

Clare Ovey

Notes:

Interception of Communications and Data Retention - Restrictions under Art 8 ECHR

Article 8 includes the right to respect for "correspondence", "home" and "private life". Surveillance, data collection and data retention can interfere with these rights.

The ECtHR generally leaves the State a wide margin to decide whether or not to put in place a system of secret surveillance, but requires a legal framework which does not give too unfettered a discretion to the executive and which provides safeguards against arbitrariness and abuse.

I will discuss the recent case-law in this field, concerning interception of communications, including electronic communications, and data retention and storage, including the creation of DNA databases.

After qualifying as a solicitor in 1991, I joined the Law Commission, a statutory law reform body in London, where I worked on criminal law reform projects. In August 1995 I started working in the Registry of the European Court of Human Rights, in Strasbourg. I am currently the Head of the Division within the Registry which processes applications against the United Kingdom, Malta and Moldova. I am co-author of "Jacobs and White on The European Convention on Human Rights" (Oxford University Press).