

Joint Committee on the draft Communications Data Bill

JOINT COMMITTEE ON THE DRAFT COMMUNICATIONS DATA BILL CALL FOR EVIDENCE

The Joint Committee on the draft Communications Data Bill, chaired by Lord Blencathra, is conducting pre-legislative scrutiny into the draft Bill and the policies it seeks to implement. The Joint Committee comprises 6 MPs and 6 Peers. It will take oral and written evidence and make recommendations in a report to both Houses. The Joint Committee invites interested organisations and individuals to submit written evidence as part of the inquiry.

Below are specific questions about the details of the draft Bill. The Joint Committee would appreciate written submissions on any of these questions on which you have evidence to contribute. It is not necessary to address every question. The Joint Committee will also welcome other comments related to the draft Bill, even if not directly addressing the questions below.

GENERAL:

1. Has the Home Office made it clear what it hopes to achieve through the draft Bill?
2. Has the Government made a convincing case for the need for the new powers proposed in the draft Bill?
3. How do the proposals in the draft Bill fit within the wider landscape on intrusion into individuals' privacy?
4. What lessons can be learnt from the approach of other countries to the collection of communications data?
5. Are there any alternative proposals with regard to the technique and cost of obtaining communications data that the Government could consider?
6. The draft Bill sits alongside the Data Retention Regulations. How will these two pieces of legislation interrelate? Would it be preferable to have one overarching piece of legislation that governs the retention of communications data?
7. If it is concluded that the provisions of the draft Bill are essential, are there any other measures that could be scrapped as a quid pro quo to rebalance civil liberties?
8. Will the proposals in the draft Bill pose a risk that communications service providers see the UK as a less attractive base. What might be the effect on business?

COSTS:

9. Is the estimated cost of £1.8bn over 10 years realistic?
10. The Home Office suggests the benefits that could be delivered by the enactment of the draft Bill could be worth between £5-6bn. Is this figure realistic?

SCOPE:

11. Are the definitions of communications data and communications service provider appropriate? Do they sensibly define the scope of the powers in the draft Bill?
12. Which public authorities should be able to access communications data under the draft Bill? Should it be possible for the Secretary of State to vary this list by Order?
13. How robust are the plans to place requirements on communications service providers based overseas? How realistic is it that overseas providers could be pursued for breach of duty?

USE OF COMMUNICATIONS DATA:

14. Are the circumstances under which communications data can be accessed appropriate and proportional? What kind of crimes should communications data be used to detect?
15. Is the proposed 12 month period for the retention of data too long or too short?

SAFEGUARDS:

16. Applications for accessing communications data will be subject to a series of safeguards including approval by a designated senior officer within the public authority making the request. How should "designated senior officer" be defined? Is this system satisfactory? Are there concerns about compliance with Article 8 ECHR?
17. Would a warrant system be more appropriate? If you favour a warrant system should this apply to all public authorities including law enforcement agencies? Should a warrant be necessary in all circumstances? And what would the resource implications be?
18. Is the role of the Interception of Communications Commissioner and the Information Commissioner sensible?

PARLIAMENTARY OVERSIGHT:

19. Are the arrangements for parliamentary oversight of the powers within the draft Bill satisfactory?

ENFORCEMENT:

20. Are the penalties appropriate for those communications service providers who fail to comply with the requirements of the draft Bill?
21. Are the penalties appropriate for those public authorities that inappropriately request access to communications data? Should failure to adhere to the Code of Practice which is provided for in the draft Bill amount to an offence?

TECHNICAL:

22. Does the technology exist to enable communications service providers to capture communications data reliably, store it safely and separate it from communications content?
23. How safely can communications data be stored?
24. Are the proposals for the filtering arrangements clear, appropriate and technically feasible?
25. How easy will it be for individuals or organisations to circumvent the measures in the draft Bill?
26. Are there concerns about the consequences of decryption?

You need not address all these questions.

Written submissions should be provided to the Committee as a Microsoft Word document and sent by e-mail to draftcommunications@parliament.uk. Please do not submit PDFs (if you do not have access to Microsoft Word you may submit in another editable electronic form). If you do not have access to a computer you may submit a paper copy to the Clerk to the Lords Draft Communications Data Bill Joint Committee, Committee Office, House of Lords, London SW1A 0PW, fax 020 7219 4931. The deadline for written evidence is 23 August 2012.

Short, concise submissions, of no more than six pages, are preferred. A longer submission should include a one-page summary. Paragraphs should be numbered. Submissions should be dated, with a note of the author's name, and of whether the author is acting on an individual or corporate basis. All submissions will be acknowledged promptly.

Personal contact details supplied to the Committee will be removed from submissions before publication but will be retained by the Committee staff for specific purposes relating to the Committee's work, such as seeking additional information.

Submissions become the property of the Committee which will decide whether to accept them as evidence. Evidence may be published by the Committee at any stage. It will normally appear on the Committee's website and will be deposited in the Parliamentary Archives. Once you have received acknowledgement that your submission has been accepted as evidence, you may publicise or publish it yourself, but in doing so you must indicate that it was prepared for the Committee. If you publish your evidence separately, you should be aware that you will be legally responsible for its content.

You should be careful not to comment on individual cases currently before a court of law, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the Clerk of the Committee how this might affect your submission.

Certain individuals and organisations may be invited to appear in person before the Committee to give oral evidence. Oral evidence is usually given in public at Westminster and broadcast in audio and online. Persons invited to give oral evidence will be notified separately of the procedure to be followed and the topics likely to be discussed.

Substantive communications to the Committee about the inquiry should be addressed through the Clerk or the Chairman of the Committee, whether or not they are intended to constitute formal evidence to the Committee.

This is a public call for evidence. Please bring it to the attention of other groups and individuals who may not have received a copy direct.

You may follow the progress of the inquiry at www.parliament.uk/jcdatacomms.