The Post-Snowden Surveillance Policy Turmoil

Arne Hintz and *Lina Dencik* *are conducting an 18-month research project based at Cardiff University, 'Digital Citizenship and Surveillance Society', looking to review and analyse what the Snowden revelations mean for policy, technology, media and civil society. Preliminary results of their research will be presented at the 'Surveillance and Citizenship' conference, which starts tomorrow.*

The release of the Anderson Report last week, as well as a controversial follow-up article in the Sunday Times, have highlighted once again the impact of the Snowden revelations on mass surveillance. Two years after the leaks began, their repercussions and implications are just starting to emerge.

Implications for policy, particularly, became apparent in last week's report. Anderson criticised UK surveillance laws as 'fragmented', 'obscure', 'undemocratic' and 'intolerable', and demanded significant revisions to oversight and regulation. Although he did not criticise surveillance per se, his perspective differed substantially from that of the new UK government which intends to expand the state's surveillance powers through its planned Communications Data Bill, the so-called Snooper's Charter. His report coincides with the adoption of the USA Freedom Act which, similarly, does not reject the bulk collection and analysis of data as such but is significant in that it halts the expansion of governmental surveillance capabilities and restricts their implementation. Two years after the Snowden leaks began, we may see the beginning of actual policy change.

Anderson's key concern is with the transparency of surveillance and its legislative framework. In that, he confirms findings from research we conducted as part of the 'Digital Citizenship and Surveillance Society' project. Our focus groups with a cross-section of the British public and interviews with key civil society organisations in the UK have shown that the lack of transparency surrounding the level of state surveillance remains a major concern within British society. People want to know why and how their personal data is being collected and used, and what legal safeguards exist. While most people, according to our research, are acutely aware and generally critical of surveillance happening online, be it by the state, corporations, employers or peers, they often feel powerless to do much about it. This relative resignation – or 'surveillance realism' as we termed it – to the realities of mass surveillance in the UK points to the need for a more robust and nuanced public debate on the reasons, implications and alternatives to mass surveillance.

The news media play an important role in facilitating such debate and thereby generating the discursive frameworks within which policy is developed. Analysing the media coverage of the Snowden leaks is therefore another key focus of the research project, and the preliminary findings suggest some interesting trends. In particular, they show a predominant reliance on elite sources from government and state institutions and thus a focus on concerns raised by these actors. Accordingly, surveillance of political leaders is scandalised but the mass surveillance of the wider population is treated with less urgency. This may not be surprising, but it is significant as the primacy concern of the Snowden revelations has been precisely on the indiscriminate mass surveillance of the general population.

However, media are affected themselves by surveillance, and the conditions of their work are changing. Journalists have been among the most vulnerable groups. A PEN study has shown that omnipresent surveillance has led to risks of journalists self-censoring their work and avoiding controversial topics. Confidential communication outside the watchful eye of authorities is essential for investigative journalism and thus for fulfilling journalism's role as a watchdog and

fourth estate. As the United Nations Special Rapporteur on Freedom of Expression and Opinion has repeatedly emphasized, pervasive monitoring of people's movements, actions, and communication undermines critical debate and dissident voices, and thus the right to privacy is an essential requirement for the realization of the right to freedom of expression.

Moreover, the debate on surveillance is closely connected to core questions of democracy. In the current political and discursive environment it is embedded in a broader conversation over the nature of civil rights in a context of security. Yet while we are told that the need for security requires a balance between human rights (such as the right to privacy) and public safety (including the need for surveillance by security agencies), it remains unclear whose security and what kind of security we should strive for. This is not a trivial question as, for example, the safety and autonomy of our personal communication and individual online interactions, which forms part of our *human* security, may be compromised by the surveillance programmes revealed by Snowden, framed, as they are, around the need for *state* security.

The current policy turmoil is thus grounded on insufficient public debate of key issues that concern our democracy and society, and the general lack of transparency and visibility of state practices that affect our daily communication. The upcoming conference at Cardiff University will be one of many necessary venues to address these questions.

The project 'Digital Citizenship and Surveillance Society: State-Media-Citizen Relations After the Snowden Leaks' brings together researchers from several universities to explore the impact of surveillance. Preliminary results will be presented at the 'Surveillance and Citizenship' conference on 18/19 June. The conference will aim to unpack the different social and political implications of the Snowden leaks and the reality of mass surveillance.

This post gives the views of the authors, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics and Political Science.

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