

E-GOVERNMENT AGENDA PUTS PUBLIC BODIES AT RISK

Submitted by: Smye Holland Associates

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Meeting the government's target to put all public services on line could open local councils and other public bodies to a wide range of legal and financial risks, a conference in London has been told.

Roland Perry, director of public policy at the London Internet Exchange (LINX), was talking at Internet Goes Public, a meeting which brought together representatives of the Internet industry, local and central government to explore some of the practical issues involved in delivering 'e-government' in the UK.

Mr Perry told delegates: "Some of the things which government wants local councils to do will bring them very close to acting like Internet Service Providers in their own right. They may then find the police, acting under the new Regulation of Investigatory powers Act, will be calling on them asking for data to be used in evidence. It is not clear where the boundaries lie between being a council and being an ISP but few councils seem to have given thought to the responsibilities they may have to take on.

"Councils may also find themselves liable under the Computer Misuse Act if members of the public use the facilities now being provided at libraries to hack into computer systems. Precedent seems to have established that Internet cafes are liable in such circumstances and libraries would appear to be acting in a similar capacity where they provide terminals and on-line access for public use."

There are other areas of legal concern as well, Mr Perry told the conference. Councils and other public bodies may find themselves involved in legal actions relating to copyright, where material is inappropriately posted on websites, or for libel where an organisation fails to respond to a request to remove potentially offending material.

"There is no clear legal basis and no code of practice for local authorities regarding so-called 'notice and take-down' procedures," said Mr Perry. "The legal precedent has been well established that a council might become liable for damages if it continues to display something on its website after it knows that the material is there and is libellous – but the precedent does not define exactly when the council can be considered to know that something is libellous. Is it when someone alleges that there is a libel or when a court determines that there is a libel?"

"Until issues such as this are cleared up there are risks. Websites are particularly exposed to risks around copyright and libel because often there is no central control over what is placed on the website, with many departments and individuals – sometimes even external organisations and members of the public - contributing material."

Data protection and human rights legislation open up other areas of potential risk, Mr Perry said. For example, an e-mail address can be regarded as personal data – so publishing a list of the e-mail addresses of local school headmasters without following the correct procedures for obtaining consent could be unlawful. Streaming images from a webcam at a bus stop – useful for allowing would-be passengers to see the state of queues and the arrival or departure of buses – might run into problems with the Human Rights Act for breaching the privacy of passengers caught on camera.

Other areas of legal concern which councils need to consider include the possibility that, if they provide Internet services to a local community – or even just to selected 'partners' in their area – they may in effect be operating as telecommunications companies. In such circumstances they are obliged to meet a number of legal requirements and operate under strict codes of practice.

"All of this comes on top of the normal commercial risks surrounding fraud and security once you start handling personal data or taking payments for council services on-line," warned Mr Perry. "These risks, though, are well documented, well understood, largely preventable and easily over-stated.

"It is the potential legal minefields which councils and other public bodies are entering with the rapid expansion of e-government which should perhaps be of most concern because these have not been fully explored."

Internet Goes Public was jointly organised by the London Internet Exchange (LINX) for the industry and Public Sector Forums on behalf of government organisations. It was held at Redbus Interhouse in the London Docklands.

In addition to Roland Perry the speakers included Steve Marsh, director of security policy in the government's Office of the e-Envoy; John Souter, chief executive of LINX; Willie Black of UK Internet registry Nominet; and Dave Williams of Medway District Council.

Delegates from local authorities and a range of central government departments attended the event which was free to members of public sector organisations thanks to sponsorship received from Redbus Interhouse, Foundry Networks, Star Internet and Masons Solicitors.

Notes to editors:

LINX is a mutual organisation owned by more than 130 Internet and content delivery service providers. It allows competing networks to exchange Internet traffic cost-effectively, bringing speed and efficiency benefits to their customers. Its members include all the major UK ISPs, plus many from the USA, mainland Europe and the Far East and it currently handles up to 96 per cent of the UK's Internet traffic.

Public Sector Forums is a news and information portal for government and the wider public sector. It currently houses two projects - the Public Sector iDTV Forum and the Public Sector Content Management Forum. Well over half of all UK local authorities and a significant number of central government departments are represented within the membership.

Roland Perry is director of public policy at The London Internet Exchange (LINX). He has an extensive computer and Internet background. He opened the UK's 4th computer retail store, managed the engineering team behind AMSTRAD's computers, created an on-line supplement for Radio and Electronics World, helped to establish UK Online, and was a director of online conferencing company CIX and satellite and Internet trading service Efdex. In February 2001 Roland was nominated as "Internet Hero" in the ISPCON/ISPA Awards, and was listed in Internet Magazine's UK Top-50 in both July 2001 and 2002.

On behalf of LINX's members, Roland participates in many regulatory initiatives, including the Home Secretary's Child Protection Task Force (where he chairs the anti-SPAM Best Practice subgroup), and leads the UK Industry delegation to G8 Hi-tech Crime meetings. He is a member of the Main Board and Funding Council of the IWF, Vice Chairman of the Internet Crime Forum and sits on both the NICC and Telecoms Ombudsman IWG as an ACSP representative.

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