

Response ID ANON-Z841-1VCA-2

Submitted to Justice Bill

Submitted on 2025-02-24 09:13:57

Introduction

What is your name?

Name:

Garreth Falls

What is your email address?

Email:

If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:

The Wild Sage

The Committee for Justice has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I am content for my information, including details of my name and organisation, to be published in the survey results.

Clause 1: Retention of fingerprints and DNA profiles

Do you believe Bill clearly defines what biometric data is?

No

Is the definition of biometric data clear?:

Not only do you not clearly define biometric data but there is no limitation to the use of it. This is problematic as much of the biometric data commercially being used is not being done with active consent. It is carried out via tacit consent. It includes our children, invades our privacy, monitors our gait, facial recognition and is not 100% proof. I personally object to this data being taken and I also object to it being used by the Justice department. We are rapidly running into a surveillance state where we are seen as guilty without any just cause.

The Bill proposes to replace the current indefinite retention period for biometric data with a "75/50/25 year" model. Do you agree with the proposed retention periods for biometric data?

No

Please provide information to support your answer here::

I think the times allocated are much too long.

Article 63S provides for a court to extend the retention period of material held under 63I to 63R for up to two years at a time. Do you support the extension of retention periods in certain circumstances?

No

Please provide information to support your answer here::

I don't believe anyone with a fixed penalty notice should have records kept. During lockdown we were threatened with fixed fines for going out. We were threatened that we would lose our jobs if we didn't get vaccinated. The New Health Bill would make us criminals and fixed penalty notices would be issued if we do not comply despite much of the legislation being immoral and untested against.

I resent that I might have received a fixed penalty notice and then been further subjected to you storing my data for two more years. Just because I do not consent to Government overreach does not make me a criminal. To further extend holding my biometric data for another 2 years because of possible disorder caused by me protesting said over-reach is unethical and unjust.

Articles 63Z and 63Z1, together with Schedule 1 to the Bill, relate to the establishment of a Northern Ireland Commissioner for the Retention of Biometric Material. Do you agree that a Commissioner for the Retention of Biometric Material should be appointed?

No

Please provide information to support your answer here::

I'm very concerned about the scope and use of biometric data being used by the government to coerce and threaten the people. I do not believe the commissioner, nor the police should have access to biometric data as it infringes on our natural desire for privacy. I don't think commercial companies should be incentivised to exploit tacit consent to infringe on our privacy, nor do I believe that a move to incorporate biometric material should be encouraged.

The Commissioner for the Retention of Biometric Material will be required to: keep under review the operation of the PACE NI biometric retention framework, including the review process of long-term retained material to be set out in regulations made by the Department; keep under review the acquisition, retention and use of biometric material under the terms of this Bill; review the use and development of existing and new biometric technologies; issue guidance on the use of biometric technologies in a law enforcement setting; and report annually, or further as appropriate, on the Commissioner's functions. Do you agree with these being appropriate to the role of the Commissioner?

No

Please provide information to support your answer here::

I don't agree to the use or development of existing and new biometric technologies, I don't believe the commissioner should be the guide on their use in a law enforcement setting.

Do you have anything further to add on Clause 1 of the Bill?

No

Please provide any further information relating to Clause 1 here::

Clause 2: Retention of fingerprints and DNA profiles: amendments

Do you have any comments on Clause 2 of the Bill?

No

Please provide any comments on Clause 2 here::

Clause 3: Retention of fingerprints and DNA profiles: supplementary

Do you have any comments on Clause 3 of the Bill?

No

Please provide any comments on Clause 3 here::

Part 1: Biometrics - Other

Do you have any other comments or information you would like to be considered by the Committee on Part 1: Biometrics?

Yes

Please provide information to support your answer here::

1. Privacy Violations

Informed Consent: People may not always be fully aware or informed of the scope of data collection, especially in large-scale surveillance programs or in situations where biometric data is gathered without explicit permission.

Lack of Control: Once biometric data is collected, it is difficult, if not impossible, to "delete" or change. Unlike passwords or PINs, biometric identifiers cannot be modified if they are compromised.

2. Data Security

Hacking and Data Breaches: Biometric data, if stored poorly or without strong encryption, can be vulnerable to hacking. A data breach could expose sensitive personal information, which, unlike passwords, cannot be easily reset or changed.

Data Misuse: If biometric data is not properly safeguarded, it could be accessed, misused, or exploited by unauthorized parties, including hackers, corporations, or even government agencies.

