

National

National editor: Dan Sabbagh
Telephone: 020 3353 4090
Fax: 020 3353 3190
Email: national@theguardian.com

State internet snoopers 'exploit legal loopholes'

Case for mass surveillance 'unconvincing' says ex-watchdog

Vikram Dodd

The government's arguments for justifying the mass monitoring of the internet are "unconvincing" and based on exploiting "loopholes" in legislation, the former chief surveillance inspector has said.

Sam Lincoln, who served for seven years as the head of the Office of Surveillance Commissioners, said the revelations by Edward Snowden had damaged public confidence, and security establishment arguments were not being accepted by sections of the public.

In his first interview since standing down, Lincoln told the Guardian that such intrusive powers were necessary tools, but reforms were needed to the law and to the watchdogs overseeing surveillance systems. He said steps had to be taken to ensure public trust and that regulation could keep pace with new Big Brother technologies.

On Tuesday the government's top security official, Charles Farr, said searches on Google on Facebook, Twitter and YouTube as well as supposedly private messages on social media among UK citizens can be monitored by the security services because they are legally judged to be "external communications". Lincoln said he was unconvicted by Farr's arguments: "Technically they are correct, yes it is legal. These are the sort of loopholes in the legislation which they can exploit, but it is a pretty unconvincing argument.

"A lot of these issues go beyond legal questions, they bring in moral, ethical and social considerations."

Lincoln became chief inspector with the surveillance watchdog after a 28-year career spent mostly in military intelligence where he rose to the rank of lieutenant colonel.

He served on the Defence Intelligence Staff and was commanding

officer of the Defence Human Intelligence training establishment, working in places including Northern Ireland and Kosovo. He believes the intelligence services and law enforcement granted intrusive powers behave largely ethically, in the public interest, and help protect the public from terrorism and serious crime.

Lincoln said a package of reforms was needed, but he added: "You will never get legislation that will keep up with the technology." The official watchdogs responsible for making sure intrusive powers are not abused by the state should be abolished and replaced by a single body.

The Office of Surveillance Commissioners covers covert activities by law enforcement and public authorities. There is a separate commissioner for intercepts and the intelligence service has its own part time commissioner, a retired judge, who has a support staff of one.

Call for cooperation

Britain should grant Germany's federal prosecutor access to an RAF base alleged to have acted as a relay station for data intercepted from Angela Merkel's mobile phone by the NSA, the Labour MP Tom Watson has said. In a letter to the prime minister, Watson said full co-operation with Harald Range, the federal prosecutor investigating the alleged tapping, would ensure that Anglo-German relations are not damaged.

Der Spiegel last year revealed that Merkel's phone had been tapped after an investigation based on the NSA files leaked by Edward Snowden. **Nicholas Watt**



The investigatory powers tribunal, which adjudicates complaints, should also be part of a new single oversight commission, said Lincoln, who believes the terms of reference should be reexamined "given the opaqueness of the system."

In his own work, he said he and fellow officials saw 10% of the paperwork authorising intrusive powers: "We had no power to dictate ... persuasion was the only tool in the box." He also said that on some occasions the law meant surveillance commissioners could not see the underlying intelligence used to support an application to use intrusive powers. This was because it was based on an intercept, which they were not allowed to see. They had to allow the authorisation based on trust.

He said additional reforms could include naming and shaming of those who regularly abuse their powers, and independent members being appointed to a new single commission, which would benefit from members who have conducted covert operations. "Judges come in with little experience of the legislation let alone with any understanding of how covert work is conducted. Therefore they are more liable to accept it rather than stopping it." Lincoln said there was no stark choice between security or privacy. The debate between the security establishment and privacy campaigners had become too polarised and both sides had lapsed into becoming too strident.

He said security chiefs need to be more willing to explain and engage with the public: "The approach of 'why are you challenging us, we are the good guys' doesn't wash ... The 'looking for a needle in a haystack' argument has so far been unconvincing. I haven't been convinced."

"National security", the justification for mass surveillance revealed by Snowden, needed better definition.

