Dear EU Member State Representatives,
dear European Commission,

7 August 2024

We write you to express our deep concern about the current draft of the Architecture Reference Framework (version 1.4)[1] intended to implement the eIDAS Regulation (EU) 2024/1183. The goal of this legislation is to establish a trusted and secure ecosystem for the exchange of sensitive identity and personal information across the Union. The academics and civil society experts that signed this letter see severe shortcomings in the current proposal that would jeopardize the security and privacy of all citizens using this EU Digital Identity Wallet.

The proposed draft ignores key privacy safeguards and undermines user rights[2]. The proposal contains a backdoor to re-identify every user on request of law enforcement agencies[3]. The technical implementation would not protect users against illegal information requests and prevent them from obtaining meaningful and timely redress in cases of fraud or identity theft.

The proposed cryptographic mechanisms are not state-of-the-art[4], but instead have been chosen solely to be compatible with existing national digital identity systems. Such old systems were never designed to handle massive amounts of personal information from all areas of society in a modern, data-driven economy (Big Tech). Key privacy requirements the law obliges for unlinkability, unobservability or zero knowledge proofs are ignored completely.

In essence, the proposed EU Digital Identity Wallet would not be safe to use.

We understand the urgency of the European Commission under the strict timeline that is foreseen for the technical implementation and we support the European Commission's commitment to respect deadlines – an important part of building public trust. For the protection of citizens and careful implementation of necessary safeguards, however, timelines have to be set realistically – especially, when it comes to the technical implementation of EU law. This is evident even from recent examples of very technical implementing acts where the risk for citizens was low and still technical complications lead to the delayed adoption of implementing acts more than a year after their legally mandated deadline[5]. The eIDAS regulation, too, includes a timeline that does not pay full justice to the complexity of the issue. Thus we urge the Commission not to proceed hastily with this implementing act, chasing an unrealistic deadline. Otherwise it will not only violate the legally-mandated privacy safeguards established in the eIDAS Regulation, but will furthermore put people at risk due to its reliance on outdated or inadequate technology.

If the EU decides to go through with this proposal, we would be in a situation were we have to warn the public to refrain from using the EU Digital Identity Wallet because it cannot protect them from tracking, state surveillance, over-identification or offer meaningful redress in cases of fraud or identity theft. We would also consider challenging any implementing act that violates the underlying eIDAS Regulation in front of the European Court of Justice.

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1   https://github.com/eu-digital-identity-wallet/eudi-doc-architecture-and-reference-framework/blob/10e3dcb13be8927a837a9365d5677f25136c411c/docs/arf.md
2   https://github.com/eu-digital-identity-wallet/eudi-doc-architecture-and-reference-framework/issues/209
3   https://netzpolitik.org/2024/eudi-wallet-a-wallet-full-of-loopholes/
4   https://github.com/eu-digital-identity-wallet/eudi-doc-architecture-and-reference-framework/discussions/211
5   https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12936-Single-digital-gateway-technical-system_en

We urge you to take a step back and rethink the technical requirements in order to ensure the EU Digital Identity Wallet is only offered to users once it can be ensured that the technical implementation is ready to meet the requirements of the eIDAS regulation to establish a trusted, safe and privacy-respecting ecosystem for the exchange of personal data.

Kind regards,