

Privacy: Surveillance and the Interception of Communications

In 1998 the Commission published its report on [Privacy: Surveillance and the Interception of Communications](#) which follows the Commission's consultation paper [LRC CP10-1996 on Privacy: Surveillance and the Interception of Communications \(September 1996\)](#). It concerns the dangers posed to the privacy of ordinary citizens by surveillance, and especially modern forms of surveillance. Such dangers have been growing in recent years according as technological developments have accelerated. This subject provides a classic example of where contemporary practice has outstripped the law's capacity to protect and vindicate a fundamental human right - the right of privacy. The status of privacy as a human right is universally acknowledged and provided for in particular not only by Article 8 of the European Convention on Human Rights but also by the Constitution as interpreted by our courts.

The Report itself is based on extensive comparative research which shows the kinds of solutions adopted or proposed elsewhere and has regard to written submissions made on the Law Reform Commission's earlier Consultation Paper on this subject and at a 'listening exercise' on the topic held in July 1997 at which most of those interested in the issue were in attendance.

Overview of Recommendations

The Law Reform Commission recommends the enactment of a coherent set of civil remedies, criminal sanctions and other regulatory and incidental safeguards in order to ensure that the law is adequate to the task of handling the privacy dangers inherent in modern forms of surveillance. Draft Heads of a Bill with full Explanatory Notes are provided in the Report which set out with clarity the shape of the proposed reforms. Recommendations cover:

- Civil Law Reform
- A 'Public Interest' Defence for the Media
- Criminal Law
- Safeguards Covering State Surveillance of Private Places
- Safeguards Covering Public Surveillance
- Protection of Privacy in Relevant Judicial Proceedings