

JUSTICE PRESS RELEASE

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EMBARGOED UNTIL 00:01 FRIDAY 4 NOVEMBER

'Time to replace RIPA': New JUSTICE report calls for overhaul of surveillance laws

In a major new report released today, human rights organisation JUSTICE called for a fundamental overhaul of Britain's surveillance laws in order to protect the right of individual privacy from unnecessary, unwarranted and unchecked state intrusion.

The JUSTICE report, *Freedom from Suspicion*, is a detailed study of the operation of the Regulation of Investigatory Powers Act 2000 – or 'RIPA' for short – over the past decade. Among the report's findings:

- Since RIPA came into force in 2000, there have been 20,000 interception warrants (e.g. secretly listening to phone calls and reading emails), more than 30,000 authorisations for directed surveillance (e.g. following someone in public), and more than 2.7 million requests for communications data (e.g. access to phone bills). The true extent of surveillance activity since 2000 is unknown because full numbers have never been published;
- Of the nearly 3 million surveillance decisions taken by public bodies under RIPA since 2000, fewer than 5,000 (or 0.5%) were approved by a judge;
- The highly secretive Investigatory Powers Tribunal, the main complaints body under RIPA, has only dealt with 1,100 complaints since RIPA began. In the last decade, it has only upheld ten complaints;
- RIPA is poorly-drafted and lacks sufficient safeguards against abuse. This has contributed to the failure of the Metropolitan police to properly investigate phone-hacking, the illegal recording of privileged conversations between lawyers and clients, the spread of CCTV cameras, and the use of snooping powers by local authorities.

In particular, the report argues that the proposed amendments to RIPA put forward in the Protection of Freedoms Bill are nowhere near enough to bring Britain's surveillance laws in line with human rights standards.

Eric Metcalfe, a barrister and the author of the JUSTICE report, said:

From phone hacking to council snooping, RIPA has not only failed to prevent unnecessary surveillance but also encouraged it. Little more than a decade old, it is already badly out of date.

Angela Patrick, JUSTICE's Director of Human Rights Policy said:

Tinkering around the edges of RIPA is no longer enough. The time has come for Parliament to undertake root-and-branch reform of Britain's surveillance powers and provide genuinely effective safeguards against abuse.

For further comment, please contact Angela Patrick, JUSTICE's Director of Human Rights Policy, on 020 7762 6415 (direct line) or apatrick@justice.org.uk.

Notes for editors

1. A pdf copy of JUSTICE's report, *Freedom from Suspicion*, published with the support of the Joseph Rowntree Charitable Trust, is attached. Hard copies of the report are available on request. The report was written by Eric Metcalfe, previously JUSTICE's director of human rights policy from 2003 to 2011 and now a barrister at Monckton Chambers.
2. In 1970, JUSTICE launched *Privacy and the Law*, a report that paved the way for the UK's first Data Protection Act. Its 1998 report, *Under Surveillance*, made detailed recommendations concerning the law in this area including putting surveillance powers on a statutory footing.
3. The Regulation of Investigatory Powers Act 2000 was passed by the Labour government in 2000 and took effect at the same time as the Human Rights Act 1998. It was the first overarching statutory framework for the use of surveillance powers in the UK. Previous piecemeal legislation had been passed to deal with specific surveillance powers including the Interception of Communications Act 1985, the Intelligence Services Act 1994 and the Police Act 1997.
4. Since being passed, RIPA has featured heavily in a number of controversies, including the failure of the Metropolitan Police to investigate phone hacking (contrary to section 1 of RIPA), the use of directed surveillance by Poole Borough Council against a family suspected of sending their children to school out-of-zone (which had been originally authorised under RIPA), and continuing revelations about police use of undercover officers to infiltrate protest groups (Part 2 of RIPA governs the use of so-called 'covert human intelligence sources').
5. On Tuesday 8 November, the House of Lords will debate the Protection of Freedoms Bill which includes several proposed amendments to RIPA, including judicial authorisation for the use of directed surveillance and communications data requests by local authorities.

Chairman of Council **Baroness Kennedy of The Shaws QC** *Director* **Roger Smith OBE**

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