DON'T SPY ON US

AS A PARLIAMENTARY CANDIDATE, HOW CAN YOU PUSH BACK ON MASS SURVEILLANCE?

Don't Spy On Us is a coalition of some of the most influential organisations who defend privacy, free expression and digital rights in the UK and Europe which includes ARTICLE19, Big Brother Watch, English PEN, Liberty, Open Rights Group and Privacy International.

WHAT DO LEADING MEDIA FIGURES THINK?

It's a myth the media have only portrayed GCHQ's side of the argument. Many leading media figures have called for reform of the law governing surveillance after the Snowden disclosures. In fact, every national newspaper has published opinions pieces critical of GCHQ's excessive programs with the exception of only two papers.

'Perhaps we should stop, just for a moment, talking pious codswallop about our brave security personnel being so determined to protect us that they must monitor everyone's emails and mobile-phone traffic (even the heads of Nato countries), and consider the possibility that many of those engaged in the more surreal surveillance outreach programmes are getting carried away with the technology; that they might be doing what they do because they have discovered that they can, and because nobody has told them not to.'

Janet Daley, Daily Telegraph, "Trusting the state is costing us our freedom', 2nd February 2013

'Such whistleblowers are vital antidotes to the surveillance that the jihadist know is their best confidence-sapping weapon. Making westerners lose trust in their own government is the first step in undermining liberal vigilance and tolerance. Those who cry "better safe than free" will end up being neither. Those who want to bring Snowden to justice are the true "useful idiots" of the next Osama bin Laden.

Simon Jenkins, The Guardian, 'Edward Snowden and his like are vital antidotes to the surveillance state', 10th June 2013

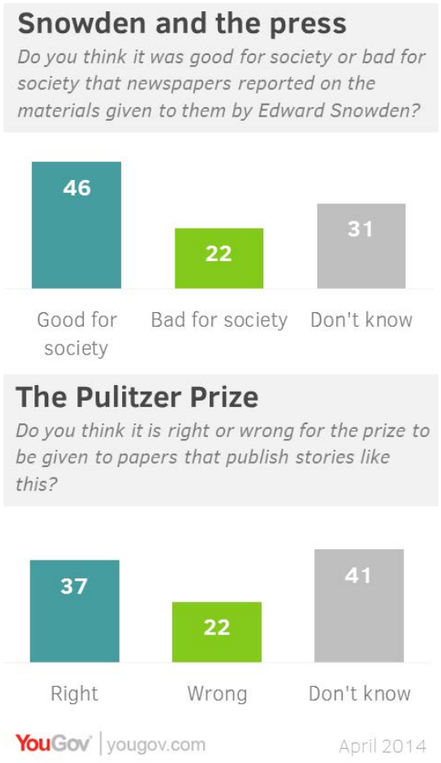
'But there's also, it seems to me, a bit of a desire to find a pattern, one which makes the events fit the idea (common in governments, security services and newsrooms) that we face a co-ordinated I slamist conspiracy against our 'way of life', which can be countered by increased surveillance, restrictions on liberty, and greater so-called 'security'.'

Stephen Fry, Don't Spy On Us, Day of Action

'There's something squalid and rancid about being spied on. Nobody likes it. The idea of having your letters read by somebody, your telegrams, your faxes, your postcards intercepted was almost considered one of the meanest, most beastly things a human being could do and for a government to do. Using the fear of terrorism that we all have, the fear of the unknown that we all share, the fear of enemies who hate us, is a duplicitous and deeply wrong means of excusing something as base as spying on citizens of your own country.'

Peter Hitchens, Mail on Sunday, 'What do we know about the Paris outrages?', 17th January 2015

PUBLIC ATTITUDES TOWARDS SURVEILLANCE



A YouGov poll in April of last year found that of those who held a view, twice as many Britons thought the Snowden disclosures were 'good for society'.

In October, this had risen to 49 per cent who said he was "right" to blow the whistle on the scale of surveillance.

At the last poll, in March this year, this figure had risen further still up to 53 per cent of respondants saying Snowden was right with the response to the poll question, "And generally speaking do you have a favourable or unfavourable impression of Edward Snowden?", his net rating had risen from net +4 to net +8 per cent.

None of the leaders of any of Britain's main political parties have a net rating above -20 per cent.

'There is a role for government here: to protect its citizens, rather than joining those who want to snoop on them. It would help, for example, if the companies harvesting data from all of us were forced to be explicit about what they're up to. The laws that were intended to strike a balance between privacy and liberty were written a decade ago: the Regulation of Investigatory Powers Act 2000, which still governs all of this, doesn't even mention social media. It's almost as if the Government has lost interest in reining in the snoopers, and is more interested in joining them.'

