Britain: Labour government proposes huge increase in state surveillance

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In a further escalation of the attack on democratic rights, the Labour government is proposing a huge increase in state surveillance. It is implementing new measures under the pretext of the "war on terror" to intrude ever deeper into the private lives of people who are viewed as potential criminals rather than citizens.

As things stand, the Regulation of Investigatory Powers Act (RIPA) introduced in 2004 allows hundreds of public bodies to monitor communications without a court warrant. The Commissioner for the Interception of Communications, Paul Kennedy, oversees 795 agencies and organisations permitted by RIPA to acquire communications data. These include 9 intelligence agencies, 52 police forces, 12 other law enforcement agencies, 139 prisons, 475 local authorities, and 108 other organisations such as the Post Office and the Food Standards Agency.

There were 519,000 requests for information in 2006/07, mainly from the police and security services—up from 440,000 the previous year. Official reports say law enforcement agencies were also authorised to "interfere with someone's property" about 3,000 times in 2007/08, mount 355 "intrusive surveillance" operations (breaking in to someone's property or planting a bug) and carry out 18,767 cases of "directed surveillance" (following someone and recording their activities).

Currently, telecommunications companies must store records of all phone calls for a year so that they can be examined. In 2005, Statewatch News Online revealed how T-mobile had "an automated e-mail system that allows law enforcement agencies to retrieve subscriber and billing details by consulting the system directly—all they need is a mobile phone number. This process requires no human intervention from T-mobile staff: the system automatically generates spreadsheets showing the subscriber and billing information and sends them to the law enforcement e-mail address."

From next year, internet service providers will also be compelled to collect information about the web sites people visit and details of their emails. The Home Office said the new measures would force companies to store "a billion incidents of data exchange a day" and dismisses any concerns about these developments with the usual mantra, "we consider that these measures are a proportionate interference with individuals' right to privacy to ensure protection of the public."

There are plans to force all companies to hand over their data to one central "super" database so that government agencies will no longer need to submit requests to individual companies.

The government is also putting pressure on organisations besides the police and security services to make more use of spying powers. Kennedy complained, "I am concerned that so many authorities who applied for powers to be given to them, apparently do not use them and I do not know why this is ... if this state of affairs continues unexplained, then consideration must be given to removing the powers from them.

"During the period covered by this report only 154 local authorities made use of their powers to acquire communications data. A total of 1,707 requests were made for communications data and the vast majority were for basic subscriber information. Very few local authorities have used their powers to acquire itemized call records in relation to the investigations, which they have conducted. Indeed our inspections have shown that generally the local authorities could make much more use of communications data as a powerful tool to investigate crime."

UK Home Secretary, Jacqui Smith, agreed saying, "The commissioners' reports offer valuable oversight and provide reassurance that these powers are being used appropriately." She added: "We need to ensure Ripa powers are used appropriately and are not undermined."

Smith's last remark is a reference to the recent furore over local authorities using phone and email records and carrying out video surveillance of people applying for schools for their children, housing benefit and other social services. The papers were also full of headlines about spying operations to detect dogs fouling the footpaths and people using refuse bins improperly.

Sir Christopher Rose, the Chief Surveillance Commissioner, warned local authorities that they risked losing "the protection that RIPA affords." He used the "lack of understanding of the legislation" shown by councils and their "serious misunderstanding of the concept of proportionality" to call on them to "invest in properly trained intelligence officers who could operate covertly."

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Rose added, “The government is reviewing those public authorities that have access to these powers to ensure that they have a continuing and justifiable requirement for them. On completion the government will list the authorities that can use each of the powers and the purposes for which they can use them, and set out revised codes of practice.”

Simon Milton, outgoing chairman of the Local Government Association (LGA), attempted to defend local authorities against these accusations saying, “Councils have been criticised for using the powers in relation to issues that can be portrayed as trivial or not considered a crime by the public. Yet councils are caught between the rock of public opinion and the hard place of being told they should actually be using some of these powers more widely.” He agreed, however, that, “... it is important that they use these powers carefully and appropriately and we will be working with [the Surveillance Commissioner] to help enable this.”

Last April, Milton was the driving force behind a proposal to use supermarkets to collect data on migrant workers. Communities Secretary, Hazel Blears, told MPs, “The LGA has recently suggested that we look at footfall in supermarkets. They reckon Tesco has pretty good accurate information about the people who use their stores. I welcome that kind of imaginative thinking if it can help us to get a better and more accurate view at the local level of what the impact [of migration] is.”

Earlier this year popular opposition to Labour’s anti-terror legislation and its erosion of civil liberties allowed former Conservative Shadow Home Secretary David Davis to adopt the mantle of “defender of liberty” when he won the Haltemprice and Howden by-election. A similar thing has happened with these new proposals. Ken Jones, president of the Association of Chief Police Officers has warned about “the ceding of intrusive powers to local government and other bodies and giving them access to once sacrosanct personal data” and Dominic Grieve, the current Conservative Shadow Home Secretary, said, “Yet again the Government has proved itself unable to resist the temptation to take a power, quite properly designed to combat terrorism, to snoop on the lives of ordinary people in everyday circumstances.”

The new powers are linked to the enactment in British law of a European Union directive on data retention, which the Labour government was largely responsible for steamrolling through the European Union in 2005.

It claimed they were vital to defeat terrorism after the September 11, 2001 bombings in New York but, in fact, the EU was considering police-state measures well before then. In 1998, attempts were made in the Enfopol proposals to allow law enforcement agencies access to all communications, which were only withdrawn after widespread condemnation by civil liberties groups. This, after all, was not long after the enactment of limited reforms expressed in Human Rights Acts and Data Protection procedures.

However, following George Bush’s October 2001 letter to the EU, which demanded that countries “revise draft privacy directives that call for mandatory destruction to permit the retention of critical data for a reasonable period” the Belgian government back by the UK introduced proposals for mandatory data retention.

In October 2005, after months of secret meetings, the European Council with its UK Presidency published a draft directive. The UK Home Secretary, Charles Clark, warned the European Parliament that if it did not vote for the proposals “he would make sure [it] would no longer have a say on any justice and home affairs matters.”

Civil rights organisations put their faith in the European Parliament to block the proposals. One NGO asked, “... the European Parliament faces a crucial decision. Is this the type of society we would like to live in? A society where all our actions are recorded, all of our interactions may be mapped, treating the use of communications infrastructures as criminal activity.”

In the event, the draft was fast-tracked through the parliament with little debate and few amendments and became law after the vast majority of socialist and conservative MEPs voted for it.

As many lawyers and experts pointed out, any EU member state was, in effect, now free to retain “any type of data for any type of security purpose for any period at all.” They expressed concern that there would inevitably be demands for more draconian measures such as ID cards required to use internet cafes, the banning of all international email services such as Hotmail, and blocking the use of all non-European Internet Service Providers.

The unprecedented infringements of civil liberties that the Labour government and its European counterparts have implemented and are proposing are not motivated by the “war on terror”. As the political representatives of big business and the super-rich, they are conscious that they cannot secure a popular mandate for policies based on militarism, colonial conquest and the systematic destruction of the living standards of millions of people and are preparing other means for their enforcement.

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