

Summary of substantive policy discussions
at Liberty Council meeting
October 2007

Part III of the Regulation of Investigatory Powers Act 2000 (RIPA)

This discussion concerned the introduction of Part III of RIPA which came into force on 1st October 2007. RIPA Part III criminalises a failure to hand over an encryption key for electronic material when required to do so by authorised public bodies such as the police. Part III raises concerns about personal privacy and there are questions over effectiveness in practice. Part III was then discussed and the following comments made:

- Liberty should remain opposed to Part III in particular due to the reverse burden of proof in the offence of non-disclosure.
- The operation of this offence in practice should be kept under review and, depending on whether and how it is used, Liberty might wish to consider intervening in an appropriate legal case.
- It would be disingenuous for the Government to seek use problems with accessing encrypted data to justify longer pre-charge detention in terrorism cases given that Part III is now in force.