

Summary of substantive policy discussions
at Liberty Council meeting
June 2008

Expected Communications Data Bill

A discussion took place on the Communications Data Bill. The draft legislative programme for 2007/08 announced a "Communications Data Bill" which was described as ensuring the sharing of communications data to tackle terrorism and crime. The programme stated that a main element of the Bill will be to "modify the procedures for acquiring communications data and allow this data to be retained". As a result of voluntary agreements between the Government and communications providers, communications data has been recorded and retained by communications providers since 2003. Under RIPA orders law enforcement agencies can access communications data if they can show that such access is Article 8 compliant (that is pursues a legitimate purpose through RIPA orders). It was understood that EU Directive 2006/24/EC, which requires communications providers to retain communications data for between 6-24 months, is due to be transposed into UK law shortly and possibly by way of the Communications Data Bill. It was decided that any proposals to centralize or extend powers for communications data retention should be resisted by Liberty.

Freedom of Religion and Indirect Discrimination

The meeting discussed the case of Sarika Singh for which Liberty had recently sought judicial review at the High Court. Sarika Singh, a 14 year old Sikh girl was taught in isolation for more than 9 weeks and was then excluded for wearing the Kara (Sikh bangle) to school. In the High Court Liberty argued that the school's uniform policy indirectly discriminates on the grounds of race and religion, that the school has failed to have regard to its positive duty under s71 RRA and that the application of the policy in this case violates human rights. Judgment was reserved until the end of July.