

# UK security services used NSA's Prism system for mass surveillance of British citizens

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UK Foreign Secretary William Hague refused to answer questions in Parliament as to whether Britons were spied on by the Government Communications Headquarters (GCHQ) at Cheltenham using the Prism system of the US National Security Agency (NSA).

In a statement to the House of Commons brought on by revelations published in the *Guardian* coming from whistleblower Edward Snowden, Hague stonewalled—refusing to even confirm the operation of the Prism programme.

Hague refused to answer questions about GCHQ's well-known links with the NSA, or whether it had shared details of emails and web site visits gathered from nine major Internet companies. "Our agencies practise and uphold UK law at all times, even when dealing with information from outside the United Kingdom," Hague asserted. He would say "nothing that gives any clue or comfort to terrorists, criminals or foreign intelligence services."

Hague's contemptuous and arrogant performance is in line with days of denials and obfuscation by the government since the existence of Prism came to light. An indication of the global scale of the intelligence gathering operation is provided by information from the data mining tool, Boundless Informant. In March 2013 alone, 97 billion pieces of intelligence were gathered from global computer networks.

The Prism programme was set up in 2007 and gives the NSA the ability to retrieve information directly from Skype, Google, Microsoft, Yahoo, Apple, among many others. Authorised under George W. Bush, it was renewed by the Obama administration. It allows the NSA to gain information from Internet companies without needing to request specific access.

The *Guardian*'s documents show that GCHQ has had access to Prism material since at least June 2010,

though it is unlikely that this was the real start date. In the year to May 2012, GCHQ was able to generate 197 intelligence reports it would then hand to the domestic spy agency MI5 or the international body, MI6. This was a 137 percent increase over the previous year.

To underscore the level of British collusion, the documents state that "special programmes for GCHQ exist for focused Prism processing," indicating that the UK had direct input in the system's development.

The ability to access this information means that GCHQ gains powers that at least presently do not exist under UK law, though the government is seeking to incorporate them by reintroducing some form of its failed Communications Data Bill—known as the "snoopers' charter." The existing procedure, under the Regulation of Investigatory Powers Act, requires the government, when seeking information from an Internet company based in the US, to make a formal request to the US Department of Justice, which then makes a request to the company concerned. Almost 3,000 such requests were made to Google in 2012.

Nick Pickles of rights group Big Brother Watch points out that it requires that surveillance is "focused on a specific individual or premises" and means that "every year, hundreds of requests for information on British users of American services are refused for a variety of reasons, including because they ask for more than the law allows."

Hague has rejected demands for the government to account for the extent of snooping on UK citizens. He told the BBC's Andrew Marr Show on Sunday that claims that GCHQ was attempting to bypass the law were "fanciful ... nonsense."

Prime Minister David Cameron was equally bellicose, saying he would not give a running commentary on the actions of the intelligence services.

He described himself as the “first minister for the intelligence services,” which, he claimed, “operate within the law and within a legal framework and they also operate within a proper framework of scrutiny by the (Joint) Intelligence and Security Committee (ISC)”.

The ISC claims ignorance of the use of Prism by GCHQ. It is headed by former Conservative foreign secretary Sir Malcolm Rifkind, who has said publicly that GCHQ would have been in breach of the law if it asked for data about UK citizens without the approval of ministers.

Rifkind told the “Today” programme on BBC, “The law is actually quite clear. If the British intelligence agencies are seeking to know the content of emails about people living in the UK then they actually have to get lawful authority. Normally that means ministerial authority. That applies equally whether they are going to do the intercept themselves or whether they are going to ask somebody else to do it on their behalf.”

However, to assert that ISC oversight makes snooping by the intelligence services democratically accountable is false. It was established by the Intelligence Services Act 1994 and is composed of former ministers, appointed by the prime minister. The appointees are based solely upon nominations from Parliament and consultations with the Leader of the Opposition—the Labour Party. Cameron then filters its reports to Parliament. ISC is covered by the Official Secrets Act of 1989, meaning even its own dealings are not revealed.

Rifkind himself epitomises a committee made up of trusted defenders of bourgeois interests that will never do anything to hinder the activities of the secret services. He began his “Today” interview by declaring of Snowden that “Revealing classified information is normally a criminal offence and leads to various consequences.”

This week Rifkind is in Washington to meet with representatives of the NSA and the CIA and the intelligence committees of the US Senate and the House of Representatives.

Civil liberties organisations Index on Censorship, English PEN and the Open Rights Group have issued a joint statement condemning mass surveillance because it “chills freedom of expression and undermines our fundamental rights to freedom of expression and privacy.”

In contrast, Labour has made only the merest show of concern over the revelations of high-level criminality at GCHQ, MI5 and MI6—and always from the standpoint of concern that trust in the security services has been undermined by the revelations.

Shadow Foreign Secretary Douglas Alexander told “Today” it was “vital” that the public had confidence that the security and intelligence services were “operating within a framework of accountability and legality ... in particular in relation to our vital information-sharing relationship with the United States.”

Shadow Home Secretary Yvette Cooper added, “It is important for the UK intelligence community to be able to gather information from abroad including from the United States, particularly in the vital counter-terror work they do,” providing only that there is “proper oversight and checks and balances to make sure intelligence powers are not misused.”

Concern for the implications of the revelations for the credibility of the state was shared by leading *Guardian* columnist Polly Toynbee. “Everywhere the idea of the good state is under siege,” she writes. “However counterintuitive in this era, Labour needs to hymn the good the state does and the civilising value of what taxes buy—health, education, safety, proud public spaces.”



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