



JUSTICE Press Release

EMBARGO: Thursday 11 June 2015. Not for release before 11.00am.

Snooping law fit for a digital age? Let's rip up RIPA and start again.

Today, in a long-awaited report, the Independent Reviewer of Counter-Terrorism Legislation, David Anderson QC echoes JUSTICE's call to 'start from scratch' with a new surveillance law fit for a digital age. For almost a decade, since its adoption, JUSTICE has urged reform of the Regulation of Investigatory Powers Act 2000 – or RIPA - the UK's core law on surveillance.

In 2011, we published *Freedom from suspicion: Surveillance Reform for a Digital Age*. Legal distinctions and safeguards drawn up for surveillance in an era before smartphones and social media were "badly out of date". RIPA – "poorly drafted and hopelessly opaque" – was ripe for repeal.

JUSTICE welcomes David Anderson's headline conclusion that "*It is time for a clean slate*". As his Executive Summary explains: "*RIPA, obscure since its inception, has been patched up so many times as to make it incomprehensible to all but a tiny band of initiates...This state of affairs is undemocratic, unnecessary and – in the long run intolerable*".

This echoes the 2011 conclusion of JUSTICE:

"RIPA is neither forward-looking nor human rights compliant. Piecemeal amendments are no longer enough for what is already a piecemeal Act. Root-and-branch reform of the law on surveillance is needed to provide freedom from unreasonable suspicion, and put in place truly effective safeguards against the abuse of what are necessary powers".

Surveillance is a necessary activity in the fight against serious crime. It has saved countless lives. Unchecked and disproportionate surveillance destroys our privacy and blights our freedoms.

To take a case to court, you need to know you have cause for complaint. By its nature secret, the capacity for individuals to complain when surveillance goes wrong is inherently limited. The case for such power to be strictly defined is clear. Transparency, judicial authorisation and oversight are essential to ensure decisions on surveillance are right *before* our privacy is endangered.

Previous Government calls for reform have focused on the expansion of data retention and bulk collection of data. New powers tacked on to the existing faulty framework.

The Independent Reviewer is clear. No new powers without new safeguards. No new powers at all without hard evidence that they are necessary. Data retention powers must comply with EU and human rights law (Recommendations 13-14). Bulk collection of data is ruled out without a complete overhaul of the law (Recommendations 19-22, 43-44).

We look forward to working with the Reviewer – and Parliament – on the detail. New legislation which creates a transparent, workable and lawful framework for surveillance is long past due.

Andrea Coomber, Director, JUSTICE said:

The Home Secretary wanted an independent view on the surveillance debate and the Independent Reviewer has spoken: no new powers now; new safeguards for powers there already; and independent judicial oversight.

We need a new law fit for the digital age, one that protects us all from disproportionately intrusive surveillance and provides appropriate judicial oversight. David Anderson agrees: it should look nothing like the last Government's 'Snoopers' Charter'.

For further information and comment, please contact Angela Patrick, Director of Human Rights Policy at JUSTICE on apatrick@justice.org.uk or 020 7762 6415.

Notes for editors:

1. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system – administrative, civil and criminal – in the United Kingdom. In November 2011, we published [*Freedom from suspicion: Surveillance Reform for a Digital Age*](#).
2. In that report, we recommended wholesale reform of the Regulation of Investigatory Powers Act 2000 (RIPA) and its replacement with a new Surveillance Act:

“RIPA fails to provide adequate safeguards against unnecessary and disproportionate surveillance. Indeed, with the honourable exception of the work of the surveillance Commissioners in authorising intrusive surveillance, RIPA offers something worse: an illusion that the law is compatible with fundamental rights, one that conceals the reality of widespread executive self-authorisation, limited oversight, and only the most remote prospect of any kind of redress.” (Paragraph 406)

3. A number of JUSTICE’s recommendations are echoed in the recommendations of the Independent Reviewer. These include:
 - a. The need for judicial authorisation of many surveillance decisions; and
 - b. The replacement of the existing network of administrative commissioners providing after the event scrutiny with a single independent and effective judicial commissioner with sufficient powers and resources to conduct effective authorisation and oversight of new surveillance powers

(See Freedom from Suspicion, paragraph 407, for a summary of all recommendations).