



New South Wales
Council for Civil Liberties



13 September 2017

The Hon. Margaret Stone
Inspector-General of Intelligence and Security
One National Circuit Barton ACT 2600
Australia

Re: Oversight of intelligence sharing between your government and foreign governments

Dear Inspector-General Stone,

The undersigned organisations are writing to share our concerns about the lack of transparency of intelligence sharing arrangements between your government and foreign governments, and to seek information from you about your oversight of these intelligence sharing arrangements.

The effective oversight of secret surveillance is among the fundamental guarantees against a government's unlawful interference with the right to privacy. But in many countries around the world, there is an alarming lack of effective oversight of arrangements to exchange intelligence with other countries. Yet, the interference with privacy remains the same regardless of whether a government conducts direct surveillance or obtains information from another government. Just as government surveillance must be transparent and subject to adequate safeguards and oversight, so too must intelligence sharing arrangements.

In the attached briefing, Privacy International elaborates on the international human rights implications of intelligence sharing between governments and offers recommendations to national intelligence oversight bodies. Privacy International is sharing this briefing with oversight bodies in over 40 countries as part of a project to increase transparency around intelligence sharing and to encourage oversight bodies to scrutinise the law and practice of intelligence sharing in their respective countries.

As a national body mandated to oversee the activities of the intelligence agencies, we believe your office is in the best position to respond to our questions below:

- Is the government and/or are the intelligence agencies required to inform you about intelligence sharing arrangements they have made with other governments?
- Does your mandate include independent oversight of the intelligence sharing activities of your government?

- Do you have the power to access in full all relevant information about the intelligence sharing activities of your government?
- Do you have the power to review decisions to share intelligence and/or undertake independent investigations concerning the intelligence sharing activities of your government?
- Do you cooperate with any other oversight bodies, domestic or foreign, to oversee the intelligence sharing activities of your government?

We would appreciate a response by 31 October 2017 and would be grateful if you could share with us non-confidential work products reflecting your answers to the above.

Please do not hesitate to contact Scarlet Kim, Legal Officer at Privacy International (scarlet@privacyinternational.org), if you have any questions.

Thank you for your attention to this matter.

Sincerely,

Dr. Gus Hosein
Executive Director
Privacy International

Benedict Coyne
President
Australian Lawyers for Human Rights

Gabor Szathmari
President
CryptoAUSTRALIA

Tim Singleton Norton
Chair
Digital Rights Watch

Jon Lawrence
Executive Officer
Electronic Frontiers Australia

Emily Howie
Director of Legal Advocacy
Human Rights Law Centre

Therese Cochrane
Secretary
NSW Council for Civil Liberties

Privacy International is a United Kingdom-based non-governmental organisation. Founded in 1990, it is the first organization to campaign on privacy issues at an international level. It undertakes research and investigations into government and corporate surveillance with a focus on the technologies that enable these practices. It litigates or intervenes in cases implicating the right to privacy in courts around the world. To ensure universal respect for the right to privacy, it advocates for strong national, regional and international laws that protect this right.

Australian Lawyers for Human Rights was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialist thematic committees. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.

CryptoAUSTRALIA is a not for profit organisation whose vision is a society where everyone in Australia has the necessary skills to defend their privacy. Our mission is to inform and educate ordinary citizens and professionals on privacy and information security. We develop, engage, and grow a community that is concerned with privacy matters. Check out our website for our latest talks and workshops: <https://cryptoaustralia.org.au>.

Electronic Frontiers Australia has been protecting and promoting digital rights in Australia since 1994.

Digital Rights Watch is a national charity whose mission is to ensure that Australian citizens are equipped, empowered and enabled to uphold their human rights in digital spaces.

The Human Rights Law Centre protects and promotes human rights in Australia and in Australian activities abroad through a strategic mix of legal action, advocacy, research, capacity building and UN engagement.

The NSW Council for Civil Liberties (NSWCCL) was founded in 1963 as an independent advocacy body with the aim of defending the rights and liberties of Australian residents. It is now one of Australia's leading human rights and civil liberties organisations and has NGO Special Consultative Status with the UN Economic and Social Council.