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MEDIA RELEASE

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FOR IMMEDIATE RELEASE**

HIGH COURT DECLINES OPPORTUNITY TO CONSIDER PRIVACY IN IINET CASE – MASS SURVEILLANCE TO FOLLOW?

The High Court has heard an appeal by copyright-owning organisations against an Australian Internet Service Provider (the iiNet case) relating to whether internet service providers can be held liable for online piracy.

The High Court dismissed the Australian Privacy Foundation's request for leave to be heard as an amicus curiae, stating that the "submissions are not sufficiently relevant to the matters which the Court has to decide". Three out of five other proposed interveners were also refused leave.

"It remains to be seen which of the parties wins the case. But it is already clear that the Australian public is the biggest loser", said Dr Dan Svantesson, a Vice Chair of the Australian Privacy Foundation.

"The outcome of this case will affect the privacy of all Australian Internet users. So it is disappointing to see the High Court ignoring privacy, which after all is a fundamental human right."

Essentially, the copyright owners want the ISPs to disconnect those of their users who are accused, by the copyright owners, of having infringed copyright e.g. through illegal file sharing.

"We acknowledge that the copyright owners have a legitimate claim to pursue their economic interest. However, we do not think that the privacy of Australian Internet users should be sacrificed in the copyright owners' hunt for pirates."

"The Internet is a near perfect tool for surveillance, and privacy must be tended with care in every decision that impacts upon it, if our fundamental right of privacy is to be preserved in modern society."

With the copyright holders acting as investigators and prosecutors, and ISPs being forced to take on the role as judge and jury, there may be little protection for the rights of individual Internet users.

“The idea of innocent until proven guilty will be lost if, when the copyright holders suspect that you, or someone else using your Internet connection, has downloaded illegal copies, the ISPs can be sued for not disconnecting you. This is particularly serious because being disconnected from the Internet these days is being disconnected from society.”

THE APF'S SUBMISSIONS ARE AVAILABLE HERE: <http://www.privacy.org.au/Papers/HCA-Amicus-iiNet-111007.pdf>

HCA TRANSCRIPT AVAILABLE HERE:
<http://www.austlii.edu.au/au/other/HCATrans/2011/323.html>

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