

# Parliamentary intelligence oversight body whitewashes mass surveillance by UK and US

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The investigation by the Intelligence and Security Committee (ISC) of the UK parliament into allegations of mass illegal spying operations carried out by the Government Communications Headquarters (GCHQ) spy centre, in tandem with the US National Security Agency (NSA), is a whitewash.

The inquiry was forced by the release of material by former NSA contractor Edward Snowden, which documented how the GCHQ and the US intelligence agency are tapping global electronic communications and sharing information about the world's population.

According to the civil liberties group Liberty, under its spying Prism network, the “NSA has established an infrastructure enabling it to intercept almost everything. Furthermore, the US Foreign Intelligence Service Act treats all non-US citizens as possible enemy suspects—entitled to none of the basic privacy protections afforded to US nationals.”

The ISC is an appointed body of former ministers from the official parties that meets in secret and reports only to the prime minister. It is headed by former Conservative foreign minister Malcolm Rifkind, who has publicly defended state intrusion into private electronic communications, arguing that a “citizen's entitlement to privacy has to be balanced with the need to obtain secret intelligence to protect the citizen from terrorist attack”.

Rifkind's assertions are spurious, given the evidence revealed by Snowden that the actions of the GCHQ and NSA were not directed against potential “terrorists”. Rather, they involved the routine interception and collation of a massive dossier of the electronic communications of UK and US citizens and hundreds of millions of others across the globe.

The ISC's brief three-page statement acknowledged for the first time that the NSA shared personal

intelligence data acquired through its Prism programme with GCHQ. Nonetheless, it concluded that allegations that the GCHQ had “circumvented UK law by using the NSA's Prism programme to access the content of private communications” were “unfounded”.

Referring to evidence that the GCHQ intercepts, collects and stores all transatlantic electronic traffic for three days, the ISC acknowledged that this would be a “matter of very serious concern” and “would constitute a serious violation of the rights of UK citizens”.

Nonetheless, the ISC proclaimed itself “satisfied” that no such violation had taken place and that the GCHQ was acting in line with its statutory duties.

The token inquiry only concerned information requested from the NSA by the GCHQ regarding electronic communications gathered on named individuals. NSA documents released by Snowden showed that “special programmes for GCHQ exist for Prism processing”. Some 197 intelligence reports were generated for the GCHQ through Prism in the year leading up to May 2012.

The ISC did not answer the question as to whether the GCHQ had specifically requested the information. Nor did it deal with the vast gathering and storage of metadata accumulated about the British population through the Prism programme, which collates records on the location, time, date and intended recipient of an individual's communications.

The ISC report claimed that this had not violated UK law, on the grounds that measures were taken by the GCHQ to ensure its intelligence sharing complies with the Human Rights Act. The ISC said it received “substantive reports” from the GCHQ, including a list of counter-terrorist operations for which the GCHQ had obtained intelligence from the US, details of all of the UK-based individuals monitored, a list of the warrants

and internal authorisations that were in place for each of these individuals being targeted, and a number of the intelligence reports that were produced as a result of this activity.

The committee said it had also discussed the Prism programme with the NSA and its congressional counterparts during a visit to the US, and had “taken oral evidence from the director of GCHQ [Sir Iain Lobban] and questioned him in detail.”

In “each case where GCHQ sought information from the US, a warrant for interception, signed by a Minister, was already in place,” the report stated. This is a reference to the 2000 Regulation of Investigatory Powers Act, which allows the foreign secretary to issue a certificate for the interception of material relating to terrorism or organised crime.

The phrase “already in place” indicates that the supposed system of ministerial oversight is in reality a system whereby a minister, who is accountable to no one, rubber stamps the actions of spy agencies that trample systematically on democratic rights.

The ISC inquiry only considered material relating to the Prism programme and did not touch on the GCHQ’s own mass surveillance programme, Tempora, which gathers information on private citizens in the UK and internationally, including telephone calls, e-mail messages and personal Internet usage history. Tempora stores metadata for up to 30 days, which is sorted and analysed by some 300 GCHQ employees.

Snowden has stated that the UK “has a huge dog in this fight”, insisting that its own surveillance programme is even larger and less regulated than that of the US.

According to the whistleblower’s revelations, “Mastering the Internet” and “Global Telecoms Exploitation” are two principal components of Tempora. Through these efforts, the UK is able to access more online information than any other Western intelligence agency by intercepting the fibre-optic cables in the UK that connect western Europe and the US.

The material is gathered with the cooperation of the various commercial companies involved, which are dubbed “intercept partners” in the documents released by Snowden. This enables the intelligence agency to build up a detailed profile of individuals’ online activities.

Snowden has stated, “If you download something and the CDN (Content Delivery Network) happens to serve from the UK, we [the NSA] get it. If your sick daughter’s medical records get processed at a London call centre...well, you get the idea.”

Liberty, the UK civil liberties group, has issued a claim against Britain’s intelligence services for breaching the Human Rights Act by intruding in the private and family life of citizens. Its director, Shami Chakrabarti, denounced the ICS as a “whitewash” that had done “nothing to allay fears that industrial amounts of personal data are being shared under the Intelligence Services Act, and concerns that all UK citizens are subject to blanket surveillance under GCHQ’s Tempora programme aren’t even mentioned.”

As with the action by UK charity Privacy International, however, the legal claim has had to be submitted to the Investigatory Powers Tribunal (IPT), which meets in secret and is not required to make a determination on a complaint. There is no right to appeal any decision it reaches.

The ISC said that it would consider whether “the current statutory framework governing access to private communications remains adequate.”

It was “examining the complex interaction between the Intelligence Services Act, the Human Rights Act and the Regulation of Investigatory Powers Act, and the policies and procedures that underpin them, further.”

No timetable has been set in place for this. At any rate, no credence can be given to its deliberations. Whatever the outcome, the results will be used to strengthen and legitimise state surveillance.

The mass abuses revealed by Snowden are not the outcome of “inadequate” regulation and “vague” laws that have supposedly fallen behind the “digital age”, as claimed by the *Guardian* newspaper and others. They show how, under conditions of rising social inequality, the bourgeoisie has abandoned the rule of law and set in place the framework of a police state.



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