Policy Brief: Digital Identification and Rights Realisation in South Africa

- **Legal identity for all is a human right and a Sustainable Development Goal.**
- **South Africa aims to achieve this by rolling out its centralised digital identity management system, notably the "Smart ID Card".**
- **The rollout has been marred by implementation challenges.**
- **Africa After Access Survey findings presented in this brief shed light on the extent of uptake, barriers, and outcomes of the Smart ID card.**
- **The results show that the Smart ID is essential for accessing services, but that certain groups may still be excluded from accessing the Smart ID.**

Introduction

This brief focuses on the safety and inclusiveness of digital identity systems, and whether digital identity is improving access *inter alia* to public and financial services whilst protecting people's rights. Drawing on the only national representative, publicly accessible demand-side data from the Africa After Access survey it provides insights into the state of digital identity provisioning in South Africa. This builds on previous work conducted by Research ICT Africa (RIA) in conjunction with the Centre for Internet and Society (CIS), in which South Africa was one of ten African country case studies on digital identity (Razzano, 2021).[1]

The ability to be legally recognised as a person and to prove one's national identity is central to citizenship and democratic participation. It is critical to access to public services, freedom of movement and economic life. It is a human right, enshrined in Article 6 of the Universal Declaration of Human Rights and Article 16 of the International Covenant on Civil and Political Rights. In South Africa, the Constitution guarantees that every child has the right to a name and nationality (Section 28) and that no citizen may be deprived of citizenship (Section 20).

Ensuring that every person has a legal identity (through a birth certificate or national identity document) is recognised as a foundation for inclusive development, and advanced as a key ambition in the Sustainable Development Goals (SDGs), which set out to, "by 2030,

[1] More information about this project, and links to the 10 country reports can be found on RIA's blog: "RIA releases 10 country reports on Digital ID Framework" (van der Spuy, 2021a).

provide legal identity for all" (Goal 16.9), measured by the "proportion of children under 5 years of age whose births have been registered with a civil authority, by age" (Indicator 16.9.1). This is a challenge for many countries, including South Africa where 15 million people are estimated to be undocumented or unregistered, and with almost three million of these under 18 years old (UNHCR & Lawyers for Human Rights, 2021). This high proportion of people lacking a legal identity presents myriad problems, including a heightened risk of statelessness and an inability to access critical public and private services, and which is heightened under pandemic conditions.

Digital tools are increasingly being viewed, developed and deployed as a way to tackle these challenges. The African Union Commission (AUC), as part of its Digital Transformation Strategy (2020 to 2030) has identified digital identity as a key priority (African Union, 2020). The strategy advances digital identity as a key mechanism for realising the SDGs' goal of legal identity for all, which in turn underscores access to social protection and health systems, land and property rights, safe migration, enhanced refugee and child protection, financial inclusion, improved governance, and gender equality. Moreover, the strategy sees digital identity as foundational for economic growth. To support universal legal identity for Africans, the strategy recommends that Member States "[e]nsure inclusion, security, privacy and data ownership in digital identity systems"; and "support interoperability and neutrality of digital identity systems".

The framing of these recommendations acknowledges the risks inherent in the use of digital systems to realise rights and build inclusive economies with respect to equitable access and inclusion, and the security of personal data. These risks are especially salient in countries characterised by historical social injustice and inequalities like South Africa, where biometric identity systems have been used in the past to segregate, surveil and coerce (Breckenridge, 2014; Brümmer, 2002).

The AUC's dual priorities of security and privacy, and interoperability could also – if not implemented very carefully – come into conflict. Interoperability increases the access of different parties to sensitive personal data, and raises the risk of privacy breaches and other abuses substantially (Razzano, 2021).

Background: Digital identity rollout in South Africa

Calls have increased from public and private service providers and other stakeholders for South Africa to institute an integrated and entirely digital system of identity management (PwC & BankservAfrica, 2021) especially since the onset of the COVID-19 pandemic, which increased the need for remote access, transaction and communication infrastructures. Currently, the country has a piecemeal, decentralised, partly digital system, which it has been making efforts to modernise and digitise since the early 2010s.

