

Comments on the Summary of the Interim Law Commission Report on Protection of Official Data

http://www.lawcom.gov.uk/wp-content/uploads/2017/02/cp230_protection_of_official_data_summary.pdf

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The writers of this report make a fundamental error: They conflate the interests of the state with the public interest.

In reality, the interests of those who currently run the state diverge sharply from those of the public.

By and large those who run the state are acting in the interests of the Trans National Corporations and the international banking community, whose interests are in acquiring ownership of the world. This is being achieved through the transfer to these corporations and the owners of the federal reserve bank of the ownership of more and more assets via such policies as “privatisation” and the measures deemed necessary to deal with the (artificially created) “banking crisis”.

This may seem like an outrageous claim, but it has been explicitly spelled out in the Lisbon Treaty, whereby all signatories have pledged their countries to privatise everything, explicitly including the health, education, and defence services “to the maximum extent possible”.

“The state” is therefore neither *our* state (in the sense of belonging to the people) nor the territory in which we live.

This international state has manufactured an image of what constitutes “a good life”, a way of living, and what an “economy” is about which pervades everything. It may crudely be characterised as “The American Dream”. It has been infused into our minds and determines the way we think. It has been infused into our social arrangements and thus determines what we are able to do and not do, what we are able to see and not see.

This has resulted in the manufacture of the senseless work that is needed to keep the economy going and to give meaning to people’s lives. This senseless work consists in the manufacture, marketing, and distribution of goods and services which, by and large, fail to enhance quality of life.

Compulsion to engage in this senseless, and often self-destroying, work is reinforced via such things as a steep social hierarchy in which those who fail to comply are subjected to degrading and dehumanising treatment ... enforced, at the end of the day, by such things as “benefits sanctions” which manufacture destitution.

Unfortunately, the manufacture, marketing, distribution of the products on which this system depends not only fails to enhance quality of life, it is destroying our habitat, and thus our chances of survival as a species, at an exponentially increasing rate.

It is therefore very much in the public interest to dismantle this system - including the previously mentioned “defence”, “educational”, and (medicalised, drugs-based) “health care” systems – as a matter of urgency.

Access to any information, whether held by governments, TNCs, banking systems, or the secret organisations which consistently find ways to manipulate regulations and current governance arrangements in their own interests, which will help us to do this is, therefore, very much in the public interest.

At present, our main access to such information is via whistle-blowers and investigative journalists.

While *Liberty* (quoted at 7.25 in the summary of the results of the enquiry) is, of course, right that we should not have to rely on these individuals for access to such information, there is no sign of the emergence of more appropriate arrangements.

Public concern about the recent *Investigatory Powers Bill* largely focussed on surveillance of *the public* by governments and corporations and what they might do with the information they are collecting. Yet the fact that the public can only speculate about what governments and corporations *might* do with the information (and their *fear* of what those actions might be) indicates that what is really important is to vastly *increase public* surveillance of what those governments, corporations, and nefarious nebulous groups are actually doing.

Our current “democratic” arrangements are entirely unable to undertake such scrutiny. Not only are most of those involved deeply (if perhaps unwittingly) committed to the perpetuation of current arrangements, they are grossly overloaded. The result is that, not only are they unable to attend to the implications of most of the legislation they are being asked to approve (with much of it not actually being open for discussion, having been approved under generic headings), they have no time to attend to many most of the issues about which the public needs to be concerned.

A more specific comment is that the (few) attempts made in the report to balance the benefits which release of information might confer on an elusive foreign or internal power against the public interest are entirely one sided. There will always be people and organisations who work out how to exploit information, regulations, arrangements, and situations in their own or their organisation’s interests in ways which are not in the public interest. The only way to guard against this is to make as much information as possible available to the public and to guarantee protection from prosecution to whistle-blowers and others who strive to investigate and expose what is going on. Following such trails will, of course, from time to time, have to include investigating personal information which those concerned would prefer to keep secret.

Some specific comments

1.8 Although it is said that it would be outside your terms of reference to do so, it would be highly desirable, and seriously relevant to your report, to make some estimate of the number of people who think that the unauthorised disclosure of information should not be criminalised and their reasons for holding this opinion.

2.7 Who is “the United Kingdom”? And almost any information can be used by almost anyone to “injure” some government members or policy. Changing the wording, destructive as it is, would generate a legalistic quagmire.

2.14 “UK’s interests”. Clearly, the interests of those currently governing the UK are the interests of an international network of TNCs and banks and not those of the citizens of the UK. Is the intention to protect those banks and TNCs from investigation?

2.25. Answer “**no**”.

3.31 What is the *intent* behind this – to take revenge on the “offender”, to deprive him or her of his liberty so that there is no possibility of doing it again, to deter others from undertaking similar activities for fear of the consequences?

3. 38 “**No**”.

3.45 It is clear that such information *should* be made public since manipulation of society using such information is one of the chief ways in which governments, and those who stand behind them, promote their own interests against those of the public.

3. 48 “**No**”.

3.51 “**repealed**” ... **YES** ... “**replaced**” ... **NO**

6.6 Maybe I should have noticed it before, so I don’t know when the shift took place, but I see that we are now talking about *the public sector* and not just the civil service. This clearly includes the “National Health Service” (which consists primarily of a collection of private sector organisations), the police and prison services (ditto), local authorities, the educational services, and the quasi-nationalised industries ... as well as all their private sector providers. Seems to me very dangerous indeed.

6.8 I don’t know enough about the situation to answer the question. But be wary, oh be wary. We need *more* encouragement and opportunities to pass on information. For example, more or less the *only* way to remove personal incompetence is, not through more and more teaching and assessment of techico-rational knowledge and the endless regulations of practice via manualisation (which destroys professional competence), but via the reporting of colleagues and clients ... which is currently brings extreme dangers and hazards for those concerned.

7.8 “**No**”.

7.13 Not quite sure what has happened here. Seems at times to have been mainly concerned with reporting criminal activity but the main issue involves criminalisation of activities publicising activities of government ministers, councillors, public servants, government departments, and ministers that are not, in themselves, criminal but are very much not in the public interest.

7.25 To repeat: while *Liberty* is undoubtedly correct, there is scant evidence of the emergence of more appropriate structures and arrangements. On the contrary, the funding and protection available to investigative journalists has largely disappeared, the BBC has come under attack

(often seemingly precisely for its work in this area), and the scope for academics to engage in such work has diminished almost to the point of invisibility.

7.27 Much too weak. Much too hierarchical. Hierarchies are notorious for filtering out information that intermediaries believe that those above them will not want to hear. The real issue is that the public has a need and a right to much more information on what is going on in the public sector, governance, and so-called private sector organisations (which are much larger and much more influential than most states). Hiding behind legalistic references to state and corporate interests such as those discussed in this report should not be tolerated.