**Further written evidence submitted by Judith Ratcliffe, Privacy Professional and UK Citizen (CPB25)**

**Crime and Policing Bill Parts to Remove or Change**

1) **Part 1 – Respect Orders**

2) The list of organisations that can request RESPECT orders is too wide – Proposed Amendment remove Transport for London and Transport for Greater Manchester.

3) *Transport for London* staff appear themselves to abuse innocent members of the Public on a regular basis. Therefore they appear *not* to be able to be trusted to exercise appropriate judgement or fair/ lawful decision-making.

4) Also, why are Environment and Health Agencies allowed to request such orders.

5) People in hospitals where bodycameras are (But arguably shouldn't be used) may be caused a great deal of distress by the staff that film them (arguably unlawfully) and yet if they 'make a fuss about it' are they to have a 'respect order' requested or imposed?

6) People may be alarmed or distressed in circumstances that don't warrant respect orders because under the ordinary meaning of alarm or distress, a person may be doing nothing wrong – Organisations may use 'alarm' or 'distress' to punish complainants where they shouldn't.

7) Also "the balance of probabilities" is *not* (generally) the correct proof standard for any criminal offences, particularly because of the weight of penalties and consequences on family life and other fundamental rights and on social interactions, for example that may befall someone who has an unfair penalty imposed (e.g. someone who is subject to malicious allegations).

8) This may also be particularly pertinent to *without notice* respect orders.

9) **There should be provisions made about maximum retention periods for personal data and limitations on what police forces can do with the data – these are absent.**

10) **There should be provisions about when an innocent person has been wrongly accused, how they can get immediate redress, how they can get decisions overturned, set time limits by which police forces (and other organisations) must destroy innocent persons' data. Provisions to prevent 'further uses' of innocent persons' data are also absent.**

11) In relation to: Motorvehicles ‘causing alarm, distress or annoyance’ (currently S.8 on Page 17) – Recommend removal of this section.

**12) This section should arguably be removed because those three words ‘annoyance’, ‘alarm’ and ‘distress’ are entirely subjective. People shouldn’t simply be able to claim that something has ‘annoyed’ them, in order to subject another person to a criminal penalty – People often become annoyed when they have a low tolerance level for what might otherwise be considered perfectly acceptable behaviour (whether routinely, or, in particular circumstances).**

**13) Similar observations may be made in relation to Schedule 1 and housing ‘annoyance’. People and/or housing organisations shouldn’t simply be able to claim that something has ‘annoyed’ them, in order to subject another person to a criminal penalty – People often become annoyed when they have a low tolerance level for what might otherwise be considered perfectly acceptable behaviour (whether routinely, or, in particular circumstances).**

**14) <u>Part 3: Retail Crime</u>**

15) Please add an amendment that confirms how to appeal and get wrong decisions overturned.

16) Please add an amendment that confirms the offence of *malicious prosecution and malicious allegations* in relation to claiming that someone assaulted, battered & etc a shopworker when this was *not* the case.

*17)* Please confirm penalties for *malicious prosecution and malicious allegations made against innocent persons by retail staff (and or law enforcement on behalf of retail staff).*

*18)* Reason: There must be deterrents against malicious allegations and malicious prosecution (*both of which appear to happen more often than might be thought).*

19) **Page 40 – Section 46B Section 46A Supplementary –**Please remove this ‘defence’ – It appears often to be law enforcement officials who are in the press for e.g. looking at pornographic images of children – Allowing law enforcement officials the excuse that ‘they made it for work purposes’ arguably encourages such behaviour.

20) Also – wasn’t it (if I recall correctly) in Edward Snowden’s report that intelligence services staff in the USA, were accessing indecent images of people

21) [Newsweek, *Snowden claims NSA Workers Circulate 'Sexually Compromising' Images of Targets,* 17 July 2014 © 2025 Newsweek Digital LLC

22) https://www.newsweek.com/snowden-claims-nsa-workers-circulate-sexually-compromising-images-targets-259618]

23) and a security firm hit the headlines in the register for voyeurism in relation to a client's family members, when they were supposed to only monitor for security intruders in their home

24) [McCarthy Kieran, *Rogue ADT tech spied on hundreds of customers in their homes via CCTV, including me, says teen girl,* 19 May 2020, The Register © The Register 1998-2025

25) https://www.theregister.com/2020/05/19/adt_spying_lawsuit].

26) The UK Government would be prudent to make sure that the Intelligence Services, Security Firms and Law Enforcement Agencies are deterred (instead of being encouraged) from generating such images.

