



Privacy Under Threat

A briefing on the database state

Why NO2ID?

NO2ID is a campaigning organisation. We were formed to make the case against state control of personal identity. But we soon found the threat to liberty and privacy posed by ID cards was simply the most visible part of the rapid growth of a 'database state'. The database state is our name for the administrative fashion to try to use computers to manage society by collecting and manipulating huge quantities of personal information.

Despite the abolition of most of the national identity scheme, we are not where we were before David Blunkett launched that programme (as "entitlement cards") in 2002. We increasingly live in an "ID, please" society, where surrendering unnecessary information about yourself is the price of a normal life.

The database state has grown faster than we could have imagined. The development of new technology has outpaced public understanding, and put new possibilities of overseeing the public in the way of public authorities. Mass-surveillance has not disappeared with the ID scheme. Privacy needs defending more than ever.

What's wrong now?

Though there is a plethora of pretexts to tag and identify us for various purposes, privacy itself remains effectively undefined and unprotected.

For the very rich, there may be some legal redress using human rights law, confidentiality, or even aggressive libel actions to discourage revelations that cannot be proved. Human rights' 'respect for private and family life' may contain the idea of privacy, but it is still vague and hard to apply in any particular case. Confidentiality is even more limited. Both are too slow and expensive to provide a fair remedy or a deterrent in ordinary circumstances. It is hard either to prove damage or to prevent more.

Data Protection is not adequate either. It is highly technical, riddled with exceptions for government bodies, and cannot be directly enforced. It depends on determination and strategy of the overloaded Information Commissioner for what little effect it has.

We would all be better protected by some careful positive changes. These are NO2ID's objectives:

- direct protections in law for privacy that are available to everyone
- the right to control information about you as if it were your property
- entitlement to adequate compensation if your privacy is abused

The Coalition's promises - and its record

In "*The Coalition: our programme for government*", the present government said "We will implement a full programme of measures to reverse the substantial erosion of civil liberties and roll back state intrusion". The record so far has been patchy. Some things are being done in the Protection of Freedom Bill (PFB) but this would merely stabilise recent state intrusion, scarcely roll it back even a decade.

1. They said (p11): *We will scrap the ID card scheme, the National Identity register and the ContactPoint database, and halt the next generation of biometric passports.*

This has all happened already. But scrapping the unfinished ID scheme left much infrastructure in place. It would be far easier to recreate were a future government to wish it. ContactPoint has gone, but dozens of equally intrusive, if not universal, schemes collect information about millions of children.

2. They said: *We will outlaw the finger-printing of children at school without parental permission.*

This appears in the PFB with some equivocation about whether it is 'practicable' for schools to ask. There is still no meaningful limit on how the information is used once formal permission is given.

3. They said: *We will adopt the protections of the Scottish model for the DNA database.*

The PFB does contain broadly similar provisions, though there are some arbitrary powers in relation to 'national security' which are open to abuse.

4. They said: *We will further regulate CCTV.*

No regulation, in the sense of limitation, has been forthcoming. The Home Office is to issue a Code of Practice, which public authorities must 'have regard to'. There are no legal limits on what they may do. And the draft code issued is largely concerned with official standardisation, not privacy. It scarcely limits the information collected or its use.

5. *They said: We will end the storage of internet and email records without good reason.*

Nothing has been done about that. The data retention requirements are still in place and the UK seems not to have encouraged an EU review. Worse, the government has pressed forward with surveillance of internet and telephone use, reviving notorious plans for more general monitoring under a new anodyne name: "Communications Capabilities Development"

6. *They said (p12): We will ban the use of powers in the Regulation of Investigatory Powers Act (RIPA) by councils, unless they are signed off by a magistrate and required for stopping serious crime.*

Local authorities account for only about 12,000 uses of RIPA powers each year out of more than *half a million* new authorisations, with no independent oversight. The remaining bodies are still self-authorised. RIPA is in effect almost unchanged.

