

Mass Surveillance Jeopardizes The Basic Spirit Of Democracy

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Mass Surveillance, National Security, and Democratic Freedom

Mass surveillance is the surveillance of a substantial fraction of a population to monitor a group of citizens. The concern about mass surveillance has been growing since the revelation of top secret data by a group of journalists to whom Mr. Edward Snowden, an ex-US national security insider, spoke in June 2013 about the mass surveillance and extensive infringement practices that were not known to the citizens and many politicians. The information in the secret files triggered the debate about mass surveillance by the intelligence agencies of the countries, including the US, and the lack of suitable legal parameters and methodological protection at the national and international levels around the globe. The data revealed that the intelligence agencies of several countries have installed extensive technologically advanced systems. This system collects, stores, and analyses communication data on a huge scale. Moreover, the leaked data provided compelling evidence of targeted surveillance methods with which a number of individuals are being continually watched. The mass surveillance jeopardizes the basic spirit of democracy.

Senior intelligence officials asserted that to counter the terrorist attacks effectively, there is a need for effective targeted surveillance of alleged criminals and other terrorist organizations. This targeted surveillance system can be a useful tool for law enforcement authorities to improve the law and order situation in the country. However, studies in the [United States](#) show that mass surveillance has not been effective in the prevention of terrorist attacks, contrary to officials' assertions. Unfortunately, the resources that might be utilized to prevent terrorist attacks are being exhausted for mass surveillance, rendering the potentially unlawful individuals free to act.

Intelligence Cooperation, Privacy Violations, and Public Trust

The surveillance practices that were revealed in the top secret data showed that the NSA and their partners circumvent national restrictions by swapping data on each other's citizens for security purposes at the cost of the basic rights of people that are promised by democracy. (Joint Task Force, 2020) The mass surveillance system puts the fundamental rights of the people in danger: the right to privacy, the right to a fair trial, freedom of information, freedom of expression, and freedom of

religion, to name a few. (U.S. Const. amend. IV) These basic rights are the cornerstones of democracy; therefore, infringing these rights without proper judicial control means infringing the rule of law.

After the mass surveillance practices were made known by Edward Snowden, the respective parliaments of US and European countries organized hearings for the respective competent US authorities and their European counterparts. These authorities were reluctant to come and refused to attend the hearings, which contributed to worsening the public confidence and the public-government trust. The lack of response from the concerned authorities also fanned the concern about the catastrophic consequences of mass surveillance tools if they fall into the hands of extremist politicians and authoritarian rule, which is possible even in modern established democracies. An authoritarian regime will utilize the mass surveillance system to hunt down their political adversaries and to hold back freedom of information and expression.

In his article, the writer writes that the method of mass surveillance practiced by various states disclosed through secret files has severely damaged the mutual trust between the citizens and the government based on respect for human rights and the rule of law. The mutual trust between the citizens and the government is the basis of democracy, and without that trust, there is no democracy. In order to rebuild the trust between citizens and their own government, a legal framework must be established to ensure the protection of the public right to privacy at the national and international levels. Such technical and legal framework must be enforced by an effective tool, as well as by improved parliamentary and judicial scrutiny.

Legal Safeguards and the Protection of Civil Liberties

In order to provide significant protection of the public right to privacy, the legislation assemblies of the US and several European countries endorsed the extensive use of encryption and opposed any efforts made to weaken encryption and other internet safeguards, not only to ensure the privacy of the citizens, but also to counter the national security threats from the cyber-terrorists, terrorists, rogue states, and ordinary criminals. The lawmakers also ensured that the personal data would only be collected and analyzed with the consent of the concerned person or only when the court ordered it to do so on the basis of substantial evidence that the person is involved in illegal activities. If any institution creates any technique to exploit or weaken security measures and unlawfully collects and analyzes data, it should be penalized for the violation of the law.

The legal framework that safeguards the public right to privacy also needs to be protected. It is protected by eliminating all the potential threats to its effective implementation. For instance, intelligence agencies are subject to adequate parliamentary and judicial control mechanisms. This control mechanism has access to enough information, expertise, and authority to review international cooperation without regard to the principles of intelligence agencies on a mutual basis. The database of all the institutions and business organizations that keep the personal data of the customers is

protected by advanced security measures. A credible and effective protection is provided for those journalists and other whistle-blowers who expose unauthorized surveillance practices. In case the whistle-blowers are threatened by the intelligence agencies, asylum will be provided for their unfair prosecution in their home country.

The “Snowden files” revealed how the privacy and several other basic human rights of American citizens are being infringed. Advanced technology is being used by the intelligence services of the US and some European countries that collect, store, and analyze a large amount of citizens’ personal data. If the use of mass surveillance systems is not generalized, nobody is safe from being inquisitive for national and international intelligence services. There is a need for an effective legal framework to safeguard people’s right to private life.

References

Joint Task Force. (2020). Security and privacy controls for information systems and organizations (NIST SP 800-53 Rev. 5). National Institute of Standards and Technology.

<https://doi.org/10.6028/NIST.SP.800-53r5>

U.S. Const. amend. IV. <https://constitution.congress.gov/constitution/amendment-4/>