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# Alive and Well? The 'Surveillance Society' and the Coalition

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**Abstract**

The new Coalition government in the UK seems to be determined to reverse the 'surveillance society' which many observers claimed to have emerged under the previous Labour government. This short article reviews the reasons why the 'surveillance society' became a major issue in the last years of the New Labour government, and, in the light of recent policy statements, questions whether the libertarian thrust of the Coalition's political programme can, in practice, be carried through consistently into departments' policies.

**Keywords**

central administration, e-government, good governance, implementation, modernization, public administration, public sector reform

The new Coalition government in the UK seems to be determined to roll back the state and reduce its impact on people's lives. Along with severe budget cuts and the transfer of power to individuals and communities, its *Programme for Government* headlines a commitment to strengthening civil liberties. At the forefront of its plans is the reversal of the shift to the 'surveillance society' that many observers believe to have occurred under the previous Labour Government. As I write in early August 2010, the identity cards legislation is being repealed and the associated National Register destroyed; *ContactPoint* (the universal database of

children) has been switched off; and the government is consulting about the contents of a Freedom Bill. This Bill is likely to dismantle, or at least introduce more effective controls over, a wide range of innovations widely regarded with distrust by the civil liberties and privacy lobbies, including CCTV cameras, the DNA database, Criminal Records Bureau checks and the barring register designed to prevent violent or sexual offenders from working with children or vulnerable adults. The government has also announced a review of surveillance practices legitimated by the Regulation of Investigative Powers Act 2000, such as the monitoring by local authorities of families suspected of making false claims to support applications for over-subscribed schools, and the requirements imposed under this Act on internet service providers to retain records of internet and email traffic.

In this short survey, I propose to review the reasons why the Labour government insisted on introducing such powers, some of which may be difficult for the Coalition to resist or avoid. I will then discuss two initiatives which may yet provide routes for the restoration, perhaps even the intensification, in contemporary government of contentious features of the surveillance society.

## **New Labour and the 'Surveillance Society'**

In 2006, Richard Thomas, the (then) Information Commissioner, famously claimed that Britain was 'sleep walking into a surveillance society' (Thomas, 2006). This claim was strongly supported by a series of reports by lobby organisations, parliamentary committees and independent foundations (e.g. Murakami Wood, 2006; Crossman et al., 2007; House of Commons, 2008a, 2008b; House of Lords and House of Commons, 2008; House of Lords, 2009; Anderson et al., 2009). The concerns in these reports are of three kinds. First, there are worries about the sheer scale of information gathered by governmental agencies and commercial corporations about the daily lives of ordinary citizens and of the consequent intrusion into their privacy. Second, there are worries – which were strongly reinforced in the autumn of 2007 by a series of scandals about large-scale losses of personal data by HM Revenue and Customs and other agencies – about the security and integrity of the information that such bodies hold about us all (O'Donnell, 2008). And third, there are worries about the growing practice of sharing data about citizens among agencies, both inside and outside government, so that data are routinely being applied for purposes far removed from that for which they were originally collected without the consent or knowledge of their subjects.

Such worries struck directly at the heart of New Labour's flagship commitments to joining-up government (JUG) and improving front-line service delivery which, especially when taken together, clearly implied the collection, processing and joining-up of detailed, and often sensitive, personal information about

customers, clients, patients, offenders and other recipients and targets of government services (6 et al., 2005; Bellamy et al., 2005). Furthermore, New Labour's policy priorities were bound to lead to clashes with privacy principles embedded in data protection and human rights legislation which the government introduced in 1998. First, there were challenges to privacy stemming from increasing emphasis on reducing risk, particularly risk associated with crime, terrorism, child abuse and illegal immigration. Identity cards, CCTV cameras, the DNA and *ContactPoint* databases and the increasingly intrusive checks on people working with children and vulnerable adults were all justified on this ground. Other challenges stemmed from the social exclusion agenda, which created strong imperatives for multi-agency working based on effective collection and sharing of detailed information, for example about persistent offenders, anti-social youths, vulnerable children and fragile families: this proved to be very sensitive and thus difficult consistently to accomplish (6 et al., 2010). Other pressures, still, emanated from the emphasis in welfare policy on conditionality and fraud reduction. Controversial legislation introduced by the outgoing Conservative government in 1997 to permit social security and national insurance records to be subject to whole-scale data-matching exercises with records maintained by the tax authorities to detect possible cases of benefits fraud was extended in 2001 to local authorities, health authorities, banks and financial services. Conditionality also created strong pressures for joined-up assessment of claimants of working age between Benefits Agency, JobCentre Plus and tax credit systems.