3. Surveillance and Tracking

Mass Surveillance: Biometric technologies can enable mass surveillance, potentially infringing on civil liberties. For example, facial recognition can be used to track individuals in public spaces without their knowledge or consent.

Behavioral Profiling: The collection of biometric data can also be used to create detailed profiles of individuals' behaviors, which could be used for manipulation, discrimination, or targeted advertising.

4. Discrimination and Bias

Inaccuracies in Recognition: Some biometric systems, particularly facial recognition, have been found to have biases, especially against people of color, women, and other marginalized groups. This can lead to unfair treatment or wrongful identification.

Unintended Consequences: Inaccurate or biased data could lead to individuals being wrongly detained, denied services, or subjected to other forms of discrimination based on faulty biometric analysis.

5. Lack of Regulation

Inadequate Legal Frameworks: There is often a lack of comprehensive laws and regulations governing the collection, storage, and use of biometric data. This absence can lead to exploitation and violations of individuals' rights.

Accountability Issues: Without strong regulatory frameworks, there may be no clear lines of accountability if biometric data is used inappropriately or unlawfully.

6. Ethical Concerns

Surveillance State: The use of biometric data in certain contexts—like police forces or border control agencies—can contribute to the creation of a surveillance state, where individuals' movements and actions are constantly monitored.

Re-identification Risk: Even when data is anonymized, there is still the risk that biometric data can be re-identified, especially with advances in artificial intelligence, making it possible to track people across different platforms or datasets.

7. Global Concerns

International Data Sharing: Biometric data may be shared across borders or sold to third-party companies, raising concerns about how data is handled and protected in different legal jurisdictions.

Potential for Authoritarian Regimes: In authoritarian countries, biometric data collection can be used to suppress dissent and monitor opposition, potentially violating human rights.

8. Trust and Social Acceptance

Public Trust: If the public doesn't trust that biometric data is being used appropriately, it can undermine the willingness to adopt such systems for security or convenience purposes. People might feel uncomfortable or vulnerable if they know that their biometric information is being collected and analyzed.

Chilling Effects: When people are aware of being surveilled or tracked, they may alter their behavior (e.g., avoiding certain places or actions), even if they have nothing to hide.

Clause 4: Duties of a custody officer after charge

Do you agree that a custody officer should take into account a juvenile's age, maturity, needs and their capacity to understand and comply with any conditions of bail before making a decision to grant bail or not?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clause 4 of the Bill?

No

Please provide information to support your answer here::

Clause 5: Police bail after arrest

Do you agree that any conditions of bail after arrest should require the custody officer to consider the circumstances of the individual and be proportionate to the risk?

Not Answered

Please provide information to support your answer here::

Do you have any comments on Clause 5 of the Bill?

No

Please provide information to support your answer here::

Clause 6: Court bail

Do you support the presumption of bail for children in all but very specific circumstances?

Not Answered

Please provide information to support your answer here::

Do you agree with the conditions in Article 10G that must be met if bail is to be refused?

Not Answered

Please provide information to support your answer here::

Do you agree with the rules relating to the imposition, variance and removal of the conditions attached to bail?

Not Answered

Please provide information to support your answer here::

Do you have any further comments on Clause 6 of the Bill?

No

Please provide information to support your answer here::

Clause 7: Arrest for absconding or breaking conditions of bail

Do you have any comments on Clause 7?

Not Answered

Please provide information to support your answer here::

Clause 8: Conditions relevant to bail: accommodation

Do you have any comments on Clause 8?

Not Answered

Please provide information to support your answer here::

Clause 12: Youth custody and supervision orders

Do you agree with the introduction of Youth Custody and Supervision Orders?

Not Answered

Please provide information to support your answer here::

Do you agree with the duration of the Youth Custody and Supervision Orders as proposed in subsection 38B?

Not Answered

Please provide information to support your answer here::

Do you have any other comments on Clause 12 of the Bill?

Not Answered

Please provide information to support your answer here::

Part 2: Children - Other

Do you have any other comments or information you would like to be considered by the Committee in relation to Part 2: Children?

Not Answered

Please provide information to support your answer here::

Clause 20: Interviews

Do you support the use of live links in police interviews to allow an officer who is not at the same location as a detainee to conduct the interview?

No

Please provide information to support your answer here::

We have already seen the abuse of such powers during lockdown with people such as [REDACTED].

We should have learned by now that the camera does lie and not everything can be seen online or via camera no matter how diligent we may be in covering the space.

A person must have the right to be in court

Do you believe there are sufficient safeguards in place for the use of live link interviews involving young people or vulnerable adults?

