



Questioning ‘National Security’ arguments:

An ‘evidence-based’ public policy perspective on ‘Spin’, intelligence, and personal information security

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<http://cyberlawcentre.org/2008/ebp/>



Intro

- ★ UNSW Cyberspace Law and Policy Centre
- ★ Appreciate invitation
- ★ Centre's interests overlap issues raised: privacy, information law, governance of Internet
- ★ Materials available online
- ★ Thanks also to AustLII for hosting sites



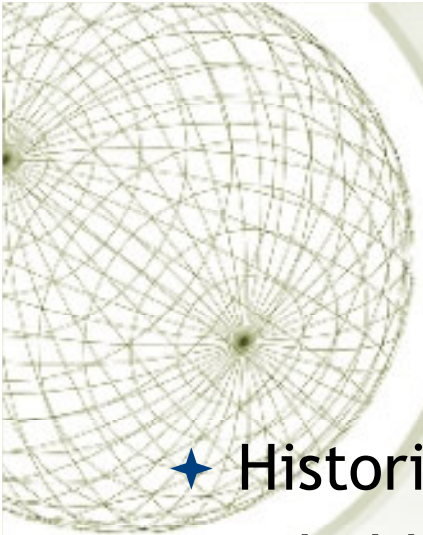
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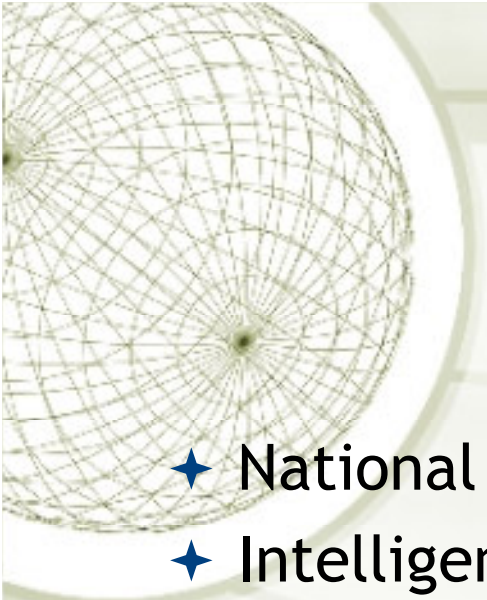
Evidence based medicine

- ★ Inflo-glut = currency impossible
- ★ folklore as poor but common basis for remedies
- ★ ‘reality-based’ research/analysis reports
- ★ smart tools
- ★ Cochrane collaboration
- ★ expert meta-analysis
- ★ focus on methodological reliability
- ★ Coiera/CHI



What would evidence based public policy use?

- ★ Historical learnings
- ★ reliable intelligence
- ★ reports from participants
- ★ comparative cost/benefit analysis
- ★ peer review of method



'Spin' and intelligence

- ★ National security trad. Rely on Intel
- ★ Intelligence used to mean something
- ★ 'a powerful tool, use with caution'
- ★ understand capabilities & limits
- ★ Intel as 'objective' and detached?
- ★ Spin out of PR
- ★ Tricks - ref. doc
- ★ Ian Wing CSU



Intelligence and 'personal information security'

- ★ Privacy as a weak right
- ★ intel temptation as manipulative tool
- ★ claim to over-ride all other rights
- ★ claim it's value in beyond Q
- ★ all are suspects
- ★ but no basis for suspicion? intel tools to generate suspicion
- ★ not engage with threat to 'personal information security' of entire population



Resort to 'national security' arguments

- ✦ Characteristics of NS arguments
- ✦ assertions on values
- ✦ temptation to stoke fear
- ✦ we can't tell you
- ✦ trust us, we don't trust you
- ✦ unable to do cost/benefit analysis
- ✦ not open to 'rational' debate, not refutable
- ✦ temptation to spin
- ✦ claim overarching authority
- ✦ temptation to witch hunts
- ✦ Q critics' loyalty or toughness



800 years down the drain?

- ✦ Ignorance of history
- ✦ Magna Carta, supremacy of parliament
- ✦ rule of law
- ✦ civil rights against the state, habeus corpus
- ✦ natural justice
- ✦ open and transparent government
- ✦ independence of judiciary
- ✦ participation and consultation
- ✦ Fol, privacy
- ✦ discrimination
- ✦ Atavistic reversion?



Examples

- ★ *That card*
 - ★ ‘not a Nat ID card’, claim to reject NS card, no constraints on use -
- ★ ANPR
 - ★ 3 uses, road safety, law enforce, NS
 - ★ NS undefined
 - ★ no basis for discussion
 - ★ Most extreme intrusion
- ★ Haneef and Ngo cases
 - ★ misuse of key surveillance data
 - ★ refusal to engage with real debate
 - ★ abuse of PR spin by police



Outcomes

- ✦ Rejection of review of methodology
- ✦ not assess effectiveness
- ✦ ignore real risks?
- ✦ ignore alternative remedies
- ✦ no restraint on conversion of telecom systems and others into 'uberveillance' tools
- ✦ intrusion into personal space
 - ✦ Often worse in Australia: 23 x more telecom taps than US?

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Responses

- ★ ‘Re-framing the debate’? (Lakoff)
- ★ Appeal for policy wonks to rule? EBM
- ★ Descent to the gutter?
- ★ Regain memory?
- ★ ???



Questions?

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