GLOBAL INFORMATION SOCIETY WATCH 2014

Communications surveillance in the digital age

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AUSTRALIA

Internet the panopticon: Exhibition and surveillance

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Introduction

The story of the internet is imbued with our desire to tell each other stories – *the campfire of our times* as artist/musician Laurie Anderson[1] harvested from her iconic imagination. It is from such like minds – exploratory, free-thinking and socially conscious – that the earliest of computer networks rebuilt themselves upon and throughout the emergent internet, an internet of like minds that would inform, inspire and challenge the power structures that threatened the well-being of people, their culture and the flora and fauna on the precipice of extinction. That is the ideal many of us held onto as we travelled the world bringing modems to where they were needed, to where they were wanted. Things did not work out as we had envisaged, but we held our ground.

This report discusses the privacy and online security concerns of 13 Australians, two Malaysians and an ex-pat living in the United States (US), all of whom have journeyed the internet in unique ways, some since its inception and others in more recent times. They are all colleagues of mine, most of whom I have worked with or met through online media projects over the past 25 years. I wanted to know how we were doing as an online community, given both our aspirations at the outset and the revelations that continue to haunt our presence online, and that of the global internet community.

As early as 1986 a panel at the annual conference for computer graphics, SIGGRAPH,[2] predicted that creative and social uses of computing would overtake scientific and technological uses within ten years. Not a bad piece of crystal-ball gazing. We thought, or at least I thought, this would be a good thing. In 1989 Ian Peter, co-founder of Australia's Pegasus Networks, sought affordable global communications for everyone. I liked the sound of that and hopped on board. Online activist Mysta Squiggle was keen to connect "activists and people with odd interests, including whistleblowing." Seemed to fit with our work at Pegasus Networks. We sought to make this happen.

Dr. June Lennie, convenor of a Queensland rural women's network, "saw the internet and email as potential means of supporting and empowering women and reducing the isolation of women in rural and remote Queensland." Her critique of networks, "that computers were linked to masculine discourses of technology which tended to exclude women and created barriers to the effective use of computers by women," was taken up with vigour through the Association for Progressive Communications' Women's Networking Support Programme (APC WNSP), which in the early 1990s Pegasus Networks had also contributed to.

NGO worker Sandra Davey saw the early internet informing, empowering and connecting us, while others, such as musician Andrew Sargeant, aspired to "play Doom online with four players via BBS[3] on 28.8k dial-up connection." Andrew's BBS networks would often dovetail with ours. Those kids playing Doom, some of whom I would meet, would aspire to be informed and empowered and stimulate connected communities, just as Sandra foresaw.

It was sounding pretty good. However, whether it be game play, whistleblowing or affordable communications for everyone, the promise was no match for the threat that lay ahead. I myself humbly predicted that repression – or power structures for that matter – would be no match for an informed citizenry.[4] In fact, the backlash to our efforts has been so all consuming, so pervasive, that 25 years later Squiggle considers the only remaining level playing field is an internet with no privacy whatsoever!

1 McCorduck, P. (1994). America's Multi-Mediatrix. *Wired*, March. archive.wired.com/wired/archive/2.03/anderson.html

2 SIGGRAPH, founded in 1974, is an international community of researchers, artists, developers, filmmakers, scientists and business professionals who share an interest in computer graphics and interactive techniques. www.siggraph.org/about/about-acm-siggraph

3 Bulletin Board Services (BBS) were computers reachable by way of a direct phone call via a modem. BBS software provided the user, once a call was successfully made, with access to publicly accessible files and real-time text-based chat.

4 Garton, A. (1993) The Net: Promise or Threat? *21-C*, 12, Autumn 1994.

Who cares about online privacy?

Apart from Squiggle, who proposes an internet bereft of privacy, my colleagues care deeply about their privacy. Closer to home, do Australians care about theirs?

A survey conducted by the Office of the Australian Information Commissioner (OAIC), with results published in October 2013, unreservedly clarified that Australians of all ages do care about their privacy, specifically around improper information sharing, collection and processing by businesses and government agencies.[5]

Bruce Baer Arnold, assistant professor at the School of Law at the University of Canberra, summarised these findings by describing that some Australians "aren't engaging with businesses they consider untrustworthy. Some are complaining about privacy abuses… some young people claim their privacy is important but still engage in 'too much sharing' on social networks such as Facebook." In general, consumers "have a perception that governments actually don't care much about the privacy of ordinary people."[6] So what does the government care about?

What does the government care about?

