Aadhaar data can’t be used in police investigations

Why in news?

In response to a petition filed by Delhi Police in the High Court UIDAI has said that it cannot share Aadhaar biometric data for crime investigations as in a case of a murder.

Why did Delhi Police file the petition?

- In a murder case Delhi Police recovered fingerprints and CCTV footage from the crime scene.
- Unfortunately the data did not match with any of the data already available with the police.
- Investigators now wants to cast the net wider, using Aadhaar’s biometric database.

What data is collected by UIDAI?

- The authority collects demographic and biometric information of residents.
- Demographic information includes name, address, date of birth, gender, mobile phone number, and email address.
- Biometric information includes 10 fingerprints, two iris scans, and the resident’s photograph.
- The unique 12-digit Aadhaar issued after successful enrolment
- It is only **a proof of identity to obtain a subsidy or service.**

How Aadhaar Act ensures confidentiality of the information collected?

- Sections 28(2) and 28(5) of the Aadhaar Act, 2016 say that
    - UIDAI shall ensure confidentiality of identity information and authentication records of individuals,
    - No UIDAI employee can, either during service or later, “reveal any information stored in the Central Identities Data Repository or authentication record to anyone.
- As per Section 29 the biometrics data collected can be used only for the purpose of generating Aadhaar and for authentication of identity of the Aadhaar holders and cannot be used for any other purpose.

How Delhi police justifies its proposal?

- Delhi Police claims that under Section 33(1) of the Aadhaar Act, a judge of a High Court can order the disclosure of information on identity in certain cases.
- This section says “nothing contained section 28 (2), (5) or section 29(2) shall apply in respect of any disclosure of information, including identity information or authentication records, made pursuant to an order of a court not inferior to that of a Judge of a High Court”.

What is the response from UIDAI?

- The UIDAI has said that no Aadhaar data can be shared by any individual or entity with anyone without the consent of the resident or holder of the Aadhaar.

How UIDAI justifies its stand?

- **Legal provisions -** The UIDAI has said that Section 33 allows only a very limited exception.
- It allows only the disclosure of identification information including photograph or authentication records, but no core biometric information.
- The Access is allowed only in cases involving national security.
- An officer not below the rank of the Secretary to the central government can order disclosure of information including identity information or authentication record in the interest of national security.
- UIDAI also quoted that the court cannot pass an order without giving an opportunity of hearing to the Authority and the concerned Aadhaar number holder.
- **Technologically not feasible –** UIDAI has stated that it is not technologically feasible to accede to the request of the police.
- The Aadhaar technology only permits biometric authentications which are done on a 1:1 basis for which it was essential to have both "live biometrics" and the Aadhaar number of an individual.
- So "1:N" sharing of data was not possible.
- The authority can establish the identity of an individual only through the Aadhaar number — if that is not possible, it is technically not feasible to even provide the photograph of an unknown accused, the authority has said.

Reference

1. https://indianexpress.com/article/explained/explained-why-according-to-uidai-aadhaar-data-cant-be-used-in-police-investigations-7908345/lite/
2. https://economictimes.indiatimes.com/news/politics-and-nation/cannot-share-aadhaar-biometric-data-for-crime-investigations-uidai/articleshow/64700379.cms?from=mdr

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