As part of this effort South Africa has made headway in its rollout of its smart identity card (Smart ID). This process was initiated in 2013, prior to the adoption of the SDGs, and precedes South Africa's Protection of Personal Information Act 4 of 2014 (POPIA). The Smart ID replaces the previous paper-based green ID book, and contains digital as well as physical information, which in turn is backed up on digital databases. On the face of the card are a person's name, date of birth, identity number, citizenship status, sex and country of birth, as well as biometric information including face and fingerprints, which can be used for authentication. There is also space to store additional information, such as voter information (Razzano, 2021). Possession of a Smart ID is not mandatory under South African law, but as outlined in the findings and discussion of this brief, it is often needed to access certain services, such as South Africa's extensive social grants system.

The Digital ID system is underpinned by digital databases which are currently undergoing centralisation and consolidation. A variety of data sources have historically formed South Africa's identification system and biometric identification data has been housed in different systems leading to inefficiency, overlap and risk – in part because the systems are not linked, do not communicate with one other, and may store the same data in different ways (Department of Home Affairs, 2020). These include the National Population Register (NPR), which houses the biographical identification information of citizens and permanent residents, as well as the National Immigration Information System (NIIS), the visa system, the visa adjudication system, and the movement control system (Department of Home Affairs, 2020). In addition, biometric identification information (fingerprints and facial recognition data) for citizens and non-citizens (including refugees, asylum seekers, and illegal foreign nationals) is held in the Home Affairs National Identity System (HANIS).

Plans are reportedly underway to transition HANIS data to a new system of processing and storing biometric identification information called the Automated Biometric Identification System (ABIS). The ABIS is intended to modernise the identification system, provide greater security, and speed up service delivery (Department of Home Affairs, n.d.). These and plans and objectives for this process have been articulated in the Department of Home Affairs' (DHA) 2020 Draft Official Identity Management Policy (Draft Policy). The Draft Policy provides the most up-to-date guiding framework for the future of identification management in South Africa (Department of Home Affairs, 2020).

However, the centralisation and consolidation of the identity management system have been marred by delays and procurement challenges. The original R409 million contract for the ABIS system was declared irregular by the Parliament's Portfolio Committee of Home Affairs following an Auditor-General report detailing "brazen corruption" in the tendering process (SA News, 2021). In addition, service delivery issues and long queues at Home Affairs offices have constrained peoples' ability to access the new cards (Razzano, 2021). Compounding access issues is the fact that only a fraction of Home Affairs offices are equipped with the biometric information capture technology ("live capture system") (Department of Home Affairs, 2019). However, Smart ID cards can also be obtained from certain branches of major banks, including First National Bank, Absa, Standard Bank and Nedbank (Department of Home Affairs, n.d.). Whilst this is intended to expand access, there are still myriad possibilities for exclusion along geographical and social lines – especially for those who may not live near a live-capture equipped bank or Home Affairs branch, or who might otherwise not have the resources or ability to present in person to apply for or collect a Smart ID.

In addition, the role played by the banks raises further questions about data sharing and data security amongst different actors. With data being shared across organisational boundaries and between public and private institutions, it is critical that robust legal frameworks and clear processes are put in place to protect people's personal data as well as to prevent it being used for purposes other than personal identity management (van der Spuy, 2021b).

RIA and CIS' previous research has evaluated the empowering legislation and the institutional framework which support the rollout of the Smart ID card, with a particular focus on the extent to which these preserve and promote human rights. This work gives rise to key questions concerning the extent and purpose of personal data collection, the tension between public and private interests and the risk of mission creep; how people's personal privacy will be preserved; and who is at risk of exclusion from identification systems as well as the services and capabilities that digital identity unlocks (van der Spuy, 2021b; Razzano, 2021).

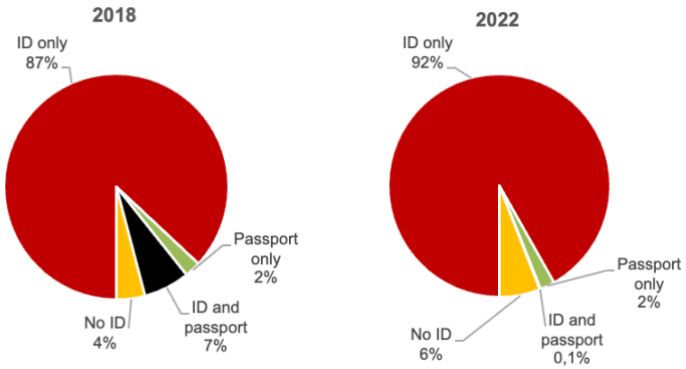
The remainder of this brief sheds some empirical light on these questions based on responses to a survey which, amongst other themes, probed questions about the availability, uptake, usage and perceptions of the Smart ID card in South Africa.[2]

