

‘Ass Access’ but not ‘a backdoor’?:

The Five Eyes’ War On Maths

This paper explores the developing policies of the ‘Five Eyes’ (FVEY) surveillance partnership with regards to law enforcement and intelligence agency attempts to access encrypted communications. This is achieved through an examination of the mobilities of policies and legislative developments, and consideration of their transnational impacts. The focus is on Australia, the ‘weak link’ in the FVEY alliance as, unlike other FVEY members, has no comprehensive or enforceable protection of human rights at the federal level. Australia very recently – in December 2019 - introduced a new law that increases the obligations of (transnational) platforms and designated service providers (very broadly defined) to provide ‘assistance and access’ to telecommunications information (*Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018* (Cth)), and that has significant extraterritorial reach. This law also introduced new computer access warrants that enable law enforcement to covertly obtain evidence directly from a device at the endpoints when information is not encrypted, and increases existing powers to access data through search and seizure warrants. The paper will examine key issues including impacts on privacy and information security, issues of mutual legal assistance and transnational data flows, and oversight (or lack thereof) of the new powers. It is argued that these Australian developments are initiating a process of undermining encryption, and telecommunications information security more widely, as a mobile policy among other FVEY countries, and perhaps even further afield.

Author Biography

Dr Monique Mannis the Vice Chancellor’s Research Fellow in Technology and Regulation at the Faculty of Law, Queensland University of Technology. She is a member of:

- The [Crime, Justice and Social Democracy Research Centre](#) (CJSDRC) at QUT Law;
- The [Intellectual Property and Innovation Law](#) (IPIL) Research Programme at QUT Law;
- The [International Law and Global Governance](#) (ILGG) Research Programme at QUT Law, and;
- The [Digital Media Research Centre](#) (DMRC) at QUT Creative Industries Faculty.

Dr Mann is advancing a program of socio-legal research on the intersecting topics of algorithmic justice, police technology, surveillance, and transnational online policing. She is on the Board of Directors of the [Australian Privacy Foundation](#).