Well, surprise surprise. The Australian government wants to know what its citizens are doing. All of its law enforcement bodies are keen to support a mandatory data-retention scheme. And they are using Edward Snowden's revelatory leaks as an excuse to increase privacy encroachments in Australia. An extract from the Australian Security Intelligence Organisation's (ASIO) response to the Senate Inquiry into the Telecommunications (Interception and Access) Act 1979 reads:

> These changes are becoming far more significant in the security environment following the leaks of former NSA contractor Edward Snowden. Since the Snowden leaks, public reporting suggests the level of encryption on the internet has increased substantially. In direct response to these leaks, the technology industry is driving the development of new internet standards with the goal of having all Web activity encrypted, which will make the challenges of traditional telecommunications interception for necessary national security purposes far more complex.[7]

This is the first time in Australia that the alleged uptake of encryption software as a consequence of a whistleblower's leaks is used as an argument to push for legislation that would effectively see ASIO spy on most, if not all Australian citizens. Chris Berg, director of policy at the Institute of Public Affairs, says "the Snowden angle is a new one, demonstrating the rhetorical leaps that agencies such as ASIO are willing to make to grab new powers."[8]

The internet, and offspring technologies, have become the one-stop-shop for knowing all things about everyone. It forgets little to nothing. There was a time when the Australian government could not care less about the internet. In the early 1990s the government and many NGOs were still coming to grips with fax machines. Faxes presented their own challenges at a time when many of us were encouraging Australian progressives and community organisations online, as well as critical human rights observers and indigenous community support advocates across Southeast Asia and the Pacific Islands. We were seen as odd and idiosyncratic. At that time the early internet was about as complex to most people as a VHS[9] remote control.

However, in spite of the internet, the Australian government has kept a close watch on its citizens for some years. In fact, a "multilateral agreement for cooperation in signals intelligence between the United Kingdom, the United States, Canada, Australia, and New Zealand", otherwise known as the Five Eyes, originated in 1941. Originally referred to as the UKUSA Agreement, it was allegedly a secret treaty hidden from parliamentarians until 1973, when it became known to the prime minister of the day, Gough Whitlam. Whitlam went on to discover that a secret surveillance station known as Pine Gap, located in the Northern Territory, was allegedly operated by the US Central Intelligence Agency (CIA). Strongly opposing the use of Pine Gap by the CIA, Whitlam fired the then head of ASIO before he himself was controversially dismissed as prime minister by order of the Governor-General Sir John Kerr in 1975.

5 OAIC. (2013). *Community Attitudes to Privacy survey Research Report 2013*. www.oaic.gov.au/privacy/privacy-resources/privacy-reports/oaic-community-attitudes-to-privacy-survey-research-report-2013

6 Baer Arnold, B. (2013, October 9). The Australian public cares about privacy: do politicians? *The Conversation*. theconversation.com/the-australian-public-cares-about-privacy-do-politicians-19033

7 ASIO submission to the Senate inquiry into a comprehensive revision of the Telecommunications (Interception and Access) Act 1979, February 2014. goo.gl/6wbcqh

8 Berg, C. (2014, March 18). ASIO: Fixing one massive privacy breach with a second massive privacy breach. *Freedom Watch*. freedomwatch.ipa.org.au/asio-massive-privacy-breach-second-massive-privacy-breach

9 The video home system (VHS) is a consumer-level analogue recording videotape-based cassette standard developed by Victor Company of Japan. en.wikipedia.org/wiki/VHS

In subsequent years both funding to and the powers of ASIO have increased at an unprecedented pace,[10] including amendments to the ASIO act, giving it the wherewithal to spy on anyone involved in WikiLeaks.[11] Moves to impose judicial oversight on ASIO, based on the recommendations of two reports – one by the Council of Australian Governments – were presented to the government in December 2013. This has all but been shelved by the present government, which has substantially increased resources to both ASIO and the Australian Secret Intelligence Service (ASIS).[12] Additionally, ASIO's relationship with US agencies has deepened. Documents from the US National Security Agency (NSA),[13] dated February 2011, describe the ever-widening scope of the relationship Australia has with them, in particular assistance with the increased surveillance of Australian citizens.[14] It has also been revealed that a secret 2008 document states Australia's Defence Signals Directorate offered to share with its major intelligence partners, namely those that make up the Five Eyes, information collected about ordinary Australians.[15]

Did we get the internet we wanted?

