

TOM WATSON MP



HOUSE OF COMMONS

LONDON SW1A 0AA

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18th June 2014

Dear Yvette

I know you needed a breather before responding to my letter of 21 May on the Data Retention Regulations. This has turned out for the better: yesterday there were two revelations which lend further support to your policy that the oversight framework governing the intelligence agencies isn't sustainable.

First and most importantly, Charles Farr's statement reported yesterday dramatically confirms mass surveillance on every British citizen using Google, Facebook, Twitter and You Tube by GCHQ. If you read Farr's 48 page statement you'll see that his interpretation of 'external' communications under RIPA to general internet use and private messaging between two residents is grossly artificial. Farr's interpretation is not only flawed: it contradicts evidence given to both the Home Affairs and Data Communications Bill Committees; and it flouts the Home Office's own Communications Code of Practice. There can be no doubt now that overhaul of RIPA and new legislation is a must.

You may wish to reread the Advice from Jemima Stratford QC I sent in January in my capacity as Chair of the APPG on Drones which provides a helpful overview of RIPA. It anticipates several problems with RIPA. Given our expert recommendations on the need for new data-sharing restrictions, you may also wish to note Farr's evidence on this topic too.



Second, on data retention, the Home Office has now confirmed in a Parliamentary Question to me that the Data Retention Regulations ('DRR) still stand. There are no plans to scrap or amend the DRR. This is bold, given the decision of the ECJ that the DR Directive underpinning the DDR seriously interferes with fundamental rights of privacy and protection of personal data.

Both these points are attracting significant public interest. I hope we are able to use this momentum. Let me know if I can help.

In light of the potential for a manifesto pledge in this area, I am copying this letter to Ed, Jon and Angela.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Watson', with a horizontal line underneath.

Tom Watson
Member of Parliament for West Bromwich East

cc Angela Eagle, Ed Miliband, Jon Cruddas

Written Answer (Home Office) - 16 Jun 2014

Mr Tom Watson MP
House of Commons

Mr Tom Watson:(1) To ask the Secretary of State for the Home Department, whether her Department has provided any advice to public communications providers on the consequences of the decision of the European Court of Justice in Digital Rights Ireland and Seitlinger and Others on data retention by those companies. [199437]

Mr Tom Watson:(2) To ask the Secretary of State for the Home Department, whether public communications providers have sought advice from her Department on the consequences of the decision of the European Court of Justice in Digital Rights Ireland and Seitlinger and Others on data retention by those companies. [199438]

James Brokenshire:

The Government continues to consider the judgment of the European Court, but we consider that the UK Data Retention (EC Directive) Regulations 2009 remain in force. Those in receipt of a notice under the Regulations have been informed that they should continue to observe their obligations as outlined in any notice.