Findings

Proportion and breakdown of South African population with identification

Overall, there has been an increase in the proportion of people in South Africa with no form of identification (including a Smart ID card). Under a broad definition, which includes a passport as a form of identification, the proportion of individuals without identification increased from 4% to 6% between 2018 and 2022, equating to an additional 578 000 people without identification. Under a narrow definition, which excludes passports and only looks at national identification, the proportion of individuals without identification has increased from 6% to 8% since 2022. This is a concerning trend and may indicate greater barriers to access, although this is also likely to have been affected by COVID-19 circumstances and restrictions.

Figure 1: Proportion of South African population with identification, 2018 and 2022



South Africa deviates from comparable contexts, including other African countries, in terms of the gender breakdown of access to identification (Center for Human Rights and Global Justice et al., 2021). While women generally experience higher barriers to identification globally, more women than men in South Africa have a form of official identification – with 5% of women being without identification compared to 7% of men. While the overall proportion of individuals without identification has grown, the gender distribution has remained similar since 2018. Despite this, the increase in the total number of women

[2] The After Access Surveys began in 2005 with the first set of survey data, finalised in 2008, providing valuable demand-side data on how individuals in 17 African countries were able to access and use technologies and how this has impacted on their lives. There have since been survey rounds in 2012 (13 countries) and 2018 (10 countries), and with the 2022 round of the survey under way (8 countries). The South African surveys have been completed for 2022, encompassing a nationally representative sample of 1,958 households and providing the first glimpse into the ways individuals in Africa are interacting with technology at a national level post the COVID-19 pandemic. The 2022 edition of the After Access survey includes a new section relating to the use of digital IDs and the concerns individuals have over moving from a traditional ID booklet to a digital one.

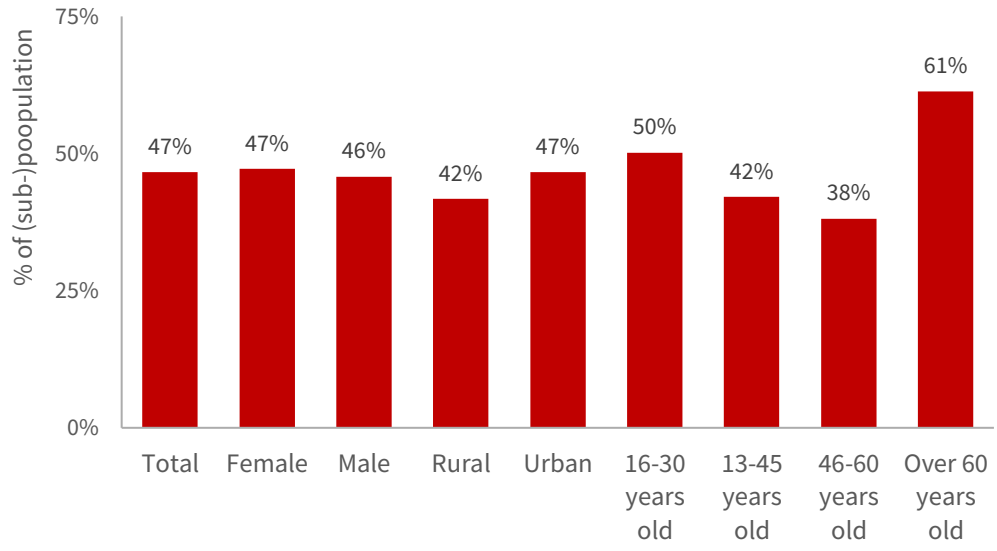
without identification (432 000) significantly exceeded that of men (145 000) in 2018 – although this lack of parity is due to the fact that there are more women than men in South Africa.

Similarly, there was no apparent identification access gap between urban and rural areas. The share of rural and urban dwellers with a national ID was 92% in 2018, a decline from 95% for rural dwellers and from 94% for urban dwellers. If passports are taken into consideration, there is a higher proportion of rural dwellers without identification compared to their urban counterparts (8% vs 6%).

