



National Security And Access To Information Statewatch

D. Cole



National Security And Access To Information Statewatch:

Protecting National Security Phil Glover, 2021-07-27 This book contends that modern concerns surrounding the UK State's investigation of communications and more recently data whether at rest or in transit are in fact nothing new. It evidences how whether using common law, the Royal Prerogative or statutes to provide a lawful basis for a state practice traceable to at least 1324, the underlying policy rationale has always been that first publicly articulated in Cromwell's initial Postage Act 1657, namely the protection of British national security broadly construed. It further illustrates how developments in communications technology led to Executive assumptions of relevant investigatory powers administered in conditions of relative secrecy. In demonstrating the key role played throughout history by communications service providers, the book also charts how the evolution of the UK Intelligence Community, entry into the UKUSA communications intelligence sharing agreement 1946 and intelligence community advocacy all significantly influenced the era of arguably disingenuous statutory governance of communications investigation between 1984 and 2016. The book illustrates how the 2013 Intelligence Shock triggered by publication of Edward Snowden's unauthorized disclosures impelled a transition from Executive secrecy and statutory disingenuousness to a more consultative, candid Executive and a policy of transparent secrecy now reflected in the Investigatory Powers Act 2016. What the book ultimately demonstrates is that this latest comprehensive statute, whilst welcome for its candour, represents only the latest manifestation of the British state's policy of ensuring protection of national security by granting powers enabling investigative access to communications and data in transit or at rest, irrespective of location.

Secrecy, National Security and the Vindication of Constitutional Law D. Cole, 2013 This is an important collection of scholarly essays that will illuminate positive legal developments and normative constitutionalist concerns in the expanding arena of secret government decisions. This book is indispensable reading for those concerned with constitutionalism, the rule of law and democracy as they bear on the tensions between secrecy and disclosure in government responses to terrorism.

Vicki C Jackson, Harvard University Law School, US This book contains the broadest and deepest analysis of the legal and policy issues that relate to secrecy and national security on one hand and the imperatives of a functioning democracy on the other. The broadest because it brings to bear materials from many countries, the deepest because it brilliantly explores a core problem of constitutional government.

Norman Dorsen, New York University, US and President American Civil Liberties Union 1976-1991 Virtually every nation has had to confront tensions between the rule of law, demands for transparency and accountability and the need for confidentiality with respect to terrorism and national security. This book provides a global and comparative overview of the implications of governmental secrecy in a variety of contexts. Expert contributors from around the world discuss the dilemmas posed by the necessity for and evils of secrecy and assess constitutional mechanisms for checking the abuse of secrecy by national and international institutions in the field of counter terrorism. In recent years, nations have relied on secret evidence to detain suspected terrorists and freeze their assets.

have barred lawsuits alleging human rights violations by invoking state secrets and have implemented secret surveillance and targeted killing programs The book begins by addressing the issue of secrecy at the institutional level examining the role of courts and legislatures in regulating the use of secrecy claims by the executive branch of government From there the focus shifts to the three most vital areas of anti terrorism law preventive detention criminal trials and administrative measures notably targeted economic sanctions The contributors explore how assertions of secrecy and national security in each of these areas affect the functioning of the legal system and the application of procedural justice and fairness Students professors and researchers interested in constitutional law international law comparative law and issues of terrorism and security will find this an invaluable addition to the literature Judges lawyers and policymakers will also find much of use in this critical volume

Statewatching the New Europe Tony Bunyan,1993 1 Glossary of groups The Right to Know, the Right to Live Richard Calland,Alison Tilley,2002 The right to access information is explored in this book The focus is on the South African law said to be the strongest access to information law in the world but there is an international perspective with contributions from India Bulgaria the United Kingdom and the United States

The Information Management Journal ,2004 European Access ,1998 *A New Review Mechanism for the RCMP's National Security Activities* Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar,2006 PSI Handbook of Global Security and Intelligence [2 volumes] Stuart Farson,Peter Gill,Mark Phythian,Shlomo Shpiro,2008-04-30 Looks at national approaches to security and intelligence and the resulting impact on international cooperation This two volume work provides chapters on national cultures of security and intelligence that address common questions and themes

Transparency in Global Change Burkart Holzner,Leslie Holzner,2006 An examination of the quest for information exchange in an increasingly international open society Transparency in Global Change discusses the reasons for the recent increase in public desire for transparency and the byproducts this transparency can produce

Public Sector Information in the Digital Age Georg Aichholzer,Herbert Burkert,2004 This timely volume reviews key issues and developments in the controversial area of public sector information PSI It addresses the fundamental themes challenges and conflicts surrounding the access to and use of PSI in the new digital era Using detailed empirical analyses and case studies from across Europe and the USA the authors focus on the crucial policy economic legal and social issues This is one of the first books devoted to addressing the new challenges of access to PSI and the role of public policy The international contributors including leading experts from Europe and the US have produced an informative and coherent resource that will be of interest to scholars students and decision makers working in the fields of public policy economics political science law and information technology Jacket

