

New conversations: the BILETA and Information Technology Think Tank collaborative consultation response programme

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At the conference of British and Irish Legal, Education and Technology Association (BILETA) at Manchester Metropolitan University in April 2011, details were provided of the consultation response programme of BILETA and the Information Technology Think Tank (ITTT) at the AHRC/SCRIPT Centre at the University of Edinburgh. [3]

The progress of information technology (IT) in the past few decades has, of course, created new opportunities but also unprecedented challenges to the existing legal framework. The rights and duties of IT providers and end users have been facing a paradigm shift from conventional norms and it is encouraging to note that institutions at national, regional and international levels have sought evidence to assist in delivery an up-to-date legal framework for a digital society. The BILETA and ITTT programme provides an open forum for academics working in IT to engage collaboratively and proactively with this policy-making and to disseminate more widely their research in respect of contemporary issues. Submitting responses to consultations should in turn provide an opportunity to bring about identifiable influence on the economy, society, public policy - the key goal of impact - and also to maintain and develop the position of BILETA as a leading stakeholder in the IT field. The programme has also provided an opportunity for wider engagement with professional practice, civil society and industry, and for conversations regarding the positions which others might take to a consultation.

Administrative and funding support for honoraria payments to academics has been provided by the AHRC/SCRIPT Centre and from September 2011 BILETA has provided support for the honoraria. External funding support will be obtained to ensure the ongoing sustainability of the project. Financial support enables consultations of possible interest to be identified and circulated to the BILETA email lists and in the future, placed on the new BILETA website, together with requests for response leaders. The BILETA member pool and its Executive Board has been a valuable source of response leaders. Once draft responses have been prepared, they have been circulated by the admin team to the BILETA membership for review and to the BILETA Executive Board. If the response is approved by a majority of the BILETA Executive Board, the response is submitted in the name of BILETA and also by individual academics who would like their names to be added.

Since the programme was launched, the following responses have been submitted and they can be found on the websites of BILETA and ITTT. Full copies of the text in the form in which it was submitted (subject to formatting changes) also follow this piece.

- *Response to the consultation by the Department for Business Innovation and Skills regarding its proposals for implementing the revised EU Electronic Communications Framework* (Dec 2010 - led by Chris Marsden and Judith Rauhofer)
- *Response to the consultation by the Home Office regarding its proposals amend the Regulation of Investigatory Powers Act 2000 to address deficiencies identified by the European Commission* (Dec 2010 - led by Judith Rauhofer)

- *Response to Digital Agenda for Europe: Electronic identification, authentication and signatures in the European digital single market Public consultation* (April 2011 - led by Stephen Mason and Michael Bromby)
- *Response to the consultation by the Judicial Office for England and Wales on the Use of Live, Text-Based Forms of Communications from Court for the Purposes of Fair and Accurate Reporting* (May 2011 - led by Michael Bromby)
- *Response to the consultation by the Ministry of Justice on the Draft Defamation Bill* (June 2011 - led by Gavin Sutter)
- *Response to the consultation 'Regulating On-line Gambling in the EU: Recent Developments and Current Challenges from the Internal Market Standpoint'* (July 2011 - led by Dinusha Mendis and Abhilash Nair)
- *Response to the Government consultation 'A Communications Review for the Digital Age'* (June 2011 - led by Catherine Easton)
- *Response to the European Commission's public consultation on Cloud Computing* (Aug 2011 - led by Karen McCullagh)
- *Response to the consultation by the Body of European Regulators in Electronic Communications BEREC on Net Neutrality Policy* (Nov 2011 - led by Joseph Savirimuthu)

Most of the consultations are still awaiting government responses. A summary of responses to the Regulation of Investigatory Powers Act 2000 consultation has been published by the Home office, [4] followed by Draft Statutory Instruments put to Parliament. [5] This included some recommendations which were also made in our response, such as the repeal of the wording of 'has reasonable grounds for believing' from section 3(1), [6] and the active function of the Interception of Communications Commissioner and the increase of the level of penalty. [7] A general response to the Draft Defamation Bill has also been published by the Ministry of Justice on 9 June 2011. [8] Our submission of the Response to Digital Agenda for Europe: Electronic identification, authentication and signatures in the European digital single market Public consultation has been published at the European Commission's Europe's Information Society Thematic Portal. [9] More responses, and the ability to judge impact, are awaited!

The programme has provided an efficient opportunity for early career and established academics, and those who are new to BILETA as well as long standing supporters, to collaborate and also to share IT research with a new audience. If anyone would like to have any further information about the programme or to become involved, please feel free to contact Abbe Brown abbe.brown@ed.ac.uk.

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[3] The website of the Information Technology Think Tank (ITTT): <http://www.law.ed.ac.uk/ahrc/research/itforesightforum/>

[4] Regulation of Investigatory Powers Act 2000: Proposed Amendments Affecting Lawful Interception - A Consultation: A Summary of Responses, available at: <http://www.homeoffice.gov.uk/publications/consultations/ripa-effect-lawful-intercept/ripa-lawful-intercept-responses?view=Binary>.

[5] Draft Statutory Instruments of the Regulation of Investigatory Powers (Monetary Penalty Notices and Consents for Interceptions) Regulations 2011 (Draft SI), available at: http://www.legislation.gov.uk/ukdsi/2011/9780111510339/pdfs/ukdsi_9780111510339_en.pdf, accessed on 9 November 2011.

[6] Draft SI, p2, n3.

[7] Draft SI, in particular Art 1(2), n3.

[8] Response of the Judicial Steering Group to Ministry of Justice Consultation Paper CP3/11 - Draft Defamation Bill, available at: <http://www.judiciary.gov.uk/Resources/JCO/Documents/Consultations/jsg-response-libel-consultation-june-2011.pdf>, accessed on 28 October 2011.

[9] European Commission Europe's Information Society Thematic Portal, available at: http://ec.europa.eu/information_society/policy/esignature/eu_legislation/revision/pub_cons/index_en.htm , accessed on 26 October 2011.