27) Forbidding generating such images would be a good start.

28) Strict liability offences for employees of those organisations must be included in legislation, to help act as a deterrent, too.

29) **Part 6 (s. 69 Stalking protection orders on acquittal & etc)**

30) **Proposed amendment – *Remove* (2 and within it A1 and 2A)** which appears to be about subjection people to 'stalking protection orders' when they have been acquitted, when convictions have been overturned.

*31)* As the European Court of Human Rights has held on numerous occasions, in key cases such as *S & Marper v the United Kingdom,* 'the acquitted' are entitled to the presumption of innocence *(arguably therefore so would those who have had **convictions overturned).***

*32)* And the European Court of Human Rights has also confirmed, again including in cases such as *S & Marper,* that people who are *entitled to the presumption of innocence,* must **not** be treated in the same way as convicted criminals.

*33)* Such things go to the heart of democratic societies and fairness.

*34)* Just because a person has been accused (and tried) of stalking offences, does *not* automatically make them guilty of such offences – therefore it would be manifestly unfair and go against the interests of democratic societies and

undermine the *Right to a Fair Trial*, to punish every person, who has been accused (and tried) of stalking offences, even where charges are dropped, or withdrawn, convictions are overturned and/or they are acquitted.

*35)* It would set a dangerous precedent in UK Law, to assume that being accused of a crime, makes someone guilty of it. The Post Office-Limited Scandal, is good evidence of where such a precedent has taken a dangerous hold – many innocent people lost their jobs and some their lives.

*36)* **S.77 Safeguarding vulnerable groups: regulated activity –** It is unclear what this section intends to add or remove from legislation – please clarify *in plain English.*

*37)* **Part 8: Prevention of Theft and Fraud**

*38)* **Please Remove S.78 (4) and S.79 (1) (b) – where courts may make assumptions unless defendants prove the reverse,** because they (arguably) unlawfully and unfairly reverse the burden of proof onto the defendant.

*39)* **Part 9 – Public Order**

*40)* **Please Remove S.86 – Offence of concealing identity at protests –** it arguably implies that all people who may wear things that conceal their identities (whether intentionally or not) behave badly when protesting and/or when passing through areas where protests take place.

*41)* There are times when people who are in no way involved in protests, may have to pass through those areas. They may not wish to be filmed or recorded by press. Why should those people be treated as though they are criminals.

*42)* Many protestors appear to be law-abiding, why should they be treated as criminals?

*43)* There may be times when people are unaware that constables have designated zones as areas where identities must not be concealed – there is nothing in the legislation to reflect this. The allowance for ‘oral designations’ in **S.88** compounds this and may give rise to entirely arbitrary and /or rushed decision-making, which may cause harm.

*44)* There is nothing in the legislation to prevent law enforcement officials from abusing their powers and/or abusing protestors (as sometimes seems to happen).

*45)* The legislation appears to seek to create or foment a 'them versus us' feeling, which cannot be helpful either to the General Public or to Law Enforcement Agencies, who I'm sure all want to contribute to peaceful protesting...

*46)* **Part 10: Powers of Police etc**

*47)* **S.93 and 94 – Electronically tracked stolen goods: search without warrant –** This appears to be an abuse of power, enabling arbitrary, unfair and unlawful searches by police officers. It contains no appreciation of the fact that '*electronic tracking data'* may be wrong, such as when IP addresses reflect the place where a computer was made, for example, or an IP address was created, and not the current owner/ user of the IP address.

47) It contains no appreciation of IP address spoofing/ hacking, such as happened to an unfortunate couple who were wrongly accused and suspected of being involved with posting child abuse images online. The couple had children of their own[1] – the ongoing impact on that family is something that most of us wouldn't wish to contemplate happening to ourselves.

48) The situation is compounded by allowing 'oral' authorisations to be made – this means accountability may be missing, including in situations where mistakes are made.

**49) Warrants are a safeguard against abuse of powers. Please bring them back for these provisions and make sure that written authorisation, only, is permissible.**

*50) Unfettered use of powers* has been condemned (as unlawful and **against** the Public Interest in democratic societies) by the European Court of Human Rights.

51) People are entitled to *Respect for their Private Life, Respect for their Family Life, Respect for their Homes* (under Article 8 European Convention on Human Rights (including case-law) and Human Rights Act 1998, and also International Human Rights Law, which the UK has signed up to and ratified, including the *United Nations Convenant on Civil and Political Rights*), and even law enforcement laws are *not* entitled to unilaterally override those rights – all of the circumstances of each case must be looked at first and case-by-case decisions made.