Fraser Nelson, Daily Telegraph, 'The state should be exposing the cyber-snoops, not joining them', 26th December 2013

'What Snowden, who is no spy, has revealed is the nature of the game: that surveillance is a huge private industry; that almost full control of the internet has been achieved already; that politicians here and in the US have totally acquiesced to industrial-scale snooping. There is a generation now made up of people who will never have had a private conversation online or by phone. These are my children. And should they or anyone else want to organise against the powers that be, they will be traceable. We have sleepwalked into this because liberty remains such an alien concept, still.'

Suzanne Moore, The Guardian, 'When states monitored their citizens we used to call them authoritarian. Now we think this is what keeps us safe' 3rd July 2013

POLLING CARRIED OUT BY IPSOS/MORI ON BEHALF OF THE JOSEPH ROWNTREE REFORM TRUST IN MAY 2014 FOUND:

- A significant majority of people said it's “important" to keep the contents of their emails and their internet browsing history private.
- Fewer than 1 in 6 people think Ministers should be responsible for approving requests from the police and UK intelligence agencies to collect and look at information about the electronic communications of private individuals.
- The public back judges, over Parliament or Ministers, to set limits on the powers the UK intelligence agencies have to collect communications data from the general population.
- 52 per cent of the public are not confident that a committee of politicians appointed by and reporting to, the Prime Minister can hold the intelligence agencies to account, which is the current system.
- Over twice as many (25%) people believe the balance has gone too far in favour of security over privacy, than in favour of privacy over security (11%).
- The survey also showed a significant majority of respondents with internet access (85%) say it is “fairly important”, “very important” or “essential” that their internet browsing history is kept private against just 12% who do not believe it is important.
- The Ipsos MORI poll showed a plurality (48%) backing the Don't Spy On Us campaign's call for senior judges, rather than ministers (15%), to sign off on warrants for data collection of electronic communications, when asked where oversight of the intelligence agencies should lie.

WHAT IS IT DON’T SPY ON US IS CALLING FOR?

The Don't Spy On Us campaign made a series of recommendations in our policy paper Reforming surveillance in the UK. Our campaign and its supporters would like MPs and Peers to endorse these recommendations and the next government to implement them. These include the repeal of the Regulation of Investigatory Powers Act (RIPA) and the Data Retention and Investigatory Powers Act (DRIPA), and the introduction of a new, comprehensive piece of legislation governing surveillance powers. Even the Intelligence and Security Committee of Parliament, a body criticised for its lack of rigorous scrutiny of the intelligence agencies, has agreed that new legislation and greater transparency is needed.

The legislation governing surveillance has failed. In summer 2013 it was revealed that GCHQ was routinely intercepting submarine fibre-optic cables containing the private communications of millions of British residents (the ‘TEMPORA’ programme). The reported scale of the interception is staggering: every day, GCHQ accesses some 21 petabytes of data - the equivalent of downloading the entire British Library 192 times.

This interception of fibre optic cables carrying the daily traffic of the internet in and out of the UK has also enabled GCHQ to construct a vast database of ‘communications data’ (also known as ‘metadata’) from the communications of millions of ordinary people that it can search without restriction. This disclosure came mere weeks after the government's shelving of the Draft Communications Data Bill in April 2013, revealing that GCHQ had effectively already obtained in secret what Parliament was not prepared to sanction by law.

GCHQ's interception of the fibre optic cable network is the digital equivalent of opening all the post going in and out of the UK on a daily basis. It is surveillance on an industrial scale; surveillance to rival that of the Great Firewall of China; surveillance that affects the privacy of almost every person in the UK who uses the internet. None of it has ever been authorised by a judge and it cannot be challenged in open court. Its existence was not revealed by any of the statutory oversight commissioners or Parliament's Intelligence and Security Committee, but by a foreign whistleblower. This demonstrates the inadequacy of the current oversight regime.

It is, quite simply, the largest violation of the right to privacy in British history. And it is but one example of grossly disproportionate and unnecessary surveillance that RIPA has done nothing to stop.

‘Look, I am sure most of us have no problem letting theFunny People and Special Branch intercept emails and telephone calls as they battle daily to keep us safe. But a judge's consent should normally be required, not just the signature of a senior officer.’

Richard Littlejohn, Daily Mail, ‘Rogue cops and their sinister assault on free speech’, 13th February 2015

‘Which brings me, finally, to ... Edward Snowden… Journalists argue that they handled them sensitively, mindful of the risks….The former journalist in me would like to side with the papers. The former government spokesman in me sides with the security services and the politicians. The experience in me says that there have to be mechanisms and relationships, and the capacity for serious and meaningful dialogue, to agree a framework of rules and to discuss specific issues as they arise.’

John Rentoul, The Independent, ‘Prof Alastair Campbell's Optimism About Journalism’, 14th November 2013

‘The most telling omission from the government's push towards a surveillance state is the absence of safeguards. The Lib Dems have forced it to establish the Independent Privacy and Civil Liberties Board to act as a counterweight to the overwhelming authoritarian advice coming from the Home Office. But that will go when the Lib Dems leave power and then, well, you will need a childlike trust in our leaders to sustain you.’

