



Department for
Science, Innovation
& Technology

Rt Hon John Whittingdale OBE MP
Minister for Data and Digital Infrastructure
Department for Science, Innovation & Technology
100 Parliament Street
London SW1A 2BQ

www.gov.uk/dsit

22 May 2023

Chi Onwurah MP
chi.onwurah.mp@parliament.uk

Dear Chi,

Thank you for your careful attention and scrutiny of the bill so far, and I look forward to our continuing to work together to deliver this vital bill.

I promised to provide further information about the Office for Digital Identities and Attributes, to confirm its ability to offer the UK's developing digital identity market an appropriate level of oversight. I have copied this letter to the other Committee members.

In response to a 2021 public consultation our proposals for strong governance arrangements to underpin the trust framework were welcomed. Respondents broadly agreed that such arrangements would help instil trust and confidence in the new system, providing a solid platform to make the most of the opportunities presented by the use of digital identities and attributes.

However, feedback from respondents concerning the location of governance functions was not conclusive, and respondents were keen for governance arrangements to be flexible and proportionate as the standards of the trust framework evolved in response to the maturing market. That is why we have decided that government should have responsibility for governance and to establish the Office for Digital Identities and Attributes (OfDIA) within the Department for Science, Innovation and Technology.

It is our intention to task the Office for Digital Identities and Attributes (OfDIA) with delivering many of the requirements set out in Part 2 of the Data Protection and Digital Information (No.2) Bill. Once established, OfDIA will act as the "governing body" for the digital identity market. Its primary purpose will be to support the development of the market, working with established regulators providing oversight.

You asked whether the Department for Science, Innovation and Technology had sufficient expertise and resources to undertake this role. It is typical (under the *Carltona* principle) for Department officials to exercise many functions conferred on the Secretary of State by legislation. Much of the anticipated role of the governing body is already being delivered from inside the Department for Science, Innovation and Technology. This 'shadow governance' has informed the content of this Bill. The team already has deep expertise and appropriate resourcing, which has enabled us to publish the beta version of the 'UK digital identity and attributes trust framework' and establish a certification scheme. It engages with over 300 stakeholders on a regular basis, including digital identity providers, certifying bodies, relying



parties, advisors, civil society groups and standards bodies. This same team will lead OfDIA when it is established following the passage of this Bill.

You asked about complaints and appeals from identity providers who wish to join the Digital Verification Services register. As I touched upon during last Tuesday's debate, we expect complaints to be rare. The certification process will be UKAS-accredited, and clause 52 sections (2) - (7) contain safeguards for the removal of an organisation from the DVS register. Where complaints relate to the conduct of certification bodies, there are already established complaints mechanisms that industry are familiar with and can follow. Where complaints relate to the activities of OfDIA, there will be an internal complaints process. We are already engaging with industry on how complaints procedures will work to co-develop the policy, but our expectation is that, whilst OfDIA is in central government, this process will look similar to other departmental complaints procedures.

You asked about OfDIA's independence. Whilst OfDIA will not – at least initially – be independent from government, the wider certification process it will be responsible for is entirely independent. The certification of organisations providing digital verification services will be organised through a process accredited independently by the UK Accreditation Service.

Our primary concern in this area is ensuring the market is able to meet the needs of individual users, relying parties and industry. Placing OfDIA inside government enables us to ensure that the market develops in this way. It also ensures that OfDIA's oversight role in the market can mature in the most effective and supportive way to help the digital identity market evolve.

We will actively seek a permanent location for the governance function as the market develops and we gather data on the challenges associated with its operations, but it is too early to say exactly what type of body this might be. OfDIA, within the Department for Science, Innovation and Technology, is working closely with industry, civil society and many other key stakeholders throughout this process.

Thank you once again for taking the time to consider these provisions. My officials would be happy to meet with you to discuss the role and functioning of OfDIA in more detail, should you find this helpful.

I will place a copy of this letter in the Libraries of both Houses.

With best wishes,

A handwritten signature in black ink that reads "John Whittingdale". The signature is written in a cursive style with a prominent flourish at the end of the name.

Rt Hon John Whittingdale OBE MP
Minister for Data and Digital Infrastructure