's serious concern about the problems of electronic circulation, the creation of an effective system of legal preparedness for information security in the context of modern challenges and threats.

The first concept of transition to electronic passports in Russia was approved in 2013, and according to the latest statements in Moscow, the issuing of paper passports should stop in 2022 [8]. The passport will take the form of a plastic card with a chip based on NFC technology, equipped with a QR code and holographic elements. It can be duplicated using a mobile application.

As for the special application, according to the statements of the Ministry of Communications and Mass Communications of the Russian Federation, a regulatory framework for carrying out an experiment in using the mobile application "Mobile Identifier" instead of a passport in Moscow from July 1, 2020 to December 31, 2021 is under implementation [9]. Citizens who activate the application in the pilot branches of the multifunctional centers for provision of public and municipal services will be able to use a QR code to receive certain public, municipal and other services.

A. Voznesensky, expert of the laboratory of practical security analysis of "Jet Infosystem", discussed the topic of data compromise both by cybercriminals from the Internet and by development and operation teams because stolen data can be sold on the darknet. He stated that many users most likely will treat the application with suspicion at first, taking into account the recent news about the incorrect operation of applications released in a hurry due to the epidemiological situation, over time, however, the attitude will change for the better while announcing rectification of defects [9].

Today, trends in the creation of digital passports concern not only citizens, their data. So, the Ministry of Communications and Mass Communications of the Russian Federation plans to start issuing passports to industrial enterprises in test mode in the first half of 2021 [10].

Serious steps forward have also been made in regard to the formation of the digital profile infrastructure as a transitional step towards the implementation of the idea of electronic passports. Proof of this is the drafting the Federal Law No. 747513-7 "On Amendment to the Certain Legislative Acts (in terms of clarifying identification and authentication procedures)".

The bill defines the infrastructure of a digital profile through a set of information systems in a single identification and authentication system that provide access to a digital profile. At the same time, a digital profile is defined as a set of information about citizens and legal entities that are located in various state information systems.

There is the general idea which is the most controversial and difficult among the target objectives of the bill. It is about setting the rules and basic approaches to regulating issues of remote identification and authentication which are legally relevant; they generate legal consequences if legal relations develop in areas that are not related to the provision of public services and the implementation of public functions. It is important to create a clear mechanism for establishing identifiers and (or) information about a person, comparing this information with an identifier or checking this information, as well as checking a person for belonging to him/her of identifier (identifiers) by comparing the identifier (identifiers) with the available information about a person, and establishing the justification of a person's using the identifier.

The bill emphasizes that the issue of fulfilment of the requirements for organizational and technical measures to

protect information is one of the most important aspects highlighting the priority of information security issues.

The Federal Law No. 168-FZ "On the Unified Federal Information Register Containing Information about the Population of the Russian Federation" was adopted in the summer of 2020. It caused a public unrest which has become more and more intensified and was reflected in such questions as what data will be collected, on what basis and how this information will be used.

The period of the pandemic, which served as a "trigger" for law-making in the direction of legal regulation of the entire system of information relations, will contribute to the final formation of the digital profile infrastructure and to developing a digital Code of Russia in the next 2-3 years.

The scope of the adopted Federal Law No. 168-FZ "On the Unified Federal Information Register Containing Information about the Population of the Russian Federation" is the establishment of the organizational and legal framework for the formation and maintenance of the unified federal information register containing information about the population of the Russian Federation. At the same time, in the text of the bill, before being submitted to the State Duma of the Russian Federation, it was about establishing only the legal framework. Clarification of the scope of the law specifies its target, aimed at creating a mechanism for the formation and maintenance of the federal information register, including emphasizing the organizational and legal component of ensuring information security in the formation of the population data register.

The legislator has defined the conceptual foundations for the formation and maintenance of the register; they are expressed in four principles: 1) legality, observance of human and civil rights and freedoms, the application of organizational and technical measures to ensure the security of personal data contained in the federal register; 2) the continuity of maintaining the federal register of information on the population; 3) completeness, relevance and reliability of information on the population contained in the federal register; 4) the use of a unified format for recording information on the population in the federal register while its developing, maintaining and providing information on the population from the federal register.

It is necessary to emphasize the importance of measures to ensure the security of the population personal data, as well as aspects of the completeness, relevance and reliability of such information in the language of the law principles.