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Height of fashion Ascot headgear



One of the many striking hats worn by racegoers on the second day of the Royal Ascot race meeting in Berkshire Photograph: Leon Neal/AFP/Getty Images

Poverty doubled in 30 years, study shows

Steven Morris

The number of British households falling below minimum living standards has more than doubled in the past 30 years, despite the size of the economy increasing twofold, a study on poverty and deprivation in the UK claims today.

According to the study, 33% of households endure below-par living standards - defined as going without three or more "basic necessities of life", such as being able to adequately feed and clothe themselves and their children, and to heat and insure their homes. In the early 1980s, the comparable figure was 14%.

The research, billed as the most detailed study ever of poverty in the UK, claims that almost 18 million Britons live in inadequate housing conditions and that 12 million are too poor to take part in all the basic social activities - such as entertaining friends or attending all the family occasions they would wish to. It suggests that one in three people cannot afford to heat their homes properly, while 4 million adults and children are not able to eat healthily.

Having someone in the household in work does not prevent British families from facing tough living conditions, according to the research, undertaken by

the Poverty and Social Exclusion project (PSE).

The findings will be seized on by opponents of the coalition, who argue that good news about the economy does not mean living standards are improving for most people. This will be a key Labour message in the run-up to next year's election.

Other figures being published include the claims that 5.5 million adults go without essential clothing; that 2.5 million

33% The percentage of households going without 'basic necessities', such as heating, compared with 14% in the early 1980s

children live in damp homes; that 1.5 million children live in households that cannot afford to heat them; that one in four adults have incomes below what they themselves consider is needed to avoid poverty, and that more than one in five adults have to borrow to pay for day-to-day needs.

Prof David Gordon, from the Townsend Centre for International Poverty Research at the University of Bristol, said: "The coalition government aimed to eradicate poverty by tackling the causes of pov-

erty. Their strategy has clearly failed. The available high-quality scientific evidence shows that poverty and deprivation have increased. The poor are suffering from deeper poverty and the gap between the rich and poor is widening."

Led by the University of Bristol and funded by the Economic and Social Research Council, the PSE project's research will be published in full this week. Gordon said he had been shocked by some of the findings. "In the early 1980s we assumed life was going to get better. For many it has, for many it hasn't."

According to the research, which also involved universities in Glasgow, York, Oxford and Northern Ireland, 21% of households are behind with bills, against 14% in the late 1990s. More than one in four adults have skimped on food so that others in the household might eat.

The PSE project argues that its findings dispel the idea that poverty in general and child poverty in particular is a consequence of a lack of paid work. It found that the majority of children who suffer from multiple deprivations live in small families with one or two siblings, with both parents, have at least one parent who is employed and are white.

The findings will be discussed at the Peter Townsend memorial conference beginning in London today.

Labour to cut benefits for young jobless

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to redistribute income without making painful choices. Even with a different economic agenda, there is little prospect of any government elected in 2015 spending its way to greater equality."

Pearce urges Labour to reject a business as usual path in which the government "would tax a little more and cut a little less, leaving the architecture of the state

untouched and the current framework of services and social security in place".

Miliband will also back proposals for local councils to be given more control of the ballooning housing benefit budget. The report suggests the housing benefit bill will reach £25.4bn, with real terms rises expected for the next five years.

Miliband argues the IPPR report shows that even when there is no money to spend radical reform can be started in the fields of health, child care, welfare, social care and housing. But he is going to be cautious about embracing some of its specific plans drawn up over the past 18 months, including a £2bn child care package, funded through scrapping plans for a marriage tax allowance, freezing child benefit and reducing pension tax reliefs.

The report also argues that there needs

to be a switch of government resources from tax transfers and credits to delivering services, something that might require abandoning the expensive target to eliminate child poverty.

In probably the biggest proposal, the IPPR will argue that the left has to restore the contributory principle in the welfare system. Pearce argues social security for the unemployed has become a liability for social democrats.

There is frustration among some Labour policy leaders at Miliband's reluctance to embrace more of the report, designed to show how the left set out a redistributionist agenda in the post-crash world. It has had the support of Jon Cruddas, head of the Labour policy review.

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