Young people have the lowest rates of official identification possession, with a widening gap noted between young people and old people. Around 15% of individuals between the ages of 16 and 30 years old do not have a national identification, a marked increase from 8% in 2018. There are an additional 653 000 young people without identification since 2018. Conversely, for the two older age cohorts, the number of individuals without identification declined both in absolute and relative terms. Again, a potential reason for these trends may be the slowdown in public services as a result of COVID-19 restrictions, which hampered the ability of young people to obtain their first ID.

Turning to Smart IDs specifically, adoption was highest amongst the oldest and youngest age cohorts (61% of over 60s, and 50% of 16- to 30-year-olds). The gender breakdown of Smart ID adoption was relatively even – at 47% of women, and 46% of men. Despite similar levels of overall identification access, adoption of the Smart ID is also higher in urban areas, at 47%, compared to rural areas, at 42%. This could be related to the urban/rural digital divide, and the relative familiarity of urban dwellers with digital technologies and service provision, alongside the relative access of urban dwellers to Home Affairs offices and bank branches equipped with the live-capture system, although this is speculative and more research is needed to understand this trend. Our survey did reveal that internet usage is higher amongst Smart ID owners, with 80% of Smart ID owners using the internet compared to 73% of those without a Smart ID.

Figure 2: Smart ID access adoption amongst sub-population groups



Motivations for uptake of Smart ID

The 2022 After Access Survey data provides some insights into the motivations for applying for a Smart ID, as well as the motivations for not applying for a Smart ID. A large proportion

of Smart ID applicants (44%) said that they did not apply for a specific reason. For those who did refer to a motivation for applying, this was more likely to be related to necessity rather than perceived benefits of a Smart ID compared to an analog ID. The strongest drivers of this necessity were access to schooling (11%) and government services (5%).

These motivations were strongly differentiated by age group. Younger people were more likely to be motivated to obtain a Smart ID for reasons related to schooling (registration or writing exams – 29%); people between the ages of 31 and 45 cited no particular reason for their application for a Smart ID (59%); whereas older people were more likely to cite as their motivation being mandated by the government. This finding with respect to the older age group is quite likely due to the fact that a large proportion of older persons are beneficiaries of the old age pension grant, an important cornerstone of South Africa's social protection system for which digital identification is required in order to apply (Razzano, 2021).

The After Access Survey also collected information about people's reasons for not applying for a Smart ID card, which allowed the barriers that might exist to digital identification access to be probed. Amongst those without a Smart ID, the most popular reason for not applying was not seeing the benefit of it (people are happy with their paper ID, or "green book"). This accounted for 28%, with a further 16% saying they don't need one, and 10% not knowing they need one.

Accessibility of Smart ID

Cost emerged as the main barrier – cited by 18% of those without a Smart ID. A further 13% were constrained by time. Cost was more of a barrier for women than for men (20% and 15% respectively), and for rural dwellers compared to urban dwellers (31% and 18% respectively), which is largely reflective of the fact that women and rural dwellers face higher rates of poverty in South Africa overall.

The application process itself also presented a barrier for some. In total 7% of applicants experienced issues relating to the application process, with 45% of these individuals experiencing issues relating to not having the correct documents (e.g., birth certificate) needed to apply. The issue of documentation was particularly significant for women, and for 46- to 60-year-olds who experienced the greatest number of issues in applying. It seems that access becomes more difficult up the age brackets with the exception of over 60s, which is most likely linked to the higher motivation to have an ID to receive a pension.

Usage of Smart ID

Ambitions for the Smart ID in South Africa include more streamlined access to public services as well as financial services, voting, and greater mobility. These objectives largely correlate with findings regarding what people used their Smart IDs for.

Smart IDs, when accessed, are widely used. Only 2% of survey respondents claimed to have never used their Smart ID. The most observed use of the Smart ID is for voting, at 55%. This reveals the extremely important function of identification provision and management to democratic participation. The next most-common use of Smart ID cards was within financial services, at 53%. Smart IDs are used to access financial services more for those between 31 and 60 (67% combined), compared to the youth and those over 60 years old (43%).

It is important to note that the widespread use of Smart IDs in financial services is likely in part a function of the involvement of the banks in the provision of Smart IDs. Outsourced or privatised provision of services which are key functions of the government (like identification management) has been problematised in South Africa and elsewhere in recent years, as it risks the encroachment of certain private interests into public systems,

interests which may be misaligned with the social and public mandate of those systems (Torkelson, 2020).

