



Privacy & Data Protection

Volume 2, Issue 1

October/November 2001

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- J.K. Rowling wins privacy claim, p.14
- US citizens to get phone preference service, p16
- Boots breaches law, p15

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Data Protection Tribunal forces MI5 to open files

The security service MI5 is to be forced to open many of its secret files for the first time following a ruling by the Data Protection Tribunal.

The ruling follows a legal challenge by Norman Baker, the Liberal Democrat MP for Lewes. Baker has believed that MI5 holds a file on him from his days as a local councillor when he opposed a road scheme on the grounds that it would be environmentally damaging.

Mr Baker made a data subject access request of MI5, but was met with a

refusal to comply on the grounds of 'national security.' But now the National Security Appeals division of the Data Protection Tribunal has ruled that a blanket policy to refuse disclosure is unlawful under the Data Protection Act 1998.

Mr Baker described the judgment in his favour as "a landmark decision and a victory for the individual against the state. We are now in uncharted waters. This challenges the rights of the security service to hold information under the Data Protection Act."

The decision means that MI5 must now reveal to individuals that ask, whether or not it holds files on them, although it will still be able to withhold copies of the data in certain circumstances. It is estimated that MI5 holds files on around 300,000 people in the UK.

Mr Baker said, "I never did anything subversive, nothing illegal, nothing to threaten national security. I want to get to the stage where there is the maximum freedom of information consistent with national security safeguards."

Enduring Freedom—privacy threat

The fallout from the terrorist attacks on New York and Washington had led to a raft of new legal measures which curtail the privacy rights of individuals on both sides of the Atlantic.

In the US, the Fourth Amendment to the Constitution states that, "*the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.*" After the attacks,

it appears that all of the lines marking what is 'reasonable' are to be completely redrawn.

The US Senate and House are considering legislation permitting police to conduct Internet eavesdropping without a court order in some circumstances, allowing federal prosecutors to imprison non-citizens for extended periods of time, and expanding the power of a secret court that is used in foreign intelligence

investigations.

One piece of legislation, which was 175 pages long, was passed after being debated for just five hours. "To vote on a bill that may do violence to our liberties, that may go way beyond what we need legitimately to combat terrorism is an insult to the House and American people," said Representative Jerrold Nadler (Democrat—New York).

As far as the UK is con-

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