

Her Majesty's Police State and Britain's Regulation of Investigatory Powers Act (RIPA): Keeping National Security Vague

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The Regulation of Investigatory Powers Act 2000 (RIPA) is an Act of the UK Parliament "regulating the powers of public bodies to carry out surveillance and investigation, and covering the interception of communications."

Laws have certain flexibility to them, the vast legroom that allows a degree of significant contortions. The most resilient ones tend to be those concerning security. Where safety is perceived to be at stake, the legroom widens. Interpreters of national security laws tend to make leaps to extend their application as far as possible. Rather than reading down the effects of legislation, with the tendencies to limit civil liberties, the desire lies in expanding power. The drafting, for that reason, is fundamental.

Since 2000, the Committee to Project Journalists (CPJ) has noted an institutionalised campaign against that noble profession, with a notable increase in incarcerations.

"Throughout the world, CPJ research has found, the vague wording of national security and terror legislation has allowed the authorities wide latitude to retaliate against reporters covering sensitive issues" (Feb, 2013).

In 2012, the number of journalists incarcerated reached 232, of whom 132 were held on grounds pursued under national security legislation. This makes poor reading, but even more striking is the performance of countries keen to trumpet the virtues of a free press with its assortment of liberties. While doing so, they have also been busy cutting strips from various sacred cows.

CPJ reports that the use of such national security legislation to target practitioners of the journalistic code was regrettably pioneered by US authorities from the Bush administration onwards. "The United States helped legitimise the tactic by imprisoning at least 14 journalists in Iraq, Afghanistan, and Guantánamo Bay throughout the past decade."

In October last year, the National Union of Journalists told the British Parliament that police misuse of the Regulation of Investigatory Powers Act 2000 (RIPA) to snoop on journalists and sources was "systematic and institutionalised." An example that caught the eye of parliamentarians was how the police surreptitiously obtained a Mail on Sunday's reporter's home records in connection with former MP Chris Huhne's speeding fraud.

RIPA is the weight Britain's civil liberty advocates must bear, and is one that continues to plague local freedoms. Not only is the legislation being used against journalists, it is being

used against citizens in general. "Under the [RIPA] law, the localities and agencies can film people with hidden cameras, trawl through communication traffic data like phone calls and Web site visits and enlist undercover 'agents' to pose, for example, as teenagers who want to buy alcohol" (*New York Times*, Oct 24, 2009).

The campaign group Big Brother Watch has noted various misuses of the legislation over the years. One particular study found that local authorities had made use of the act on 550 occasions to catch fly-tippers, investigate the sale of a puppy, the activities of a fraudulent escort agency, and the movement of pigs (*Financial Times*, Aug 22, 2012). So much for the overarching threat posed by terrorism.

In April 2008, council officials in Dorset placed three children and their parents under surveillance, using RIPA powers, to monitor their daily movements. With a note of sinister, regulatory mania, the reason for doing so was to see if the parents were attempting to find spots for their children at a popular local school some distance away from the "catchment area".

Not even the BBC, which touts itself as the grandest of public broadcasters, is immune from the surveillance bug. The Beeb has decided to make monetary use of RIPA, invoking it in the context of catching viewers who do not pay the mandatory £145 licensing fee.

As the BBC falls within the category of a public body, it can duly avail itself of various investigative and surveillance powers granted under the act – even if this involves nabbing those shirking their paying obligations. Thus, by some miracle of interpretation, terror suspects intent on doing harm against her Britannic majesty's realm, and those reluctant for fork out for watching the BBC, keep curious company.

A document obtained under Freedom of Information legislation, as discussed by the *Belfast Telegraph* (Jan 16), states the position clearly. "The BBC may, in certain circumstances, authorise under the Regulation of Investigatory Powers Act 2000 and Regulation of Investigatory Powers (British Broadcasting Corporation) Order 2001 the lawful use of detection equipment to detect unlicensed use of television receivers... the BBC has used detection authorised under this legislation in Northern Ireland."

The comments from DUP MP Gregory Campbell, are illustrative of a classic problem. What is the true purpose underlying legislation on the books of parliament? "The purpose for which the anti-terror legislation was introduced was pretty clear – the clue is in the name. It should be used for that purpose, and if the BBC is using legislation for a purpose that it wasn't originally intended, then they should explain this to the public" (*Belfast Telegraph*, Jan 16).

Easily said as a sentiment, but impossible to execute. The name and purpose of an executed bill changes with use. When on the books, statutes such as RIPA will always be overly extended, stretched to the point of non-recognition by overly zealous officials keen to patch the holes in administration. Motivating such moves is a permanent suspicion of the citizen.

The message for residents in Britain should be clear: Whether your dog fouls, whether you wish to evade a school catchment area, or whether you wish to avoid the public broadcasting licensing fee, you will be subjects of interest for the surveillance state.

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