Nick Cohen, The Observer, ‘Big Brother IS watching you: Don't be complacent about surveillance’, 30 November 2014

‘State surveillance is only incidentally about catching terrorists. The apprehension of shady fundamentalist miscreants is the excuse used to extend the powers of our government to monitor ordinary people, whether or not they have done or plan to do anything wrong. Such tracking is an everyday invasion of privacy that changes behaviour and intimidates minority communities. In 2009-2010, more than 100,000 stop-and-searches were made under Section 44 of the Terrorism Act 2000. Not one of them led to a terrorism-related arrest.’

Laurie Penny, New Statesman, ‘Edward Snowden: the NSA whistleblower unmasks’, 3rd July 2013

THE DON'T SPY ON US CAMPAIGN HAS MADE A NUMBER OF RECOMMENDATIONS FOR REFORM:

1. Comprehensive reform is necessary. RIPA and DRIPA must be repealed and replaced by new comprehensive surveillance legislation.

2. All surveillance decisions (including the interception of communications, access to communications data and receipt of intelligence from foreign agencies) must be subject to prior judicial authorisation and ongoing judicial control).

3. The interception of communications must always be targeted and specific rather than mass and indiscriminate.

4. Communications data should be afforded the same protection as the content of communications. The retention of metadata should also be targeted and specific.

5. Surveillance should only be carried out for purposes that are more precisely and narrowly defined than at present.

6. The government should cease breaking encryption standards and undermining internet security. Such activity should be explicitly prohibited by legislation.

7. International arrangements governing the collection and sharing of the results of surveillance must be made public, subject to parliamentary and judicial oversight and should allow individuals to foresee when they are likely to be subject to surveillance. This requirement should be set out in legislation.

8. The government should publish aggregate information on the number of surveillance authorisation requests approved and rejected in order to increase transparency.

9. Adequate remedies should be available for the unlawful access to communications data and the unauthorised use of other surveillance techniques.

10. The Investigatory Powers Tribunal should adopt a more open and fair procedure. This should include: hearings; public hearings, unless the government demonstrates that secrecy is required in the particular case; evidence should be disclosed and judgments and reasons published unless the Government demonstrates that secrecy is necessary; special advocates should be appointed; decisions should be subject to appeal.

11. The Intelligence and Security Committee should be reformed so that: it is answerable directly to Parliament; it is empowered to take decisions on reporting and publication; it is appropriately funded and staffed; it has strengthened powers to compel the production of information and witnesses; the chair should be a member of the largest opposition party; and the Commons members are elected not appointed by the Whips.

12. The Intelligence Services Commissioner and the Interception of Communications Commissioner should be properly resourced, report to Parliament and review a far larger number of requests for data.

13. Intercept evidence should be admissible in criminal court proceedings.

WHAT WOULD WE LIKE YOU TO COMMIT TO?

Don't Spy On Us members across the UK are interested in whether you, as a candidate, will commit to our six principles to get the law right.

WILL YOU COMMIT TO BACKING OUR 6 PRINCIPLES FOR REFORM?

1. NO SURVEILLANCE WITHOUT SUSPICION
Mass surveillance must end. Surveillance is only legitimate when it is targeted, authorised by a warrant, and is necessary and proportionate.

2. TRANSPARENT LAWS, NOT SECRET LAWS
The Government is using secret agreements and abusing archaic laws. We need a clear legal framework governing surveillance to protect our rights.

3. JUDICIAL NOT POLITICAL AUTHORISATION
Ministers should not have the power to authorise surveillance. All surveillance should be sanctioned by an independent judge on a case-by-case basis.

4. EFFECTIVE DEMOCRATIC OVERSIGHT
Parliament has failed to hold the intelligence agencies to account. Parliamentary oversight must be independent of the executive, properly resourced, and able to command public confidence through regular reporting and public sessions.

5. THE RIGHT TO REDRESS
Innocent people have had their rights violated. Everyone should have the right to challenge surveillance in an open court.

6. A SECURE INTERNET FOR ALL
Weakening the general security and privacy of communications systems erodes protections for everyone, and undermines trust in digital services. Secret operations by government agencies should be targeted, and not attack widely used technologies, protocols and standards.

WANT MORE DETAIL?

The Don't Spy On Us campaign launched a policy paper outlined how we can reform the law of surveillance in September 2014, entitled '[Don't Spy On Us: Reforming Surveillance in the UK]'.

The Don't Spy On Us campaign view on Parliament's Intelligence and Security Committee report '[Privacy and Security: A modern and transparent legal framework]' can be read online [here].

'Nasty things tend to happen in the dark, when no one is looking -- and that's why it's so crucial that we have some honesty about what
exactly the security agencies are able to do and under what kind of
authority they operate.'

Robin Lustig, Huffington Post,
'When Secrets Mustn't Be Kept Secret',
23rd January 2014