Many of us sought a means to inform the largest number of people about local and international events that were overlooked by mainstream media. Self-professed "geek" and businesswoman Juliette Edwards put her efforts into a vision of a "more open-minded global community with less fear and more tolerance of others' differences." Sandra Davey experienced an internet that did connect "like-minded peeps throughout the world and it was all about action. The internet informed us, empowered us, connected us," while founder of the Australian Centre for the Moving Image and now painter John Smithies foresaw the opportunities that "graphics and audio standards" afforded the imminent development of technologies that would see an internet populated by video.

Like many who sought to change the way we govern, feed and sustain ourselves, through equitable means that would feed a population more tolerant of each other, more conscious of the world we inhabit and eat from, we seem to have created the ultimate in panopticons.

John's vision of video everywhere is one of the miracles of the internet, while the altruistic expectations are being fought over day in day out. In some respects we seem to have also found a world increasingly less tolerant of each other.

With everyone online serving up individual opinions, the notion of an informed public making informed decisions is increasingly questionable. But as tragedies, such as the 2009 Black Saturday Bush Fires in Australia, bring people of all persuasions together to find a common bond and common ground, international events are no doubt driving the like-minded together in ways we have yet to truly know.

We are the exhibitors in a surveillance society, a virtual panopticon that documents our movements from street corner cameras to MAC[16] address readers, from ATMs[17] to border controls, modulating our personality profiles with billions of "likes" and "tweets" and the content that billions more share willingly on cloud servers that may as well be as porous as polymeric foams! The internet is young and naïve. Perhaps so are we... and many are suffering for it. May it not be so for much longer.

Do we need to be watched?

We all want to reach in and across the net to inform ourselves, to share in confidence intimate moments between friends and family, whether it be in an email or photos and videos within social networks. Some of us would like to find new audiences for our personal endeavours, whether it be research, poetry, knitting or stamp collecting... and we find inspiration in others we might meet in those spaces and the ones we find in between. This is the kind of internet I had sought to contribute to; not one that

10 Keane, B. (2011, July 5). ASIO gets its new powers – and no one will tell us why. *Crikey*. www.crikey.com.au/2011/07/05/asio-gets-its-new-powers-and-no-one-will-tell-us-why

11 Intelligence Services Amendment - "Wikileaks Amendment", speech by Senator Scott Ludlam, 4 July 2011. greensmps.org.au/content/speeches/intelligence-services-amendment-wikileaks-amendment

12 Garnaut, J. (2014, July 10). ASIS and ASIO to get injection of funds to fight threat from Middle East. *The Sydney Morning Herald* www.smh.com.au/federal-politics/political-news/asis-and-asio-to-get-injection-of-funds-to-fight-threat-from-middle-east-20140710-zt3dm.html

13 Greenwald, G. (2014). *No Place to Hide: Edward Snowden, the NSA, and the U.S. Surveillance State.* New York, Metropolitan Books.

14 Farrell, P. (2014, May 13). Australia asked Americans for more help to spy on Australian citizens. *The Guardian*. www.theguardian.com/world/2014/may/13/australia-americans-help-spy-terror-suspects

15 MacAskill, E., Ball, J., & Murphy, K. (2013, December 2). Revealed: Australian spy agency offered to share data about ordinary citizens. *The Guardian*. www.theguardian.com/world/2013/dec/02/revealed-australian-spy-agency-offered-to-share-data-about-ordinary-citizens

16 A media access control address (MAC address) is a unique identifier assigned to network interfaces, such as the networking components of a smartphone, by the manufacturer of a network interface controller (NIC), and is stored in its hardware. en.wikipedia.org/wiki/MAC_address

17 An automatic or automated teller machine (ATM) is an electronic interface common to banking services.

finds one self-censoring within known commons, whether it be public or privately owned.

Self-censorship can be a great tool when wanting to find common cause with people of wide-ranging interests. However, within the context of mass surveillance, self-censorship is, as Ian Peter describes, "an affront to human dignity." Ian goes on to suggest that "humans have worked together before to limit excesses in the common good. Clearly we have excesses here and we need necessary and proportionate principles to be applied to surveillance."

Only those who are committing serious internationally recognised crimes ought to be fearful of surveillance. The rights of the rest of us need to be respected. Confidentiality, as Peter puts it, is "important to social discourse and as a part of freedom of expression." Anonymity protects the outspoken in politically volatile countries; however, June Lennie agrees with the idea that "not allowing people to post messages anonymously could reduce the amount of abuse that happens online these days."

