Queen's Speech: The Promise of New Communications Data Legislation

Robin Mansell, Professor of New Media and the Internet, at the LSE, says promised legislative changes on communications data will have to be examined carefully to see if they avoid treading on citizens' rights.

The 9 May 2012 Queen's Speech proposes an already much discussed move to enact new legislation on communications data:

– "My Government intends to bring forward measures to maintain the ability of the law enforcement and intelligence agencies to access vital communications data under strict safeguards to protect the public".

Some dub this the 'snoopers bill'. Others, like me, are waiting to see the detail. How realistic are the promised safeguards? Are they workable, given the potential ramping up of the scale of the data collection exercise?

The capacity to discriminate among the innocent and those with damaging intentions using sophisticated technology and data analysis is not nearly as well-developed as it is sometimes claimed. As I pointed out earlier, the new proposals are likely to pose very difficult issues.

Consultation with various parties will ramp up leading to a Communications White Paper and a Bill now proposed for April 2013. ISPs will see this as an intrusive regulatory move and are banding together to build their case against this move. Civil liberties advocates as a move that threatens to undermine civil rights.

Citizens are likely to be confused about claims and counterclaims about whether it is only information about their communications with other people that will be collected by the State or information about what they say.

The sheer complexity of the proposed extensions to existing legally authorised data collection by government authorities means that any new Bill will be debated on technical feasibility and economic cost grounds and there will be legal experts involved in disputes about interpretations of existing and proposed law.

When more detail is released, we will all need to examine it and take care to consider evidence on whether it is at realistic to rely on algorithms and sophisticated data processing and analysis techniques to make sense of citizen's behavioural intentions at the fine grained level required to avoid mistakenly intruding the lives of citizens.