At the same time, New Labour – and Gordon Brown's Treasury, in particular – became convinced that more radical exploitation of information technology in supporting and delivering public services could help rekindle public support for big government, by curtailing costs whilst significantly improving service quality in line with that offered by commercial operators. In particular, a series of reports on *Transformational Government* and public service reform (e.g. Cabinet Office, 2005, 2007; Varney, 2006) strongly reaffirmed the role of effective information management, and particularly the more aggressive use of data-sharing, in delivering joined-up 'citizen-centric' services that are more conveniently accessed, more 'personalised' to individual citizens and more responsive to individual needs and circumstances. This requires the capacity to join-up records held in different parts of government, based on secure authentication of each person's identity. The *Implementation Plan* provided for this capacity to be delivered by the National Register to be created as part of the identity cards scheme (Cabinet Office, 2006). We are told by Peter Mandelson (2010: 497) that Brown remained convinced, right up to the 2010 election campaign, that the exploitation of the internet, digital communications and other technological and organisational efficiencies could deliver 'cheaper government for modern times' that would minimise the need for tax or spending changes in times of economic strain.

All the policy documents cited above acknowledge the potential tension between *Transformational Government* and the claims of individual privacy.

They also recognise the key importance of resolving this tension in the interests of preserving, and indeed enhancing trust in, public services. More questionably, they assume that these are *competing* imperatives but that there is, nevertheless, an appropriate 'balance' to be struck between them. This claim creates an obvious practical problem: how to know where this balance might be found and how to recognise when it has been achieved. A Cabinet Committee (MISC 31) set up to study this very point in 2006 failed to produce more than a tentative interim report, and a report commissioned from Richard Thomas and Mark Walport, the Director of the Wellcome Trust, resulted in little more than the strengthening of the statutory basis of the Information Commissioner's regulatory powers (Thomas and Walport, 2008). As we saw above, concerns about the surveillance society continued to generate much unease for the rest of the Labour government's term.

## Assessing the Coalition's Plans

In tackling the surveillance society, the Coalition government is therefore addressing a well-recognised issue, but one whose parameters remain unresolved. As we saw above, the Coalition is systematically attacking its most obvious manifestations, beginning with the identity cards scheme. However, it is clear from the small print that the Coalition is well aware of the imperatives for exploiting more systematic information about the population. *ContactPoint* is a case in point. It was set up under the Children Act 2004 to address long-standing concerns (e.g. Laming, 2003; HM Treasury, 2003), about failures of agencies to share information about children deemed to be vulnerable to severe abuse. It held basic information about *all* children in the population, but offered a facility for professionals to flag up children who had given cause for concern, in order to alert other agencies who were also in contact with that child. It proved to be very contentious. There were worries that it amounted to a national register of children; that far too many people in a wide range of agencies had access to it; that the flagging process might stigmatise vulnerable children; and that the thresholds for flagging were imprecise, non-transparent and vulnerable to function creep. A written statement to the House of Commons on 22 July 2010 (514(37): 31WS) announced that *ContactPoint* would be switched off on 6 August 2010, but that a 'new national signposting service' would replace it. How this will work, how a non-universal system will ensure that no child slips through the net and how it will avoid the problem of stigmatising signposted children were yet to be worked out. Similarly, the Coalition does not intend to close the DNA database, but will apply the stricter rules used in Scotland to regulate when a person's DNA can be taken and retained. The current moral panic about paedophilia may kick in, however, in that the Scottish rules allow the DNA of persons charged with, but not convicted of, sex offences, to be retained for three years. That is, even the

Scottish DNA database is more inclusive than the national fingerprint database, and this may prove to be the case in England and Wales, too.

Dilemmas relating to the use of personal information by government are posed even more acutely by two other policy programmes apparently endorsed by the Coalition. The first is the programme for *21st Century Welfare* announced in July 2010 (Department of Work and Pensions [DWP], 2010). Although it is presented as a radical change in welfare policy, the proposal for a single benefits assessment and a single benefits payment has been a declared aim of the DWP and its predecessors for the last twenty years – but has proved to be beyond its technical and financial reach. Whether the upfront investment in IT systems can be afforded in time of severe financial austerity is questionable. However, we should note that it would demand intensive sharing of personal data about claimants currently held on several different DWP systems with those used for administering tax credits and PAYE in HM Revenue and Customs, and probably with local authority systems, too. Furthermore, the more aggressive focus on fraud prevention undoubtedly implies the continued use of data-matching and data-mining operations that have aroused considerable privacy concerns, along with the more intensive sharing of personal data with external bodies such as credit rating agencies.

