The right to live without a digital identity

We believe that Dutch law should provide additional protection against the risk of discrimination against people who do not wish to adopt a digital identity. To that end, we have drawn up the following Declaration. We call on everyone to sign this Declaration and ask our representatives in parliament to enshrine the right to live without a digital identity in our legislation.

Declaration

1. Everyone – both natural persons and legal entities – has the inalienable right to access all government services, social facilities and private services, in the broadest sense of the word, without any obligation to have or use a digital identity/EDI Wallet.

2. Disadvantaging in any way, whether by government organisations or private organisations, persons who do not possess a digital identity/EDI Wallet or who cannot or do not wish to use one, shall be considered discrimination and is prohibited.

3. “Disadvantaging” shall also include charging costs, imposing fines and taking other measures that disadvantage persons who do not use the digital identity/EDI Wallet or place them in a less favourable position compared with those who do use the digital identity.

4. Everyone has the inalienable right to identify themselves without using a digital identity/EDI Wallet in all cases where identification is required, without exception, both in relation to the government and to private parties. This right applies without restriction when using the internet and public spaces.

5. All government bodies and private companies and organisations are obliged to ensure that, at all times and in all circumstances, a suitable, non-discriminatory, equivalent alternative to the digital identity/EDI Wallet is available. This includes, but is not limited to, filing tax returns, registering with municipalities, applying for a passport/identity document/driving licence, activities in medical care and education, and contacts with other (semi-)government institutions such as the Chamber of Commerce. It also concerns all contacts with private organisations where identification is required by law or government regulations.

6. Employers, including the government, are prohibited from imposing any obligation on employees or applicants to possess or use a digital identity/EDI Wallet.

7. Work must remain accessible to everyone without a digital identity/EDI Wallet. No requirements in the form of a digital identity/EDI Wallet may be imposed as a condition of a work permit.

8. Everyone, both natural persons and legal entities, has an inalienable right to a bank account through which they can conduct banking and to use other financial systems necessary to make payments and meet payment obligations, without a digital identity/EDI Wallet being made mandatory and without adverse conditions compared with account holders who use a digital identity. Banking services, including taking out a mortgage, may not be made conditional on the use of a digital identity/EDI Wallet.

9. Everyone has the right to receive care in primary, secondary and tertiary care and in all other public health domains without using a digital identity.

Explanatory notes

Why the EDI Wallet is not a good idea, why citizens should not participate in it, and why firm guarantees are needed to ensure that we remain free to live without a digital identity.

The government is preparing the introduction of a ‘digital identity’. In 2026 or at the latest 2027, every Dutch citizen will be offered a ‘digital wallet’ (European Digital Identity Wallet or EDI Wallet) by the government, in which this ‘digital identity’ can be stored. This follows from a European law that entered into force in 2024, the eIDAS 2.0 Regulation.

The EDI Wallet – which consists of an app on a smartphone – can store personal data belonging to the citizen. This concerns a broad range of data. Documentation from the European Commission and the Dutch government mentions, for example: passport details, biometric identification data, genetic data, driving licence, diplomas and certificates, professional qualifications, employment history, bank balance, creditworthiness, income and employer statements, tax information, pensions and benefits, medical data, vaccinations, travel documents, travel history, subscriptions including public transport subscriptions, possessions including real estate, contractual relationships (for example with energy companies, drinking-water companies, postal services, telecom providers, housing associations and landlords), purchasing behaviour, access cards and customer cards.

The intention is that the relevant data will be made available by ‘authorised organisations’ (government bodies or private organisations recognised by the government). They cannot be changed by the user. The government itself will issue an EDI Wallet, but private parties (such as Google, Apple and others) may also place EDI Wallets on the market, provided they comply with open-source standards established by the government.

The government states that the data contained in the Wallet will be secured in such a way that only the user can access it and that the user can decide which data to share with external parties. This would guarantee maximum security and privacy. The eIDAS 2.0 Regulation also provides that use of the EDI Wallet will remain voluntary and that ‘access to public and private services and the labour market may not be restricted for natural and legal persons who do not use an EDI Wallet’.

Notwithstanding these assurances, we have serious objections to the introduction of the digital identity/EDI Wallet. We regard the Wallet as a crucial step towards greater digital control and a digitised, anonymised society in which the human factor increasingly recedes into the background. Our objections are based on the following considerations:

- The EDI Wallet brings together all possible data about and relating to a person in one place. This entails various risks. No digital system is completely secure: there is always a possibility that data will be hacked by malicious parties, or that the (including US-based) providers of the Wallets will gain access to the data, for example by building in ‘backdoors’. In addition, the infrastructure that will develop around the Wallet will lead to digital traces that AI will probably be able to trace back to the user with ease.

