



COURAGE IS CONTAGIOUS

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WikiLeaks makes this submission to the Legal and Constitutional Affairs Committee Inquiry into the Comprehensive Review of the Telecommunications (Interception and Access) Act 1979.

Having reviewed the evidence provided to this inquiry, it would appear that the nature of information sharing among the 5 Eyes countries has been fundamentally misrepresented.

This submission seeks to clarify what is known about the standard operating procedures among the 5 Eyes countries – Australia, New Zealand, UK, USA and Canada – which can be elaborated in greater detail at an upcoming hearing if the Committee is interested in knowing the facts.

When asked about the information sharing practices of the 5 Eyes, the Committee heard on 23 April 2014 from Assistant Inspector General Blight from the Office of the IGIS that, "...data sharing about Australian persons for ASD is regulated tightly by the Intelligence Services Act and the privacy rules made under that act and that data about Australian persons is



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subject to quite strict oversight.”

In fact, the revelations of Edward Snowden have documented shared and integrated 5 Eyes databases, and that untargeted, bulk interception, collection and sharing of algorithmic analysis of private communications are routine among the 5 Eyes intelligence agencies.

It is absurd that Australian government agencies continue to misrepresent the nature of interception and their access to intercepted data via 5 Eyes sharing arrangements when their equivalents in the UK have acknowledged their role in mass surveillance, including through convenient interpretations of domestic laws to absorb “external communications” which includes all communications transiting Internet platforms and services such as Google, Skype, Facebook, Yahoo not based in the UK.

In this regard, 48-page documents dated 16 May 2014 submitted to the Investigatory Powers Tribunal by Charles Farr, the Director General of the UK government’s Office for Security and Counter-Terrorism bears examination by this Committee. It can be found at this link:

[https://www.privacyinternational.org/sites/privacyinternational.org/files/downloads/press-releases/witness st of charles blandford farr.pdf](https://www.privacyinternational.org/sites/privacyinternational.org/files/downloads/press-releases/witness%20of%20charles%20blandford%20farr.pdf)

Documents made available on the XKEYSCORE program should also be thoroughly examined by the Committee. This program includes a Five Eyes Defeat checkbox that allows analysts to filter out data from one or more of the Five Eyes countries. Such a check box makes sense only in the context of a default sharing of information among the 5 Eyes that inevitably and necessarily circumvents the TIA.

Dr. Thom confirmed that the “quite strict oversight” also applied to Australian citizens abroad. The Tempora program also revealed by Snowden refutes this simplistic assumption. Under that program, all 5 Eyes nations access data and metadata resulting from British tapping of fibre optic cable; there are no protections provided to Australians under such indiscriminate collection and sharing arrangements.

Amendments made to the Intelligence Services Act in 2011, including the ‘WikiLeaks Amendment’ so dubbed by employees of the Attorney General’s Department, greatly reduced the scope



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or meaning of protections for Australians overseas and greatly increased the surveillance of their communications permitted.

By expanding the scope of surveillance overreach to anyone that was "in the interest of Australia's national security, Australia's foreign relations or Australia's economic wellbeing," almost anyone could be caught, rendering the 'strict oversight' a gesture, a meaningless gesture in the context of mass surveillance, collection and sharing of intelligence.

Sincerely

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