

Are you who you say you are?

A Consideration of Unique Personal Identification and Title Registration

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Introduction

This article considers the benefits which can be obtained from linking personal identification data to registered title information in order to minimise fraudulent transactions and to improve the home moving process generally.

Background

A Unique Property Reference Number (UPRN) is a unique 12 digit identifier for every spatial address in Great Britain which can be found in Ordnance Survey's AddressBase products. Ordnance Survey Open UPRN can be accessed at www.ordnancesurvey.co.uk/.../products/open-uprn Until recently, no single source of truth existed for addresses in the UK. At a national level, the Ordnance Survey and Royal Mail had their own gazetteers with their own unique identifiers (ordnance survey address point reference (osapr)/topographic id (toid) and unique delivery point reference number (udprn)) to record postal addresses and local authorities managed land and property gazetteers using unique identifiers such as (unique street reference number (usrn), unique property reference number (uprn) and basic land and property unit (blpu)). In Autumn 2011, the National Address Gazetteer was created to bring together address information from local authorities and Ordnance Survey to create a 'national address gazetteer database', providing one definitive source of accurate publicly-owned spatial address data for the whole of the public sector. To deliver this, the Local Government Group and Ordnance Survey entered into a joint venture partnership, 'GeoPlace™', from which address products have been created. It brought together local government's address and streets gazetteers - the National Land and Property Gazetteer (NLPG), National Street Gazetteer (NSG) and One Scotland Gazetteer (OSG) - with all of Ordnance Survey's addressing products - ADDRESS-POINT® and OS MasterMap® Address Layer and Address Layer 2. The National Address Gazetteer contains the existing unique identifiers and the definitive street name and number (generated by local authorities) with the postcode from the Royal Mail as well as a link to the map base from Ordnance Survey, through the OS TOID® and grid reference. The data contains the UPRN and unique street reference number (USRN) from the NLPG and OSG as the primary keys. The use of the National Address Gazetteer within Registers of Scotland (RoS) could bring a number of useful benefits for address users to enable the combination of data from different sources. The release of the INSPIRE

cadastral parcels layer as an open source dataset, developed to comply with the INSPIRE Directive, further enhances the options for users of land and property information. This work is ongoing within RoS. This is a major step towards having comprehensive registers of all titles to land and property in Scotland which can be searchable by conveyancers and members of the public alike. The next step is to see how an individual's personal data may be linked to the registered title information so as to create a trusted source of truth that the person who proposes to sell a property and who professes to be its owner is who they say they are.

Personal Identification Numbers

Unique personal identification numbers are widely used by governments in many countries across the world as a means of tracking their citizens, permanent residents, and temporary residents for the purposes of work, taxation, government benefits, health care, and other government-related functions. This is often shown as a number on issued identity documents.

The ways in which such a system is implemented varies, but in most cases citizens are issued an identification number upon reaching the legal age of capacity, or when they are born in some cases. Non-citizens may be issued such numbers when they enter the country, or when granted a temporary or permanent residence permit. Such systems may be encountered when travelling or, indeed, purchasing property abroad. In Spain, for example, a NIE number is an essential prerequisite when purchasing property. This involves a person proving who they are to the local authorities.

Many countries issued such numbers for a singular purpose, but over time, they have become a *de facto* national identification number. The United States originally developed its Social Security number system as a means of organising the payment of Social Security benefits but it is now used more widely to the point where it is almost essential to have one. Perhaps the best example of such a system is in the Baltic countries (Estonia, Latvia and Lithuania) where they have the concept of Smart-ID. The Smart-ID is a unique 11 digit personal identification number which is used for a range of purposes including in the process of registration of title. Using that system, verification of identity is carried out in real time with the conveyancer being asked at intervals to confirm the identity of the person transacting by reference to a link to a database.

In the UK, we have had something of an aversion to the concept of national identity cards despite the fact that they would be very beneficial for a range of purposes not least to assist in the process of verification of identity (VOI). There is already a significant amount of personal data already held by Government and other agencies for the purpose of employment (National Insurance numbers); tax (HMRC reference numbers) and more. The Gov.UK Gateway User ID is a 12 digit number which helps facilitate better access to a range of Government services. In Scotland, the myAccount (formerly the Citizens Account) which underpins the National Entitlement Card (the Saltire card used by young people and persons over the age of 60 for bus travel etc.) is being developed and there are a number of initiatives looking at the subject of digital identity in the round.

Despite advances in digital registration of title and in conveyancing generally, there are still risks associated with property transfer. Unfortunately, a number of these risks involve fraudulent activity. An example might be where a person leases a flat for 2 years; changes their name; then sells the flat by impersonating the owner. The risk of fraud needs to be borne in mind when considering how the present system might be improved. The Scottish Law Commission Report on Land Registration recommended that date of birth (DoB) be included in the designation of natural persons, but this was one of the areas where the Land Registration Etc (Scotland) Act 2012 departed from the SLC Bill. Now that the 2012 Act has bedded in and Registers of Scotland are advancing their digital transformation programme and digital submission is now a reality it might be worth looking at this matter again. An example is how the designation of limited companies has developed over time. Many years ago, companies were designed only by name and address. Gradually conveyancers woke up to the fact that such designations were imperfect because both the name and the address are changeable. Accordingly practice changed, and for many years now the norm has been to include the company number, which cannot be changed. (See now s 113 of the 2012 Act.) DoB is already required for passports; driving licences and other formal documentation. While a DoB requirement would be a step forward as far as VOI is concerned, it is suggested that we could, and should, be looking to go further in order to further combat the opportunities for identity fraud. Given the advances in digital technology, it might be possible for biometric data and other data already held by Government to be used to create a unique personal identifier. It is understood that HM Land Registry is already looking at how their processes can be improved by pulling through data from existing digital databases. In Scotland, once all Regulations are in place for the Register of Controlling Interests in Land (RICL), all individuals named therein will have a unique personal identifier. That is something which can be built on in registration of title generally.

An opportunity in Scotland

In the home moving process it would be hugely beneficial to have one source of truth when considering the evidence of identity which could be shared between stakeholders and ultimately be used as part of the registration of title process. Scotland already has enabling legislation in the form of the 2012 Act which will help facilitate “end to end” digital conveyancing and registration based on the “Tell me, don’t show me” principle. Given the advances with digital submission etc. as a result of COVID-19, it is suggested that we have an opportunity for a Consultation to be launched on possible improvements to the 2012 Act and the practice of conveyancing generally. This would be building on the solid platform of our conveyancing process and the role of the solicitor therein but would also be looking to the future which is always a good thing. In England and Wales, the Conveyancing Association (www.conveyancingassociation.org.uk) was proactive when they published a White Paper on Modernising the Home Moving Process. That came to the attention of Government and the Home Buying & Selling Group was formed. Is it not now time for the Law Society to take a similar lead on this important topic in Scotland? This could be done by preparing a survey of members and other stakeholders in the process which, I am sure, would

produce valuable information. RoS has led the way through the COVID-19 pandemic, now it is time for us to follow that lead.