The Coalition is also continuing to support the Office of National Statistics *Beyond 2011* programme, which aims to establish more continuous and less obtrusive methods of measuring the population than the decennial census which was heavily criticised in opposition by the Conservative Party. The necessary data are, apparently, to be sourced from administrative systems in government, as well as from such organisations as the Post Office, local authorities and credit reference agencies (BBC News, 10 July 2010). This statement surely raises major questions about privacy. There must be some doubt whether data could and would be processed at levels of data aggregation that mask individual identities. Office of National Statistics (ONS) officials are on record in indicating that the *sine qua non* of a comprehensive, robust rolling census is a comprehensive register of addresses (Beerten, 2009). We know, too, that the government statistical service has long been in favour of establishing a single, authenticated identity for each citizen (e.g Redfern, 1989; ONS, 2006); and that advanced plans for a population register that would not only provide a sound basis for national statistics but also provide an identity management system capable of facilitating the extensive sharing of personal information were incorporated into Labour's identity cards scheme (Chief Secretary to the Treasury, Ministerial Statement, 18 April 2006). ONS has continued to press for such a register as part of its work for *Beyond 2011* (ONS, 2009).

A key issue for the Coalition, then, is whether, in supporting a programme designed to obviate the increasing intrusiveness of the traditional census, it can also avoid recreating some of the very features of the former identity cards scheme that most worried civil libertarians. More generally, we must wait to

see whether the Coalition's libertarian thrust can be carried through consistently into departmental policies against the apparent grain of recent trends.

## References

- 6 P, Raab C and Bellamy C (2005) Joined-up Government and Privacy in the United Kingdom: Managing Tensions Between Data Protection and Social Policy, Part I. *Public Administration* 83(1): 111–133.
- 6 P, Bellamy C and Raab C (2010) Information-sharing Dilemmas in Public Services: Using Frameworks from Risk Management. *Policy and Politics* 38(3): 465–481.
- Anderson R, Brown I, Dowty, Inglesant P, Heath W and Sasse A (2009) *The Database State*. York: Joseph Rowntree Reform Trust Ltd.
- Beerten R (2009) *Beyond 2011. Building a Future for Population Statistics*. Published 20 August 2009. Available at <http://www.ons.gov.uk/search/index.html?newquery=Beyond+2011>.
- Bellamy C, 6 P and Raab C (2005) 'Joined-up Government and Privacy in the United Kingdom: Managing Tensions Between Data Protection and Social Policy, Part II. *Public Administration* 83(2): 393–415.
- Cabinet Office (2005) *Transformational Government. Enabled by Technology*. Cm 6683. London: The Stationery Office.
- Cabinet Office (2006) *Transformational Government Implementation Plan*. London: Cabinet Office.
- Cabinet Office (2007) *Policy Review: Public Services*. London: PM's Strategy Unit.
- Crossman G, with Kitchin H, Kuna R, Skrein M and Russell J (2007) *Overlooked: Surveillance and Personal Privacy in Modern Britain*. London: Liberty.
- Department of Work and Pensions (2010) *21st Century Welfare*. Cm 7913. London: The Stationery Office.
- HM Treasury (2003) *Every Child Matters*. Cm 5680. London: The Stationery Office.
- House of Commons (2008a) *First Report of the Justice Committee 2007–8, on the Protection of Private Data*. HC 154. London: The Stationery Office.
- House of Commons (2008b) *Fifth Report of the Home Affairs Committee 2007–8, on a Surveillance Society?* HC 58. London: The Stationery Office.
- House of Lords (2009) *2nd Report of the Select Committee on the Constitution 2008*. HL18–1. London: The Stationery Office.
- House of Lords and House of Commons (2008) *Fourteenth Report of the Joint Committee on Human Rights on Data Protection and Human Rights 2007–8*. HL 72 and HC 132. London: The Stationery Office.
- Laming Lord (2003) *The Victoria Climbié Inquiry*. Cm 5730. London: The Stationery Office.
- Mandelson P (2010) *The Third Man. Life at the Heart of New Labour*. London: HarperPress.
- Murakami-Wood D (ed) (2006) *A Report on the Surveillance Society for the Information Commissioner by the Surveillance Studies Network*. Wilmslow: Information Commissioner's Office.
- ONS (2006) *Citizen Information Project. Better Sharing of Citizen Data across the Public Sector*. Downloaded from [www.gro.gov.uk/cip](http://www.gro.gov.uk/cip).

- ONS (2009) *Data-sharing Between Government Departments. A Report on Public Acceptability*. Newport: Office of National Statistics.
- O'Donnell G (2008) *Data Handling Procedures in Government. Final Report*. London: Cabinet Office.
- Redfern P (2009) Population Registers: Some Administration and Statistical Pros and Cons. *Journal of the Royal Statistical Society A* 152(1): 1–41.
- Thomas R (2006) *Waking up to a Surveillance Society*. Press Release, 2 November 2006. Wilmslow: Information Commissioner's Office.
- Thomas R and Walport M (2008) *Data Sharing Review*. London: Ministry of Justice.
- Varney, Sir David (2006) *Service Transformation*. London: The Stationery Office, with permission of HM Treasury.
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