

THE SUNDAY TIMES



Uma Thurman

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Style



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New laws to let gardai monitor WhatsApp chats

Security services get green light to crack messaging apps

John Mooney
Investigations Editor

Gardai will have the power to intercept and monitor live conversations on private messaging apps such as WhatsApp, iMessage and Instagram under a reform of surveillance laws used by Irish security services.

Jim O'Callaghan, the justice minister, will bring legislation to the government to allow gardai, the Defence Forces and the police ombudsman to track interactions on modern communications between individuals linked to potential crimes.

The legislation will also permit the interception of private communications sent via new and emerging technologies – including satellite networks, gaming devices and car systems – reflecting the state's concern that surveillance laws are outdated in the face of rapidly advancing digital communications platforms.

The new powers will be contained in the Communications (Interception and Lawful Access) Bill, which will replace the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993.

Gardai are currently unable to obtain warrants to intercept communications sent on digital message apps and tech systems, but they can recover the contents of communications sent on certain types of mobile phones, gaming machines and laptops seized during investigations. The forthcoming legislation follows intensive

lobbying by Garda Headquarters and the Defence Forces seeking an overhaul of the 1993 act, which is regarded as outdated.

Judges responsible for overseeing the use of warrants to intercept private telephone calls and text messages have described the existing act as “deficient and urgently requiring modernisation”, though privacy campaigners say the system is not fit for purpose nor operated in a transparent fashion.

It is unclear whether technology companies such as Apple, Google, Meta and ByteDance, the owner of TikTok, will challenge the legislation on privacy and public safety grounds or agree to switch off their encryption services.

Apple has defied calls from police services across the world to weaken the advanced encryption built into its products and cloud services. It recently withdrew its advanced data protection services in the UK rather than create a back door to allow government agencies to access private data.

WhatsApp, which uses end-to-end encryption, has said it would rather withdraw from certain markets than comply with legal orders – such as those issued to Apple – to access customers' data.

Donal O'Driscoll, a retired garda who served in the security and intelligence branch of the garda, responsible for covert surveillance, said it was “standard operating procedure” for criminals to use digital platforms to communicate. “Platforms that are digitally encrypted are the communication systems of organised crime. If the

state is seeking a warrant to intercept text messages, voice messages or communications, why should there not be a facility for them to apply for a warrant with proper accountability procedures and processes in place?” he said.

“If the security of the state or lives are at risk, the security services or the Defence Forces need to be able to find out what's happening and stop it. There has been no regulation of these technologies. It's been the Wild West in terms of regulating them.”

Apple has re-engineered its mobile devices to make it impossible for anyone but their owners to unlock them, though the use of powerful supercomputers and quantum computing might defeat most encryption systems in the near future.

Messaging apps such as Signal are still believed to be secure from government interference, which has made them popular with campaigners, journalists and law enforcement. Signal refuses to comply with legal requests that would compromise user privacy.

The gardai, military and garda ombudsman eavesdrop on private communications to build cases against suspects accused of involvement in terrorism, organised crime, drug trafficking, child sexual abuse and ransomware.

Spies deployed to gather information in Ireland and steal intellectual property are also targeted, though such evidence is never produced in court lest it encourage suspects to stop using mobile phones and sending messages.

LIONS FEND OFF WALLABIES

DARREN ENGLAND/EPA



James Lowe, the Leinster winger, palms off Max Jorgensen to help the British and Irish Lions get off to a winning start in their series against Australia, winning 27-19 in Brisbane yesterday. Match report, Sport

Ryanair staff given bag check bonuses

Julianne Corr

Ryanair staff receive bonuses for catching passengers travelling with oversized bags and charging them extra fees.

An ex-Ryanair employee's pay-slip, seen by The Sunday Times, shows a “gate bag bonus” for enforcing the budget airline's strict bag size policy. The employee claimed they were paid €1.50 for each oversized bag, and that the bonus was capped at €80 per month for each staff member.

The airline confirmed staff were incentivised to target customers with €75 penalties for seeking to board planes with oversized bags.

Ryanair said about 0.1 per cent of its 200 million passengers, or 200,000 people, were charged the additional fee for bags every year.

A Ryanair spokeswoman said it was “determined to eliminate the scourge of oversized bags”, which she said “delay boarding and are clearly unfair on the over 99 per cent of our passengers who comply with our baggage rules”.

“We do pay commission to our agents who identify and charge for oversized bags, but these fees are paid by less than 0.1 per cent of passengers who don't comply with our agreed bags rules,” she said.

“Our message to those 0.1 per cent of passengers is simple: please comply with our generous bag rules or you will be charged at check-in or at the gate. For the 99.9 per cent of our passengers who comply with our rules we say thank you and keep flying as you have nothing to worry about,” she added. Asked if the term “agents”

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