7. They said (p16): *We will establish a smart grid and roll out smart meters.*

This is a new threat to privacy. It involves detailed statistics hour-by-hour of all power/fuel use by every household, kept in centralised databases. From that data what you are doing at home and when you do it can be deduced in alarming detail.

8. They said (p19): *We will approach forthcoming [EU] legislation in the area of criminal justice on a case-by-case basis, with a view to maximising our country's security, protecting Britain's civil liberties and preserving the integrity of our criminal justice system.*

In practice EU mechanisms are being used to *undermine* civil liberties. Theresa May chose to opt in to a 'European Investigation Order', allowing the authorities of any EU country to make direct use of the surveillance powers of the British state in Britain. The UK is pressing for an EU law to store information on the journeys of all international travellers.

9. They said (p21): *We support E-borders and will reintroduce exit checks*

E-borders suggests mere modernisation of border controls. It is far more. It means collecting and storing, for years, details of all travellers in and out of the country and all details about their journeys that are held by carriers: Dozens of categories of information about where you go, how, with whom, calculated to be cross-referenced and searched to discover individual travel patterns and behaviour.

10. They said (p25): *We will put patients in charge of making decisions about their care, including control of their health records.*

Control of medical records continues to pass from doctors to central systems in the NHS. The coalition made cosmetic changes, but simply carried on with the system by which you are deemed to consent to your family's sensitive details being uploaded, irreversibly, to the databases if you do not object at the right time.

It is hard to give such a record more than 3/10. There are some eye-catching moves, but more shocking failures. Civil liberty is still being eroded.

Missed Opportunities

The **Protection of Freedoms Bill** making its slow progress through parliament is taking a long time and fails so far to roll back the surveillance state quite as it should. It is a Sir Humphrey Bill, full of complications and tinkering. It could be less equivocal. It could still be amended to reflect the grand claims implied by its title.

NO2ID, along with other civil liberties groups, has suggested that the best immediate change of principle would be to clear away the clutter of commissioners with varying remits and powers (mostly the power to issue reports) in various area of state surveillance, and to create a single powerful office of a Privacy Commissioner, as exists in several other countries.

Having someone in an official role with an explicit duty to protect individual privacy would not be sufficient. We would still need privacy legislation. But it would be a start.

About NO2ID

NO2ID identified the dangers of the database state back in 2004. It is still the only organisation specifically dedicated to tackling it.

NO2ID is not-for-profit and independent of any political party or interest group. We do not sell our approval or offer endorsement. NO2ID's members are from all sorts of backgrounds and hold all sorts of opinions on other questions. We do not support any political party, nor have any collective view on any other topic.

If you think privacy is worth fighting for, then please take note of the topics raised in this briefing and help us to deal with them. This is not an exhaustive list, but tackle these problems and new ones are a lesser threat. If we fail to do so, they interact and reinforce one another. The space for unmonitored personal life will be ever more squeezed.

For now:

- Travel by car or motorbike and your number plate is read by a network of cameras and that record of movements passed to a central store.
- Leave or enter the country and all travel details you give will be put on a database that is available to dozens of UK and foreign agencies.
- The Department of Health continues to centralise medical records in England, which it treats as its property, not yours. Similar systems are at work in Scotland and Wales.
- 4 million or more people are subject to a requirement to “enhanced” disclosure to work or volunteer in a number of sectors. This means not just the disclosure of criminal records but of anything police think they have: spent minor convictions, arrests without charge, hearsay and unsubstantiated suspicions.
- There are literally dozens of databases recording detailed personal information about children and their families – educational records, “Common Assessment Frameworks” completed if a child has any contact with a variety of services, ones that purport to predict future criminal behaviour... though a National Child Obesity Database has been abandoned.
- Monitoring of telephone and internet use continues to increase; all 'traffic data' is now kept for inspection, by law.
- Ever more public bodies are getting powers to share and exchange the information they have about you. Ever more private bodies seek to get the same rights by contract. What was once private is spread around, matched, and investigated, as a matter of routine, entirely beyond your control.

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