No

Please provide information to support your answer here::

NO. As above and I do not believe a move to trial by online is the way forward.

Do you have anything further to add on Clause 20 of the Bill?

No

Please provide information to support your answer here::

There are issues around quality of interaction via live links. There are issues about credibility, reliability of technology, access issues. There are concerns around consent and coercion. Data privacy is also an issue and it is not fair on the victims of crime.

Clause 21: Detention

Do you support the use of live links for extending detention and issuing warrants for further detention?

No

Please provide information to support your answer here: :

There are issues about the quality of interaction, assessment of credibility, reliability of technology and access disparities. There are legal and ethical considerations such as consent and coercion. There are issues of data privacy. It can have a negative impact on children and youth. It can further impact on victims who are denied their right to see justice done.

Do you have anything further to add on Clause 21 of the Bill?

No

Please provide information to support your answer here: :

Part 3: Live links - Other

Do you have any other comments or information you would like to be considered by the Committee on Part 3: Live links?

Yes

Please provide information to support your answer here: :

Please do not proceed with this. It has dangerous implications on our justice system and on human rights.

Clause 22: Delegation of functions of the Policing Board

Do you support the delegation of functions from the Policing Board to Board members and Board staff, where appropriate?

Not Answered

Please provide information to support your answer here::

Do you have anything further to add on Clause 22 of the Bill?

Not Answered

Please provide information to support your answer here::

Clause 23: Removal of requirement to audit performance plans etc.

Do you support the removal of the requirement for the Comptroller and Auditor General to audit the Policing Board's performance plans and reviews?

Not Answered

Please provide information to support your answer here::

Do you have anything further to add on Clause 23 of the Bill?

Not Answered

Please provide information to support your answer here::

Clause 24: Consent for Prosecution in cases of conspiracy to commit offence outside Northern Ireland

Do you have comments on Clause 24 of the Bill?

Not Answered

Please provide information to support your answer here::

Clause 25: Death of a child or vulnerable adult: limitation of power to "No Bill" alternative charge

Do you support the change to limit the power to "No Bill" under the specific circumstances relating to the death of a child or vulnerable adult?

Not Answered

Please provide information to support your answer here::

Clause 26: Examination in criminal proceedings through intermediary

Do you support the extension of the use of Registered Intermediaries for appeal proceedings?

Not Answered

Please provide information to support your answer here::

Clause 29: Automatic review of certain criminal record certificates

Do you agree that all certificates containing spent convictions or other disposals for a person under 18 years of age should automatically be considered by the Independent Reviewer?

Not Answered

Please provide information to support your answer here::

Do you have any other views on Clause 29 of the Bill?

Not Answered

Please provide information to support your answer here::

Clause 30: Security at buildings used for courts and tribunals etc

Do you have any comments on Clause 30 of the Bill?

Not Answered

Please provide information to support your views here::

Part 4: Administration of Justice - Other

Do you have any other comments or information you would like to be considered by the Committee on Part 4: Administration of Justice?

Not Answered

Please provide information to support your answer here::

Amendment: Biometrics

Do you have comments on the proposed biometric amendment to the Bill?

Yes

Please provide information to support your answer here::

as mentioned elsewhere I do not support this and feel there are so many dangers around the use of biometric data.wht are teh conerns

It broadens the circumstances undwhich data can be retained. It an create a semi-permanent database violating privacy rights and leads to mass profiling surveillance. I don't belive the provisions provide enough independant oversight and there is potential for racial and gender biases. There is danger of centralised biometric database hacking, and I worry about data collected that can creap into monitoring of protestors and border security.

Amendment: Restorative justice

Do you have any comments on the proposed restorative justice amendment to the Bill?

Not Answered

Please provide information to support your answer here::

Amendment: Rehabilitation of offenders

Do you have any comments on the changes proposed to the rehabilitation periods in the proposed amendment to the Bill?

Not Answered

Please provide information to support your answer here::

Amendment: Repeal of vagrancy legislation

Do you have any comments on the proposed vagrancy amendment to the Bill?

Not Answered

Please provide information to support your answer here::

Amendment: AccessNI filtering of criminal record certificates

Do you have any comments on the proposed AccessNI filtering amendment to the Bill?

Not Answered

Please provide information to support your answer here::

Amendment: Organised crime

Do you have any comments on the proposed organised crime amendment to the Bill?

Not Answered

Please provide information to support your answer here::

Amendment: Use of live links

Do you have any comments on the proposed live links amendment to the Bill?

Yes

Please provide information to support your answer here::

my concerns are listed elsewhere.