

Individual Rights to Privacy versus the needs of the State

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**UNIVERSAL DECLARATION OF HUMAN RIGHTS
UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

Article 12

- **No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.**



The European Convention on Human Rights

ARTICLE 8

- Everyone has the right to respect for his private and family life, his home and his correspondence.
- There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.



Data Protection Act 1998

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
 3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
 4. Personal data shall be accurate and, where necessary, kept up to date.
 5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
 6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
 7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
 8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.



Historical Perspective

The Citizen and the State

- The citizen provided information to the State for a specific and limited purpose
 - Access to state supplied services
 - Pension,
 - Driving licence
 - State Imposed obligations:
 - Taxation
 - Census
 - Military Draft
- Information provision was
 - Deliberate
 - In recognition of the purpose
- The state was assumed to use information only for the declared purpose



Historical Perspective

The Citizen & the Private Sector

- **The citizen provided information to the private sector for a specific and limited purpose**
 - Access to private sector services
 - Banking (accounts, mortgages, etc)
 - Transportation (sea and air travel),
 - Communication (Telephone, Internet, etc)
- **Information provision was**
 - Deliberate
 - In recognition of the purpose
- **The private sector was assumed to use this information only for the declared purpose**



Current Situation

The Threat

- **Terrorism**
- **Organised Crime**
 - Drug Dealing
 - People Smuggling
- **Criminal Conspiracies**
 - Paedophilia
 - Activism (political, environmental)



Current Situation

The Response of the State Intelligence

- **Non Consensual Surveillance by the state**
 - Video
 - Technical (Phone, internet, mail)
- **Identity Validation**
 - Biometric based
 - Identity Cards
 - Passports
- **Increased domestic Human Intelligence**



Current Situation

The Response of the State

Criminal Justice

- **Extended period of arrest without charge (28 days, asked for 60 days)**
- **Deprivation of liberty without trial (Control Orders)**
 - **Imposed House Arrest**
 - **Electronic Tagging**
 - **Denial of Internet use**
 - **Physical association with others forbidden**
- **Criminalisation of behaviour**
 - **Glorification of terrorism**
 - **Possession of information (radical literature, bomb making)**



The Magnitude of the State Response in the UK

- Direct Surveillance
- Biometric Surveillance
- Communications Intercept
- Indirect Surveillance



Britain under surveillance

Direct Surveillance

- 4.2 million CCTV cameras in Britain: one for every 14 people.
- An individual can be captured on more than 300 cameras each day
- Motorists caught by speed cameras from 300K in 1996 to 2M in 2004
- Vehicle number plate reading from 35M per day to 50M by 2008
- London CCTV incorporates audio surveillance to "hear" what is happening around them. Police want cameras sensitive enough to record conversations up to 100 yards away.
- In the year to April 2005 some 631 adults and 5,751 juveniles were electronically tagged.
- Airborne IR Imagery to detect energy waste on MJ farms



Britain Under Surveillance Initiatives Planned or Underway

■ Satellite Surveillance

- Tracking every car for Road Charging purposes
- Monitoring home improvements for increased property tax collection

■ CCTV Systems

- Millimetre wave x-rays installed in “Street appliances” to detect concealed weapons under clothing of passing pedestrians
- Speakers in CCTV cameras, “Pick up that butt, you’re littering
- To enforce prohibition against using mobile phones while driving
- Facial recognition to monitor movements with cameras in lampposts and walls, and UAVs above.
- Hidden cameras mounted baked bean tins and bricks to identify householders who break rules on putting out rubbish in West London
 - Violators will be regarded as an “enviro-criminal”
 - Cameras are activated by movement and e-mail images to a CCTV control centre
 - “We have three mobile, disguised cameras at our disposal,” a spokeswoman said



Britain under surveillance

Biometric Based Surveillance

- **The UK DNA database holds profiles on about 3.5 million people.**
- **Anyone arrested but not charged is compelled to provide DNA**
- **The UK fingerprint database contains nearly 6 million sets of prints.**
- **Voice Stress Analysis used for phone conversation to Department for Work and Pensions WP to identify possible suspect claims to “cut benefit fraud”.**



Britain under surveillance

Planned Biometric Based Surveillance

- **Biometric Passports being introduced**
- **School children will have their fingerprints taken and stored (no parental consent needed)**
 - **Fingerprinting starts in 2010 when 295,000 children apply for passports.**
 - **Plan expects 545,000 children to have their prints taken in 2011**
 - **Prints taken are expected to stabilize at 495,000 annually by 2014.**
- **Biometric ID cards planned**
 - **Prime Minister states fingerprints of everyone obtaining identity cards could be checked against nearly a million unsolved crimes**



Britain under surveillance

Interception of Communications

- In a 15 month period, 450,000 requests to monitor telephone calls, e-mails and post were made
- Requests from 795 authorised organisations including:
 - MI5,
 - MI6
 - GCHQ
 - 52 police forces,
 - 475 local authorities
 - 108 other organisations such as any NHS Trust, the Financial Services Authority, the Fire Service, The Ambulance Service).
- The Interceptions of Communications Commissioner states nearly 4,000 errors were reported in this 15-month (2005 to 2006).
- Roving “Television Police” scan houses to identify “unlicensed” TV sets



