

The LSE Law Department Contributes to the Surveillance Debate



The draft Investigatory Powers Bill received considerable attention when it was published in late 2015. In this blog, Professor Andrew Murray from LSE's Law Department, introduces a series of new LSE policy briefs, which aim to shed light on four key aspects of the draft Bill.

As I noted in my [previous post](#), the UK Parliament is currently in the pre-legislative scrutiny phase of the proposed new [Investigatory Powers Bill](#). The Bill is, for obvious reasons, again some of them were discussed in the previous post, highly controversial. Hawks see the Bill as an essential foundation of the UK's ability to fight terrorism and organised crime going forward. Doves see the Bill as an infringement of civil liberties and an unprecedented expansion of state surveillance powers. The government is keen to stress that, with the exception of internet connection records, the Bill brings forward no new powers for the security and intelligence services and in their view provides greater transparency and greater oversight of the activities of the security and intelligence services and the police. Those of us in the middle are trying to remain objective in our analysis while trying to forge a path through highly politicised polemic on both sides.

To assist in this, myself and some colleagues in the [LSE Law Department](#), [Dr Orla Lynskey](#) and [Mr Bernard Keenan](#), have drafted four short policy briefings on key aspects of the draft Bill which were published yesterday.

- The first paper is [LSE Policy Briefing No.12: Ensuring the Rule of Law](#). In this paper myself and Bernard Keenan argue that The Investigatory Powers Bill must reconcile the increase in invasive surveillance powers with the rule of law. The paper is addressed to parliamentarians and we ask them to ensure that Parliament allows that the institutions that play a vital part in the Bill's functions, such as judicial commissioners and the Investigatory Powers Tribunal, are given the capacity and autonomy to meet the appropriate standards of transparency and judicial independence.
- The second paper is [LSE Policy Briefing No.13: Bulk Data in the draft Investigatory Powers Bill: the challenge of effective oversight](#). In this paper Bernard Keenan examines the explicit powers in the draft Bill which allow for the use of using bulk data for intelligence purposes. He examines what the risks are and asks what are the potential uses and abuses of such information? He asks how we should protect the data of innocent citizens, and which safeguards should be considered to ensure the proper use of the data harvested through bulk personal datasets.
- The third paper is [LSE Policy Briefing No.14: Comparing Surveillance Powers:UK, US, and France](#). In this paper I ask how we should best structure surveillance powers in the Investigatory Powers Bill? What can we learn from the experience, institutional choices and structures adopted in the United States of America and in France? By giving a short overview of the different choices and experiences in the US and France, I explain what we can learn from the contrasting models adopted in those countries.
- Finally in [LSE Policy Briefing No.15: Beyond privacy: the data protection implications of the IP Bill](#), Orla Lynskey examines how the proposed Investigatory Powers Bill will influence digital communication. She asks what will the implications be for the security of our data? This brief looks at the EU law context of new surveillance mechanisms, and explains the difficult technological, economic and fundamental right implications of the policy choices.

We hope these add some objective clarity to the debate.

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