What information will be formed in the unified register? This is information about an individual that includes a last name, first name and patronymic (if available) and if they change, another last name, first name and patronymic, a date of birth, a place of birth, gender and if it changes, another gender, a marital status of an individual, information on whether a citizen of the Russian Federation has a document for the right of permanent residence in a foreign state, etc.; various identifiers: a birth certificate, death certificate, personal identity document of an individual, including type, number and other information about such a document; information on registration with

the tax authority (including the professional income tax), information on registration in the systems of compulsory retirement, medical and social insurance, a document with an education mark and (or) a certificate of qualifications, a training certificate, an account of an individual in the federal state information system "Unified identification and authentication system in infrastructure providing information and technological interaction of information systems used to provide state and municipal services in electronic form", etc.

This information is supposed to be used, for example, to improve the provision of state and municipal services and state and municipal functioning in electronic form; implementation of state policy in the field of social and economic development, protection of the rights and legitimate interests of citizens of the Russian Federation and foreign citizens in the Russian Federation, as well as ensuring the national security of the Russian Federation; ensuring the relevance and reliability of information resources of public authorities of the Russian Federation, public authorities of members of the Russian Federation, local authorities, bodies of the state extra-budgetary funds which contain information on the population of the Russian Federation; statistical recording of population; exercising the authority of electoral commissions, referendum commissions provided for by the legislation of the Russian Federation on elections and referendums.

The analyzed law establishes that in order to ensure the protection of information contained in the federal register of information on the population, including personal data, during the creation, operation and development of the state information system, the operator of the state information system carries out a set of measures such as the use of certified data protection facilities, including means of cryptographic information protection, ensuring the security of inter-agency interaction, developing and implementing a system for protecting information contained in the federal register of information on the population, e-performance of the state information system for compliance with information protection requirements, ensuring the invariability of information contained in the federal register of information on the population during its storage and transfer, etc., in accordance with the legislation of the Russian Federation.

The ideas of digitization of the main personal identity documents which contain its other important identifiers are not new in the world and have been implemented under political, social, and economic processes in different countries. For example, the concept of biometric passports began to develop after the events of September 11, 2001 and is based on the special biometric information storage capacity in a microchip. 118 countries that signed the New Orleans Agreement a year later recognized the prospects for the development of biometric documents, primarily for security purposes.

The events of spring-summer-autumn 2020 led to a serious study of the formation of a system of immune passports in Europe (Germany, Denmark, Great Britain, other countries), in the United States. There are cases of the

practical implementation of this idea. So, on April 6, the British company Bizagi released the CoronaPass application, which can be used as an “immune passport” (the application contains encrypted data on immunity to Covid-19 provided by a medical organization) [11]. However, the cases of reinfection, the problems of reliable tests and data on the quality of immunity call into question the possibility of creating a fully-fledged system of immune passports.

There is information on the commencement of testing digital health passports in other countries. The concept of such a passport in Estonia is based on software that can help increase trust within the teams of companies during the exit from quarantine. Its developers explain that such an authorized person as a doctor will be able to enter data on the results of a person's coronavirus test into the program. After that, the application will generate a unique QR code with the result data. The user, on his/her own initiative, can share it with the employer, the school administration or his/her family [12].

In the newspaper South China Morning Post, Bernard Chan proposes the creation of a well-structured system of international digital health passport and discusses the so-called unified digital “health declaration” in order to simplify passenger checks at airports and border control points. Thus, travelers do not have to bring stacks of documents to the airport check-in counter, and the airline staff do not waste time checking them [13].

4. CONCLUSIONS

In general, summing up the study, it is possible to formulate a number of preliminary conclusions, which will become the basis for further study of the problems of legal preparedness for digitization of basic identity documents and its main identifiers and characteristics.

The pandemic contributes to the acceleration of digitalization processes in the field of digital transformation in all sectors of public life, including the field of electronic document management.

By now, real prerequisites have already been created for the formation of a global system of immune passports (international health passports). At the same time, the common approaches and coordination of actions of all states of the world are needed.

As for Russian practice regarding the introduction of citizens’ digital passports, it is experimentally possible only in Moscow now, and only then in other members of Russia, taking into account the results of approbation and development of an appropriate regulatory framework. In doing so, in economic terms, the implementation of the multidimensional detailed system of electronic documents (civil passports, driving licenses, health passports (immune passports), foreign passports, biometric documents) is expensive and premature.

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