52) The UK has positive obligations to protect individuals from arbitrary interference with those rights. Giving police forces the ability to enter premises without warrants,

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[1] Wakefield, Jane, Reporter, *Did weak wi-fi password lead the police to our door?* 23 May 2021, BBC News, Copyright © BBC News 2025

https://www.bbc.co.uk/news/technology-57156799

effectively, whenever they feel like it, arguably breaks those positive obligations and does so in ways that go against the interests of democratic societies like the United Kingdom.

**53) Remove S.26B and 93ZB Seizure on search under Section 26A –** the powers appear too wide. There are no penalties for unlawful seizures or requirements for restitution for property damage or unlawful seizures and no safeguards against abuse of power.

**54) Remove S.26C (2) and 93ZC –** reasonable force – this appears to grant police officers the power to assault and batter people in relation to allegations of theft, even where a person isn't seeking to harm the [police] officers themselves – This appears to be an abuse of power. People should be given the legal power to defend themselves against unlawful assault/ battery by law enforcement officials and the power to prevent them entering (*and to eject them from premises*), especially where those officials may be abusive/ acting abusively.

55) **Remove S.95 and 71B –** the Secretary of State should *not* be making these decisions as they appear biased against Privacy Rights/ to have little to no appreciation of real-life impacts on UK Citizens and the harm those impacts bring with them. The Human Rights Commission should be consulted, as should Privacy Rights Groups.

Codes of Practice often appear to be used as ways to avoid responsible and reasonable law-making, avoid oversight and scrutiny and to get unlawful conduct set in stone as Law – The Intelligence Services' Investigatory Powers Amendment Act 2024 Codes of Practice A to C (*attached to my email, for your reference*) are examples of these.

56) **Add – Roadside vehicle conduct – law enforcement officers – solo travellers**

**Law Enforcement Officers must *not* unreasonably refuse (when stopping solo travellers by the roadside, particularly solo females, but also solo males):**

a) To let the person phone a family member or friend to let them know where they are and where the officers intend to take them;

b) To let the person remain in their vehicle while that phone call is being made and;

c) To let the person phone a relevant police phone number to verify who the police officers are and that the vehicle stopping is legal;

d) To let the person remain in their vehicle while that phone call is being made;

e) To provide a telephone on which the person can make those phone calls if the person doesn't have one on them, on which they can make those phonecalls;

f) To let a person remain in their vehicle and follow police vehicles back to a police station, where police station attendance is required in any and all situations where a person is *not* reasonably suspected of being drunk or otherwise intoxicated (whether through drink or drugs) at the wheel.

**57) Why do we need these provisions written into Law:**

a) to prevent people being kidnapped, murdered or otherwise harmed by persons stopping them at the roadside pretending to be police officers;

b) to safeguard people against abusive police practices, which may happen to solo drivers, because there are *no* witnesses;

c) to make sure that police officers also have witnesses as to proper conduct and so that they know their conduct is *(and is seen to be*) beyond reproach.

58) **S.96 Drug testing in police detention**

59) It would be good to add an amendment requiring alternatives to blood tests to be made for drug and alcohol testing because a number of individuals are caused trauma and harm by being subjected to blood tests. There are a number of reasonable alternatives available (or so I understand) such as hair sample testing, saliva testing and urine sample testing – one or a combination of these should suffice in most, if *not* all scenarios.

60) Can that be made law, please.

61) Also – **Where are the requirements for mandatory destruction of all samples and DNA and everything else that may be derived from them, where persons are discovered *not* to be intoxicated/ under the influence of illegal drugs/ alcohol and/or where charges are dropped and/or where they are acquitted, for example.**

62) Can those please be added where they are missing, with set and specific time periods by which destruction must happen, without exception or excuse.

63) **Please Remove S.100 removal of notification conditions** – removing notification conditions removes ability to scrutinise, oversee and hold to account.

64) **Please Remove S,103, S.228A Costs orders and expenses orders –** this section appears to (unlawfully) interfere with the authority and powers of UK Courts. Enforcement authorities must be subject to the same costs orders and expenses orders as individuals would be, particularly given the fact that they generally have more power, resources and even in-house Counsel, which automatically tips the balance in their favour, as individuals may be unable to afford experienced Counsel of their own to defend themselves – Solicitors alone appear to cost £300 upwards per hour and

generally-speaking legal aid is unavailable to many of those who need it most. Pro bono assistance from law schools isn't always of the quality or consistency needed to counter enforcement authority proceedings, even where those proceedings may be wrongfully brought.

