

Balancing national security and access to information



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National security has become one of the main policy drivers for the Australian government. The Federal Opposition too has recently enhanced its policy interest in security. Mark Latham, Leader of the Opposition, used homeland security as the headline and lead theme in announcing his new shadow cabinet in December last year. 'In policy terms the main changes concerns [sic] Homeland Security, the safety and security of the Australian people here in Australia. The newly created portfolio in the shadow cabinet will encompass border protection, crime prevention, intelligence gathering, investigation and prosecution, taking in all domestic counter-terrorism agencies. It will also cover Labor's commitment to and policy agenda for community security.'

The protection of the physical security of all Australians is a fundamental obligation of government Mark Latham rightly claims, as does Prime Minister John Howard. Just as important is the protection of those fundamental rights expressed in ALIAs objects and values — the rights of all Australians of freedom of access to information and freedom of expression. The policy challenge for governments and their oppositions is to secure the first obligation without compromising or diminishing the second such as through censorship, restricting access or using information or misinformation for political gain.

The federal parliament has been very active over the last two years in legislating or implementing plans and systems relating to security or information. Many of these were outlined by the Prime Minister in the information kit (and fridge magnet) distributed to all households in February 2003 which urged us to keep an eye out and report on the Hotline anything suspicious, keep informed, and now more than ever to respect our different backgrounds and beliefs. (In the first six months of the Hotline fifty-four per cent of the almost 20 000 calls provided information). The role Australia's library and information services networks play in enabling citizens to be informed in any aspect of their life is a consistent message in our lobbying and advocacy work, most recently in correspondence with Mark Latham.

The Government is working with the business community to strengthen the security of Australia's information infrastructure. In a recent speech Minister Daryl Williams stated that the protection of our information systems and the national information infrastructure is now more important than at

any other time in our history. Initiatives aim for security for business continuity as much as against terrorism and include: the trusted information-sharing network (TISN) which supports medium- to long-term planning to protect both physical and information infrastructure; AusCERT an alerts scheme to warn businesses about potential threats and vulnerabilities to their computer systems; the Attorney-Generals Department guidelines for the management of IT evidence to encourage businesses to seek damages for breaches of IT security and to adopt better IT security practices; and investigating a range of potential research projects and support mechanisms to strengthen critical infrastructure protection.

Travelling across the Pacific (taking care not to congregate in the aisle or near the toilets) the United States provides examples of legislation worthy of note in our own legislation watch. The *Homeland Security Act of 2002* includes an exemption from the *Freedom of Information (FOI) Act* for critical infrastructure information (CII) with industry to decide what constitutes CII that will be kept secret, empower the federal government to override any states own FOI legislation, and provisions that enable internet service providers to supply additional information about subscribers without court orders. Also, early in 2003 US agencies pushed for editorial protocols for more than twenty leading scientific journals, including *Science* and *Nature* to censor articles that could inadvertently compromise national security, regardless of their scientific merit. Under the *USA PATRIOT Act* FBI agents can obtain court orders to examine user borrowing and internet use records.

Notably the Australian parliament is currently debating the Communications Legislation Amendment Bill (No.1) 2002 which includes an amendment that provides the Australian Broadcasting Authority (ABA), the Office of Film and Literature Classification (OFLC), the Classification Board and the Classification Review Board with blanket exemption from FOI requests for documents that contain or facilitate access to offensive internet content as determined under the provisions of the *Broadcasting Services Act*. The opposition does not support the amendment on the basis that it would prevent any public scrutiny, through FOI and legal challenge of the censorship of particular internet sites by any of these agencies. The proposed removal of FOI rights through this blanket exemption is not justified and has certainly not been triggered by an unmanageable number of claims — there has only been one FOI request of each of the ABA and OFLC. This is during a period (2002–2003) of the highest recorded number of FOI access requests (41 481), with ninety-two per cent being for personal information — perhaps indicating an increase in awareness by Australians of their rights to access information. ■

New service for ALIA members

ALIA career-long learning user guide

The ALIA career-long learning user guide, a new member-only service, is now available on the ALIA website [<http://alia.org.au/members-only/education/cpd/userguide/?realm=11>]. The guide details the ALIA education framework, the rejuvenated CPD scheme and how learning can be turned into credentials. For further information please contact Marie Murphy, ph 02 6215 8218, fx 02 6282 2249, or marie.murphy@alia.org.au