Britain under surveillance

Indirect Surveillance

- Microchips in trash cans measure household garbage produced
- Police use Oyster travel cards to track movements.
 - The Oyster Card itself stores the travel / payment history for the last few transactions on the chip), but Transport for London has the entire history of any Oyster Card on centralised databases.
 - The Oyster Cards, used by five million Londoners, record details of each bus, Tube or train journey made by the holder over the previous eight weeks.
 - In January, police requested journey information 61 times, compared with just seven times in the whole of 2004 *



Indirect Surveillance Initiatives Existing, Planned or Underway

- Shoppers scanned when entering stores and matched with loyalty card data with big spenders given preferential treatment over others.
- Employees will given biometric, psychometric and diagnostic health tests with jobs denied to those seen as a health risk.
- Schools using smart card systems will monitor
 - What children eat,
 - What books they borrow
 - Their attendance,
 - Academic and drug test results
- Software that analyses spending habits and the data sold to businesses. When we call service centres or apply for loans, insurance or mortgages, how quickly we are served and what we are offered can depend on what we spend, where we live and who we are
- RFID Chips to track the elderly (might get lost)



Current Situation

The Threat

- **Terrorism**
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 - Paedophilia
 - Activism (political, environmental)



Observation #1

- **There is nothing more dangerous than a good cause**



The 21st Century Virtual Identity Government Held Personas

- **National Insurance Number**
- **National Health Number**
- **Driving License Number**
- **Automobile Number Plate**
- **Passport Number**
- **Identity Card Number**
- **Financial Account numbers**
- **European Health Insurance**
- **TV Licence Number**
- **Military ID Number**
- **Tax Number (s)**
 - **National**
 - **Local**
- **Travel Cards**
- **Congestion Charging Card**
- **Employees Reference Number**



The 21st Century Virtual Identity

Privately Held Personas

- **Phone Number (s) and content**
 - Home
 - Work
 - Mobile
- **Internet addressing and content**
 - E-mail address (es)
 - Server Address
- **Residence (s)**
 - Home
 - Work
- **Financial**
 - Credit Card Number (s)
 - Banking account number
 - Insurance Policies
 - Credit Rating
 - Mortgage
 - Investment Accounts
- **Services Account numbers**
 - Utilities
- **Loyalty Card Numbers**
 - Frequent Flyers
 - Store Cards
- **Organisation membership numbers**
- **Public Information Data bases**
 - Google



The Art of the possible

■ Has a citizen on benefits:

- Opened an overseas bank account?
- Flown 1st class to Singapore?
- Registered a new automobile?

■ Travel

- Who has sat beside you on the plane?
- Who has travelled separately to the same location at the same time?
- Who stayed in the same room as you at the hotel

■ Possessions Activity Analysis

- Where has your car, mobile phone, GPS been?
- Has your fridge been opened?
- Where did you claim to be?

■ Financial Analysis

- Do you spend more than you earn?

■ Biometric Analysis

- Do you have an genetic deficiency?
- Are you sick?
- Are you your parents child?

■ Link Analysis

- Who do you associate with via Post, Phone, Internet?



The Surveillance Society

Summary

- Surveillance is growing exponentially
- Potential for public or private abuse is high
- Consent of citizens has not been agreed



The European Convention on Human Rights

ARTICLE 8

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Article 8, European Convention on Human Rights

- **Privacy, except for purposes of:**
 - National security,
 - Public safety
 - Economic well-being of the country
 - Prevention of disorder or crime
 - Protection of health or morals
 - Protection of the rights and freedoms of others

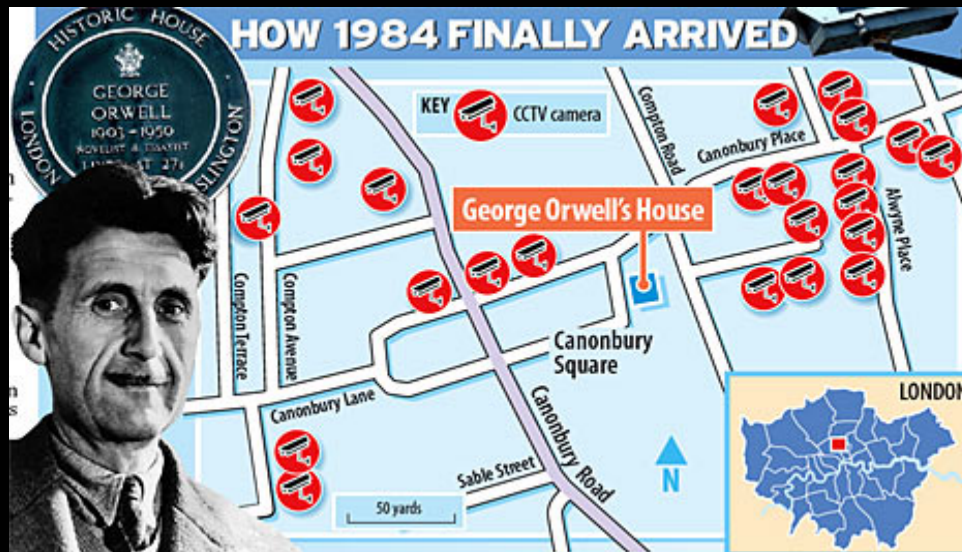
Questions for all of us

- Who determines what surveillance is necessary?
- Who decides when “exceptions” apply?
- How are citizens involved in the decision?
- What protections are needed against abuse by:
 - The Public Sector
 - The Private Sector



Observation #2

- George Orwell was an optimist



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