65) **Part 12 S.104 Extension of polygraph condition to certain offenders –** please remove this section and also **please remove polygraph conditions in general** – lie detector tests are generally considered to be unreliable – they are easily fooled by the guilty and are also known to make very convincing mistakes which help to condemn the innocent.

Any evidence obtained via polygraph must arguably be considered tainted.

66) **Part 14- Terrorism**

**67) S.110 – Power to make youth diversion orders –** Please amend to that the standard is "*beyond a reasonable doubt":*

**68) Reason:** "the balance of probabilities" is *not* (generally) the correct proof standard for any criminal offences, particularly because of the weight of penalties and consequences on family life and other fundamental rights and on social interactions, for example that may befall someone who has an unfair penalty imposed (e.g. someone who is subject to malicious allegations).

69) This is particularly important in relation to *without notice* applications.

70) **S.119** – **please remove it** – it gives the impression of Secretaries of State arguably unlawfully interfering with and/or seeking to bias police investigations and operations.

71) **Part 15 – International law enforcement data-sharing agreements**

**72) Please remove S.127 (2)** – Reason- writing the unlawful / illegal into law *cannot* make it lawful or legal. The UK Government would be wise to avoid encouraging and/or inciting unlawful and/or illegal personal data sharing, even if claiming that it is for international law enforcement purposes. There are circumstances where international law enforcement data-sharing would be unlawful, such as, in *unfettered use of powers* cases (highlighted by the European Court of Human Rights) and in cases where an innocent person's personal data is shared *(personal data must generally only be collected used and stored by law enforcement agencies when they are reasonably suspected of involvement in criminal activities – so, for example bulk data sharing may be considered, generally unlawful and/or illegal, especially where innocent people's data is bulk shared)* – again, **please see my analyses of the *Investigatory Powers Act Codes of Practice*, for further examples of unlawful law enforcement data-sharing**, which would be unlawful, whether done on home-soil and/or cross-border.

73) **Please remove S.127 (3), where it says: (but in determining whether processing of personal data would do so, take into account any duty imposed, or power conferred, by the regulations) –** This bit needs removal for similar reasons to **S.172 (2)** and because it undermines Data Protection Law and may be easily used to abuse powers.

74) **Please add in an amendment to confirm that people *don't* have to provide any personal data that would break *Common Law Duties of Confidentiality,* and/or overarching *Privacy Rights* from European, UK and International Human Rights Law.**

75) **Please amend S.172 (5) to add that** definitions of "personal data" and "processing" *also come from* the UK-GDPR and European Court of Human Rights Act case-law.

76) **S.130 Criminal liability of bodies corporate and partnerships where senior anager commits offence:**

77) Please amend entire section to cover all organisations/ institutions/ companies based in the United Kingdom and/or who serve United Kingdom-based people.

**78) Please remove the get-out-of-gaol-free-card** that appears to be included in **s.130 (2b)**

**79) Schedule 3 LPB Case Reviews: Supplementary Provision, Part 2 (6) – *Information***

**80) Please remove paragraph/ subsection (4)** – claims that disclosures don't breach obligations of confidence or any other restrictions on disclosure (other than those in paragraph/ subsection 5) are inaccurate at best – *Common Law Duties of Confidentiality,* for example and overarching *Privacy Rights* from European, UK and International Human Rights Law have been ignored and will arguably be broken.

**81) Please amend paragraph / subsection 5 to remove** *(but in determining whether processing of personal data would do so, take into account any duty imposed, or power conferred, by the regulations)* – This needs to be removed to protect people from abuse of powers and from being unlawfully and unfairly bullied or unfairly swayed/ influenced into providing data they must *not* provide, even to law enforcers.

**82) Please add in an amendment to confirm that people *don't* have to provide any personal data that would break *Common Law Duties of Confidentiality,* and/or overarching *Privacy Rights* from European, UK and International Human Rights Law.**

83) **Please amend paragraph 6, to include the *UK-GDPR* and *Article 8 European Convention on Human Rights (including case-law) and Human Rights Act 1998.***

84) **Schedule 8 – Offences relating to intimate photographs of films and voyeurism –**

85) Please amend **66AB Taking or recording intimate photograph or film: exemptions (2), to make it reflect the realities of what a person's *reasonable expectation of Privacy actually is* and the fact that another person's 'belief' doesn't remove this –** The *reasonable expectation of Privacy* in public places has nothing to do with what another person *'believes'.*

**86) What is the *reasonable expectation of Privacy in Public Places?***

**It belongs to** *everyone*[i]*,* without exception*):* "*even if they are known to the general public*" – as held the Court in *Vonn Hannover*[ii].

