



NORTHERN IRELAND

JOURNALISTS: WHAT TO DO IF YOU THINK THE PSNI HAS SPIED ON YOU

The revelation that the Police Service of Northern Ireland (PSNI) [secretly harvested](#) phone record data from journalist Barry McCaffrey inevitably raises concerns among other journalists about whether the police have acted similarly against them.

Barry McCaffrey only recently discovered the secret spying by the PSNI in 2013 following a complaint from his lawyer to the Investigatory Powers Tribunal following his and Trevor Birney's successful court challenge to their 2018 arrest and the police seizure of computers, phones and records.

Here's what to do if you are a journalist or a human rights defender who has reason to believe or suspect that the PSNI has similarly – and potentially unlawfully – snooped on you and your phone data, possibly leading to the disclosure of your contacts or sources to the police:

1. Lodge a Subject Access Request with the PSNI

You can make a request for 'your personal data' under data protection legislation, by submitting a Subject Access Request in writing to the PSNI. Note, there are significant exemptions within data protection legislation which may allow the PSNI to refuse to comply with your subject access request. If you are unhappy with the police response to your request, you can appeal to the Information Commissioner's Office (ICO).

Details on how to do this are [here](#).

2. Write to the Northern Ireland Policing Board

The Policing Board is the statutory body for holding the PSNI accountable for their actions and ensuring its compliance with the Human Rights Act.

Amnesty International and the Committee on the Administration of Justice (CAJ) have written to the Policing Board to ask them to request the Chief Constable makes a formal report to them on PSNI use of secret surveillance powers against journalists and other human rights defenders.

This is a first step towards the Board establishing an inquiry under powers vested in it under the Police (Northern Ireland) Act 2000.

If you have reason to believe or suspect that the PSNI has, potentially unlawfully, secretly surveilled your phone records, you should let the Policing Board know so that they can understand the potential scope of the problem and potentially include your case in any inquiry.

Write to the NI Policing Board [here](#).



3. Complain to the Investigatory Powers Tribunal

The Investigatory Powers Tribunal (IPT) is a UK-wide independent court, established under the Regulation of Investigatory Powers Act 2000 (RIPA) and considers complaints under RIPA and claims under the Human Rights Act, including allegations of unlawful intrusion by public bodies such as the police.

The IPT is investigating police spying on Barry McCaffrey and they were able to tell him that his phone data had been harvested by the PSNI to identify his sources. They may also be able to help you, although their processes are very opaque and can take a long time. The IPT only confirms to the person concerned if they find evidence that both the surveillance occurred and was likely contrary to the Human Rights Act.

It will be important for the IPT to hear from other journalists and others in Northern Ireland who may have suffered unlawful intrusion by the PSNI. You can make a complaint to the IPT. Guidance available [here](#).

4. Tell Amnesty International

Amnesty exists to protect human rights worldwide, including press freedom. We are concerned that the secret surveillance of Barry McCaffrey's phone records in 2013 may not be an isolated incident. This raises serious concerns for press freedom in Northern Ireland – including the right to protect sources, a cornerstone of journalism principles and practice.

If you are a journalist or a human rights defender who has reason to believe or suspect that the PSNI has, potentially unlawfully, spied on you and or your phone data, we want to hear from you so we can understand the extent of the potential problem and campaign to ensure accountability of the police.

If you have reason to believe that spyware has been installed or used on your phones, we can conduct checks via the Amnesty Security Lab.

Write to us with details: sct@amnesty.org.uk