Whether we continue to abuse each other or find common cause to rail against those who would stifle free expression and inquiry remains to be seen. As I write, the present Liberal/National coalition government in Australia has cancelled the contract of the Australia Network, the public broadcast unit that served the Asia-Pacific region, resulting in 80 job losses in both the Asia Pacific News Centre and Australian Broadcasting Corporation (ABC) International.[18] Constraints to independent media in Australia are being gruffly imposed, with the Australia Network being the first to be axed, and further cuts to the national broadcaster, the ABC,[19] expected. It is no secret that Rupert Murdoch has had a hand in these changes,[20] furthering the notion that Australia is following the US in whatever means necessary to undermine the egalitarian principles of democracy, replacing it with an oligarchy.

Turning the panopticon back in on itself

Vested interests in the internet and its ever-increasing outreach through devices that we use every day are no doubt watching and recording our every movement. Photographer Werner Hammerstingl describes the internet as "a place where it's not always easy to escape the data harvesting and profiling that's now omnipresent." Sandra Davey "can't stand the idea of bots and humans compiling data" about her – behind-the-scenes features that she has not given any permission for. "It irks me, it upsets me," she says. "I do the best I can to prevent that, but I fear for how much is already known about me out there somewhere."

Can we turn the panopticon in on itself? Does the internet still give us the means to create the world we would like to live in? Can we do so in a world where, as Sandra describes, the next generation that hops online after us "has little understanding of what they've given away, barely without a thought"? As a woman, Davey is "deeply fearful and concerned about what has happened to thousands of young girls who have traded their utmost privacy for instantaneous gratitude, fun, play or recognition."

Broadcaster and writer Nyck Jeans suggests that we can turn the panopticon back in on itself. There is always "the potential that those who challenge the system CAN gain access, educate us, subvert and shift world opinions through the very same methods the 'powers' use to peek into lives and seek control via knowledge of private habits and political affiliations."

Governments are behaving badly, but we need governance structures to deal with the inequities, to tackle the oligarchs and hold security services accountable. The internet has proved to be so powerful a means to make such a thing possible that it has been turned against us. But for those of us who helped to create it, we know that we have the means, and those in the coming generations who have the technical means and political willpower can and will use the promise of an internet commons.

"Governments," Matt Abud says, "often can, and will, use their tools for anti-democratic state agendas, and they'll manipulate the crime rhetoric to advance towards other, unconnected goals."

Even so, Matt continues, we still need governments to tackle organised crime. "It needs transparent oversight of accountable regimes, rather than only taking power away from regimes. That's the conundrum."

Our voices, our intentions, our loves and passions may be heard and recorded, but do we remain silent, do we contest the commons the internet promised?

18 Australian Associated Press. (2014, July 14). ABC to lose 80 staff in Melbourne due to budget cuts, union confirms. *The Guardian*. www.theguardian.com/media/2014/jul/14/abc-to-lose-80-staff-in-melbourne-due-to-budget-cuts-union-confirms

19 Dempster, Q. (2014, June 4). What we will lose if we destroy the public broadcaster. *Crikey*. www.crikey.com.au/2014/06/04/what-we-will-lose-if-we-destroy-the-public-broadcaster

20 Dyer, G., & Keane, B. (2013, December 3). The ABC v the Murdochs: your guide to the battlefields. *Crikey*. www.crikey.com.au/2013/12/03/the-abc-v-the-murdochs-your-guide-to-the-battlefields

Media theorist and writer Paul Brown reminded me of this poem by Martin Niemöller:[21]

> First they came for the Socialists, and I did not speak out –
>
> Because I was not a Socialist.
>
> Then they came for the Trade Unionists, and I did not speak out –
>
> Because I was not a Trade Unionist.
>
> Then they came for the Jews, and I did not speak out –
>
> Because I was not a Jew.
>
> Then they came for me – and there was no one left to speak for me.

It is not uncommon....

It is not uncommon that I hear the sound of children crying in my sleep. The world has become, Juliette Edwards says, our prison. We are reading daily of the poor behaviour of governments and their security services the world over, in particular the Orwellian NSA and their contempt for any public oversight or scrutiny.

Every day we are seeing footage from war zones and outright, brazen atrocities perpetrated by powerful governments and their elites on civilian populations increasingly marginalised by inept international response; and the castration of independent media and the victimisation of journalists. A year since Snowden's infamous revelations, one wonders if anything has changed. The screws are tightening and I still hear the sound of children crying as I sleep.

"If there is anything important in all the masses of noise," suggests Andrew Sargeant, "it would be like finding a haystack, inside a needle, inside a haystack."

21 en.wikipedia.org/wiki/First_they_came_