**When the *reasonable expectation of Privacy* attaches and when it may not always;**

In a case called *Bărbulescu v. Romania,* the ECtHR *[acknowledged] that* ***everyone*** *has the right to live privately, away from unwanted attention [… and…] that it would be too restrictive to limit the notion of "private life" to an "inner circle" in which the individual may live his or her own personal life as he or she chooses, thus excluding entirely the outside world not encompassed within that circle*[iii]*.*

In *Benedik v. Slovenia ("Benedik"),* they further clarified this: There is, therefore, a zone of interaction of a person with others, *even in a public context*, which may fall within the scope of "private life"[iv].

These cases and others appear to demonstrate that:

- ✓ *Even where we are doing things in public places,* ***including online places*** (internet fora, webinars, social media websites and even when writing emails that cross the public internet when sent and received)*, and perhaps manifestly so, that does* ***not*** *necessarily automatically and unilaterally deprive us of our Privacy Rights, or, our reasonable expectation that our Privacy will be respected and protected.*

Simply doing things in Public Places is *not* sufficient to deprive us of our Right to be left alone and other Privacy Rights, including the Right to 'say no' to photographs when in Public Places, for example.

To erode or remove our Right to be Private even in Public, we must invite, for example the media into those Public *out and about* sessions, for example and/or have a history of doing that sort of thing.

- ✓ *We still have Privacy Rights even when we and/or our data are in public places.*

- ✓ *We still have reasonable expectations that our Privacy will be respected and protected when we and our data are in public places – even when, we put ourselves and/or it, in Public places.*

In relation to Privacy (*the Right to Respect for a Person's Private Life, Family Life, Home and Correspondence and all of its component parts, including, but not limited to Personal Autonomy and Data Protection)* and Privacy Rights, when deciding whether or not Freedom of Expression/ the interest of journalists/ the press can override them, as the ECtHR confirmed in *Hajovsky v. Slovakia ("Hajovsky"),* "the main criteria of assessment are:

- *contribution to a debate of public interest;*
- *the degree of notoriety of the person affected;*
- *the subject of the report;*
- ***the prior conduct of the person concerned;***
- *the content, form and* ***consequences*** *of the publication;*
- *and* ***the circumstances*** *in which [for example] photographs were taken*[v]*".*

For today's session I am going to focus on ***the prior conduct of the person concerned.***

For example, film stars that tells the press that they have a serious illness, may expect to see that information in the press.

However, a film star simply seen 'in public' entering a hospital and not inviting media attention (*and who has not publicly advertised that they have any form of illness*), may not.

For example movies stars that either deliberately encourage the paparazzi and/or pose often for public photographs (*outside of the public relations/ on-set context*) in public places like on the beach or when out shopping for groceries, may be considered to have less of a reasonable expectation of privacy in relation to being photographed in public/ by the paparazzi, as opposed to movie stars who deliberately (or try to) avoid the paparazzi and seek to carry out their daily lives (off set) in private/ as privately as possible, who may be considered to have more of a reasonable expectation of privacy even though famous and who may have a winnable legal case against journalists who

photograph them in a supermarket, because their Privacy may be held by a court to have been unlawfully invaded.

87) **Please remove paragraphs 2 and 3 –** Claiming that the same offences done to children aren't actually offences, is disturbing at best and chilling, at worst. It appears to encourage criminal activity in relation to children.

*23/03/2025*

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[i] Paragraph 70, European Court of Human Rights, Grand Chamber, *Judgement* in the Case *of Bărbulescu v. Romania (Application no. 61496/08)*, Strasbourg, 5 September 2017,

https://hudoc.echr.coe.int/eng?i=001-177082

[ii] Paragraph 69, European Court of Human Rights, Third Section, *Judgement in the Case of Von Hannover v. Germany (Application no. 59320/00),* STRASBOURG, 24 June 2004, © The European Court of Human Rights and/or The Council of Europe

https://hudoc.echr.coe.int/eng?i=001-61853

[iii] Paragraph 70, European Court of Human Rights, Grand Chamber, *Judgement* in the Case *of Bărbulescu v. Romania (Application no. 61496/08)*, Strasbourg, 5 September 2017,

https://hudoc.echr.coe.int/eng?i=001-177082

[iv] Paragraph 100, *Benedik*

[v] Paragraph 30, ECtHR, First Section, *Case of Hájovský v. Slovakia, (application no. 7796/16)*

https://hudoc.echr.coe.int/eng?i=001-210766