Many Smart ID holders also use them for access to government services (such as health and social grants) with this type of usage especially high for rural dwellers (at 47%) and those over 60 (at 57%) – the latter figure is again possibly indicative of the high use of Smart IDs to access the old age pension.

Discussion: Implications of digital identity for access to services and rights preservation and realisation

Whilst it is not mandatory to have a Smart ID in South Africa, evidence shows that it is enabling and even essential for many groups in order to access certain services and participate in certain activities, including in public life (voting) as well as to access key forms of social protection. However, although a consolidated and accelerated Smart ID card rollout has been identified as a priority for the government, in line with the recommendations of the SDGs and the African Union, a higher proportion of the South African population is without any form of official identification in 2022 compared to 2018. While the disruption of the COVID-19 pandemic has undoubtedly played a role in the increasing proportion of people without documentation, this raises serious concerns for South Africa's ability to meet its targets and to realise the social and economic benefits of legal identity for all.

It is assumed by many that the social and geographical digital divide may be partially to blame for the lagging uptake of Smart ID cards – where people do not have access to offices equipped with the appropriate technology, or are barred from accessing Smart ID cards due to gender inequality. However, our survey data reveals slightly more complex trends. The key impetus for application for a Smart ID card is the fact that it is necessary for access to government services. The fact that a greater proportion of women and older people have obtained a Smart ID card (despite facing higher cost barriers) is likely due to the fact that these groups need to access social protection systems – including the child support grant and the old age pension grant. Although the Smart ID card is intended to be enabling access to these forms of support, our survey data suggests that it might in itself present barriers to social protection and other services, including voting and financial services. This is due to the fact that many respondents reported that they faced cost and time barriers to accessing a Smart ID card, as well as a confusing application process and a lack of necessary documentation.

Critically, these barriers are likely to affect groups who are already the most vulnerable and marginalised, and also the most in need of government assistance and social protection. This includes people whose incomes fall below the food poverty line and who cannot overcome cost barriers to ID access. As such, the barriers to digital identification identified in our survey may perpetuate a cycle of exclusion from public life and social assistance even whilst attempting to improve and expand social and economic inclusion.

The After Access Survey does not cover issues of perceived risks of Smart ID cards amongst the general public. It would be valuable for future research to assess whether people are concerned about issues of data protection and privacy. These issues are a central focus of policy discourse surrounding digital identity globally and are also the target of new legislative frameworks in South Africa, specifically the POPIA, which aim to protect data

subjects against the misuse, appropriation or exploitation of their data. In light of the government's efforts to expand access by empowering private actors to handle identification and biometric data and issue Smart ID cards, it will be important to evaluate and continually strengthen people's awareness of and literacy on personal risks arising from the sharing of their data, as well as their rights and redress under the POPIA.

Conclusion

It is clear that substantial work remains for South Africa to realise the SDG target of legal identification for all by 2030, whether through digital means or otherwise. It is difficult to say whether digitalisation has improved people's access to official forms of identification in the past four years, though it seems from our data that it has not, given the increased proportion of people without any form of digital identification (although, we should bear in mind the possible impact of the pandemic on these figures). As RIA's previous research has shown, the institutional framework surrounding the provision and security of digital identification has also been characterised by challenges and setbacks (Razzano, 2021), which have so far hampered plans for the centralisation and modernisation of the system.

In this context of poor and beleaguered government service delivery, it is critically important to continue to bear in mind the risks presented both by anything less than easy, universal access to official identification (in terms of the exclusion of already vulnerable groups), as well as the risk involved in the outsourcing and privatisation of identification management and data sharing across public and private institutions.

It is not clear from the survey data whether the Smart ID has necessarily improved people's access to public and financial services or contributed to improved social and economic outcomes. More research is needed in order to draw conclusions in this regard. However, the After Access Survey data shows that Smart IDs are often seen as essential for voting, accessing schooling, financial and government services, and that many people face barriers to obtaining Smart IDs, including cost, time, and a lack of required documentation. This reveals issues of ongoing exclusion from official identification and therefore key services and capabilities, as well as South Africa's progress towards legal identification for all as articulated in the SDGs.

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