Transnational Law & Contemporary Problems ,2005 Free Speech in Fearful Times Allan Manson,James Turk,2007-04 Following the events of 9 11 rashly conceived anti terror laws were introduced that put civil liberties at risk Free Speech in Fearful Times offers a unique perspective on how the laws created to protect us can actually harm us

Blackstone's

Guide to the Freedom of Information Act 2000 John Wadham, Jonathan Griffiths, 2005 The Blackstone's Guide Series delivers concise and accessible books covering the latest legislation changes and amendments Published within weeks of an Act they offer expert commentary by leading names on the effects extent and scope of the legislation plus a full copy of the Act itself They offer a cost effective solution to key information needs and are the perfect companion for any practitioner needing to get up to speed with the latest changes The Freedom of Information Act 2000 makes the right to access documents a reality for the first time This legislation creates a new fundamental right to open government The legislation will have a very significant impact on all public authorities The Act also makes substantial amendments to for example the regimes of data protection and public record keeping The right to access documents itself finally comes into force in January 2005 and it will then become essential for practitioners in the field to know about how to work with and apply its various sections The 2nd edition of this popular Guide provides updated commentary and information on developments since Royal Assent The new edition will include the finalised Codes of Practice and reference to relevant Statutory Instruments plus further information and commentary on Data Protection and related Scottish and European legislation *The John Marshall Journal of Computer & Information Law*, 2003

The War on Freedom and Democracy Tony Bunyan, 2006 This is a collection of sixteen essays specially written for the launch of the European Civil Liberties Network [The Internet Connection](#), 2002

Mapping Transatlantic Security Relations Mark B. Salter, 2010-04-15 This book examines how legal political and rights discourses security policies and practices migrate and translate across the North Atlantic The complex relationship between liberty and security has been fundamentally recast and contested in liberal democracies since the start of the global war on terror In addition to recognizing new agencies political pressures and new sensitivities to difference it is important that not to over state the novelty of the post 9 11 era the war on terror simply made possible the intensification expansion or strengthening of policies already in existence or simply enabled the shutting down of debate Working from a common theoretical frame if different disciplines these chapters present policy oriented analyses of the actual practices of security policing and law in the European Union and Canada They focus on questions of risk and exception state sovereignty and governance liberty and rights law and transparency policing and security In particular the essays are concerned with charting how policies practices and ideas migrate between Canada the EU and its member states By taking field approach to the study of security practices the volume is not constrained by national case study or the solipsistic debates within subfields and bridges legal political and sociological analysis It will be of much interest to students of critical security studies sociology law global governance and IR in general Mark B Salter is Associate Professor at the School of Political Studies University of Ottawa

Key Texts on Justice and Home Affairs in the European Union Tony Bunyan, 1997 Vol 1 60 reports and documents on policing immigration and asylum Ad Hoc Group on Immigration legal cooperation the Trevi group and acquis the Schengen Agreement and acquis

Europe's Area of Freedom, Security, and Justice Neil Walker, 2004 This

collection brings together leading specialists in the areas of European Union law which are now organized under the Area of Freedom Security and Justice AFSJ The concept of the AFSJ was introduced into the EU Treaty framework by the Treaty of Amsterdam in 1997 and it incorporates migration law family reunion law asylum law police cooperation and cooperation in criminal law Each of these areas of law is the subject of an in depth examination in a separate chapter of this book The early years of the AFSJ building upon a substantial body of law already in place under the Treaty of Maastricht and various intergovernmental arrangements have witnessed a rapid expansion in legislative and executive activity in the field of European internal security In migration law family reunion law asylum law police co operation and co operation in criminal law the scale and intensity of action at the supranational level is already such as to overturn longstanding assumptions about the priority of national law in matters of migration control and criminal justice An introductory chapter examines the various policy strands covered by the AFSJ investigates what if anything can be viewed as its distinctive legal underpinning and discusses its possible future development in the light of current discussions over the adoption of a first documentary Constitution for the European Union In addition to setting out the main contours of legal policy each chapter examines the continuing tension between national sovereignty on the one hand and a growing commitment to collective EU wide action on the other The volume also addresses the wider constitutional implications of a growing supranational capacity in questions of the priority of political values in the evolving EU fundamental rights protection the control of new forms of executive and administrative discretion and the pressures of accommodating the ten new Enlargement states within the internal security field

Data Protection Rosemary Jay, Angus Hamilton, 2003 Focusing on restitution this title provides comprehensive interpretation of various aspects of the subject It first examines the principles of unjust enrichment and then goes on to give detailed coverage of the principles and practical applications of mistake compulsion necessity ineffective transactions and defences

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