



Submission No 22

Inquiry into potential reforms of National Security Legislation

Name: Peter Serwylo

Organisation: Private Capacity

To the Parliamentary Joint Committee on Intelligence and Security,

I am writing to express my concern at the broadness of the national security reforms called for by Attorney-General Nicola Roxon. Especially of concern is the two year data retention plan. I strongly believe that all people should be entitled to a certain level of privacy. What you are proposing is to abolish the right to privacy for *everybody*, to make law enforcement easier for the *extremely small* proportion of the population who *may* commit crimes *some time in the future*.

This concept of long term data retention is especially concerning these days, considering how much of our life takes place on the internet. This is not just wire-tapping like it was in the days of telephones, this is spying on everybody as they do everything. Just because it is possible to do it, does not mean that it is right to do so. My little sister is in high school, and spends (far too) much time on Facebook. This is where a large proportion of her social interactions with her friends take place. Often the time she spends on Facebook is the equivalent of her going out and talking with her friends in person. Because of this, I see storing everything she does online as no better than following her around in the school yard and writing down every word she says to her friends. If a government was to introduce a law saying that teachers had to follow around students and record everything they said, just in case they commit a crime when they leave school, that would be laughed out of parliament before you could even take a breath.

Another concern is that the data itself will be a huge target for hacking. It is extremely hard to make something impenetrable, and the huge caches of information which you plan to sweep up would be a gold mine for identify thief's and others who were interested in profiting from stealing that data.

Finally, if history has told us anything, it is that legislation which is introduced for one reason, often gets expanded over time. Sure, the data may initially only be used for law enforcement of crimes which were committed. But at some point in the future (maybe not by the current government, maybe not by the next government, but some time) the temptation to use it for other purposes will grow too strong. For example, I can see that in the future, some government would consider it a good idea to monitor every single persons browsing history in real time, to see if they are doing anything which might be construed as illegal, or maybe even just mischievous. Systems set up to do this are never fool proof, and perhaps you may start flagging students who are doing school projects on terrorism as dangerous. And then maybe that student will get a mark against their name forever, and in the future, they have trouble travelling out of and back into the country. Of course, these are all just wild postulations, but they are here to illustrate the myriad of ways in which a surveillance system like this has the potential to be expanded and subsequently abused, with important consequences.

If this data retention plan is implemented, I will do everything in my power

to prevent my internet history from being captured. For example, I already make every effort to use SSL versions of websites, prevent tracking agencies from embedding content in websites that I view, choose carefully when I use online services out of my control, etc. In the future, I would go further, such as using the TOR network router to make sure that I can browse the web anonymously. As such, my fear is not that *I* will have *my* privacy invaded, but rather, other people, including my family and friends, will not have the same level of awareness or technical understanding to prevent their every move being tracked.

I strongly urge you to drop this before going any further, and perhaps even be proactive about introducing legislation which *protects* our privacy, especially online.

Yours Sincerely,
Peter Serwylo