- The EDI Wallet will make it easier for the government to link the user's data. Although there will be no ‘central database’ in which data are stored, there will be ‘central identity management’: all data will be linked to the user's citizen service number (BSN) and can therefore easily be combined. Although there are legal restrictions on linking data, past experience has shown, such as in the childcare benefits scandal and the use of the Tax and Customs Administration's Risk Analysis Model, that misuse is always a risk.

Explanatory notes

Objections to the digital identity / EDI Wallet

- Although the promise is that only the user will have access to his/her data, it cannot be ruled out that the government may nevertheless compel access to the Wallet if, for whatever reason, it considers this necessary or desirable, for example because of a supposed ‘state of emergency’. This risk is not limited to the Dutch government. Since the Wallet will be rolled out and harmonised internationally, foreign powers and international institutions will also be able to exercise control or coercion over citizens more easily through the Wallet.

- It is highly likely that, once introduced, the Wallet will be used for an increasing number of purposes (technically known as ‘function creep’). The Wallet is an ‘attestation mechanism’, a way for citizens to demonstrate that they meet certain conditions. It is obvious that more and more new applications will be added to the Wallet, forcing citizens through increasingly many ‘gates’ that did not previously exist. For example: when booking a trip, you may be asked to provide your vaccination status. This has also happened with the BSN number. When it was introduced, the government gave a firm promise that it would only be used for taxes, income and benefits and, for example, not in healthcare – which ultimately proved not to be the case.

- Partly as a result of the expected ‘function creep’, the Wallet will contribute to human relationships in society shifting (even further) from “trust unless” to “prove it first before you can proceed”. One real possibility is that the government will require private parties to enforce all kinds of government measures using the Wallet, as also happened during the coronavirus period.

- The concept of ‘digital identity’ encompasses more than a simple identification mechanism. In an explanatory note to the eIDAS 2.0 Regulation, the EU defines digital identity as ‘the digital representation of a natural or legal person’. This suggests that the EDI Wallet could develop into a complete digital ‘clone’ of a person. If everyone is eventually provided with such a digital double, it will be more tempting for the government – especially in combination with AI – to govern even more than it does now through digital means. This would increase the vulnerability of citizens in relation to the government apparatus. In the childcare benefits scandal and the use of the QR code during the coronavirus period, we have seen how such digital control can go wrong.

- Last but not least: the usefulness and necessity of the digital identity/EDI Wallet have not been demonstrated at all. The Wallet is supposed to lead to a more ‘efficient’ government, but the exchange of data between official data providers, citizens and external parties requesting attestations could just as easily lead to Kafkaesque situations, especially since users themselves cannot change data or correct errors. Theft or loss of the Wallet can cause considerable complications for the user. Supporters of the Wallet argue that it would put an end to the situation in which digital data currently ‘lie around everywhere’, but the Wallet does not solve this problem, because the decentralised databases will remain. The only effect is that another digital identification and control mechanism is added. The means appears considerably more dangerous than the problem.

Explanatory notes

On the basis of these objections, we first call on everyone not to participate in the EDI Wallet.

The introduction of the Wallet can probably no longer be reversed, but the project can fail if people refuse to participate in it on a large scale. The more citizens use a digital identity, the easier it becomes for policymakers and companies to manipulate and control us. If you do not participate, you protect yourself against misuse of your data, and you help ensure that government and business continue to treat us as human beings rather than as numbers in a database.

The question is whether ‘not participating’ is enough to stop the advance of the EDI Wallet. The Wallet is officially not mandatory, but if people in practice suffer major disadvantages from not having a Wallet, there will soon be no genuine free choice. This danger is not imaginary. In part because the government is explicitly involving Big Tech companies in the development and rollout of the EDI Wallet, a situation can quickly arise in which ‘not participating’ becomes difficult in practice. The provision in the eIDAS 2.0 Regulation (Article 5, paragraph 15), which states that use of the Wallet remains voluntary and that ‘access to services’ may not be ‘restricted’, is extremely brief. The Regulation gives no concrete examples and does not explain what ‘restrict’ means.

We therefore believe that Dutch law should provide additional protection against the risk of discrimination against people who do not wish to adopt a digital identity.

For this purpose, we have drawn up and published the above Declaration online. We call on everyone to sign the Declaration. We will also bring the text to the attention of all our representatives in parliament and urge them to ensure that the Declaration and the provisions contained in it are incorporated into law.

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Initiators

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