EDDIE MAIR:
Nick Clegg is putting the country at risk with his opposition to the Communications Data Bill, according to one of my guests, Lord West, who was a security minister under Gordon Brown. But Mr Clegg has support for his stance from some politicians in each party, including the senior Conservative MP David Davis who says the idea of the Government monitoring the calls, emails, texts and internet activity of everyone in the UK is unnecessary and wrong. Lord West, David Davis, you’re both very welcome. Lord West, why do we, why does the Government need to know more about what we’re doing?

LORD WEST:
Well it’s not a question of knowing more. There are two aspects to this bill. One is that at the moment we are able to get access to all the details that are held by various companies of when a phone was used, where it was used, and who they were calling because this is what I like to describe as the envelope of a letter. We don’t actually
look into the emails and everything, look at the detail of what’s in the letter, but the envelope is able to do that. But because of the new methods of talking to each other, new methods of communicating, we can’t look at things like Skype and things like that, so those are unavailable to us. And also the companies are no longer keeping the material they used to keep of the details of mobile phones and things, and that was what first alerted us that we were beginning to lose that data. So 95 per cent of all prosecutions by the CPS, really serious prosecutions, involve communications data. That was slowly beginning to disappear, so clearly something needed to be done to hold onto that - something that’s always been there, always been available. And, as I say, also there’s new communications methods, so let’s get the same detail that we could get off that stuff of this new data, of Skype and things like that.

EDDIE MAIR:
Can you just … That explains the technology. Can you just draw the dotted line? From the Government’s point of view, why is that information necessary? What are you trying to do with it?

LORD WEST:
Well what that enables you to do is prove, for example, that someone has lied about where they are. A very good case, which is one I can quote because all the facts are out now, is the Soham murderer. You know he said he wasn’t in certain places, he said that the little girls weren’t in certain places. But when one’s able to get that data, you know where he was. When he says oh I wasn’t in such and such at that time, you’ve got the records to show it because the companies kept that data because that’s how they charged people. As we are going, becoming more modern in communications, the companies aren’t keeping that and so we said right, we’ve got to be able to somehow maintain access to that data. What we’ll do is somehow either pay the companies or how will we do it? And because we knew this was sensitive, we said right we’ve got to have a lot of pre-legislative scrutiny on this. And Labour first introduced it. There was talk of a big government database. That I think was not right and it was let’s not do that. There was a lot of discussion between the parties about it. And now the latest position is there have been two committees. The ISC and a specially constituted committee has looked at this legislation.
EDDIE MAIR:
And do you think what happened in Woolwich makes this more urgent, more important?

LORD WEST:
I think what it did to me was raise the issue again, made us think about the fact that we are under a fairly serious threat of terrorism all the time …

EDDIE MAIR:
Alright, David Davis?

LORD WEST:
… and we need this data, and I thought here’s a good opportunity to just point out again that this is very important to us.

EDDIE MAIR:
The Government just wants to have a look at our envelopes.

DAVID DAVIS:
(little laugh) I wish that it were. I mean first thing, let’s pick up your point about Woolwich. Last week one of the papers, I think it was The Independent, quoted somebody from MI5 saying this would have made no difference whatsoever to Woolwich, that it was actually rather a cheap argument and in fact you need to do other things to deal with Woolwich, not this sort of thing. Now look at the envelopes. Well let’s take the Soham issue. You raise Soham. I mean actually there were nine pieces of data on the murder at Soham which were sitting around in police databases, never found. 7/7. During the run-up to the 7/7 atrocity, MI5 knew about all four and particularly the two lead killers and yet did nothing about it. Why? Because they had so much data; they had 2,000 people on the database. How much are they going to be better off if we’ve got 60 million people on the database? That’s part of the problem. Now nobody has an argument with the Government over having access to the data when it’s necessary, which means having a warrant system, having a judicial system, having the judges in control of this? At the moment, Lord West is dead right - they can track pretty much every phone in the country. In fact, in effect we’re all tagged by
our mobile phones. They can do all those things and they use it 500,000 times a year - sometimes for things like traffic offences.

**EDDIE MAIR:**
So what’s your fear? What’s your big worry about this?

**DAVID DAVIS:**
Well I don’t want to give the state vast amounts of data - and it is, it is …

**EDDIE MAIR:**
*(over)* You’ve just said they’ve already got vast amounts of data.

**DAVID DAVIS:**
Well they’ve got … in fact they’ve already got too much under their own control, in my view, under what’s called RIPA regulations. This is the previous telephone regulations.

**LORD WEST:**
Well RIPA was put … Let’s be clear. RIPA was put in to actually constrain and control it. This is …

**DAVID DAVIS:**
*(over)* Well it didn’t and … well that’s what you say.

**LORD WEST:**
… and before that, there was no …

**DAVID DAVIS:**
*(over)* The Government can’t even tell you how it uses the 500,000. It’s only by us FOIing police forces that we know they use them for things as mundane as traffic offences. So no it’s not just the fact that it’s a large amount of data. It’s also illustrative. If you look at everybody’s email, text, phonecalls and so on, you know exactly where they are, you know who they’re talking to. You know even which web addresses they’re going to, which can tell you actually what the content is - whether
you call out the address or not. So all sorts of very serious reasons and I really don’t think the Government, either the current or the previous one, really understood what they were intending to do when they started out down this road.

**LORD WEST:**
David is doing a very scattergun approach to all this. I mean it’s quite clear - this data’s available - it’s quite clear it’s used in 95 per cent of cases. It is crucial information for prosecuting serious crimes as well as terrorism. You’re quite right - the data’s already there; it’s held by all these companies. And these two committees … One of the committees was a cross-party committee set up to look at this legislation. They came up with massive recommendations. All of those recommendations were taken - quite correctly - in the revised legislation. If I can just read what the Joint Committee said. ‘Our o… This Joint Committee had all parties and people who didn’t really like this sort of thing at all. ‘Our overall conclusion is that there is a case for legislation which will provide the law enforcement authorities with further access to Comms data.’ They said this is necessary. And there was no doubt about it. It was intended to be in the Queen’s Speech fully and it was withdrawn I’m afraid because the Deputy Prime Minister actually thought ah, here’s a nice little political thing. I can score a point on this next time …

**EDDIE MAIR:**
(over) Oh he doesn’t care about freedom?

**LORD WEST:**
Well it seems to me that the polit… I mean I’m very wary …

**DAVID DAVIS:**
(over) Oh come on, that’s …

**LORD WEST:**
All I would say is it’s a polit… he has had some problems with taking certain political points and this is a bit of a political point.

**DAVID DAVIS:**
(over) Oh dear.

LORD WEST:
And it’s not looking … I don’t believe, I don’t believe …

DAVID DAVIS:
(over) Oh dear.

LORD WEST:
… he’s really taken full cognisance of what the security implications really are.

EDDIE MAIR:
You’re saying that the Deputy Prime Minister is putting party political points before national security?

LORD WEST:
What I’m saying is that that is something that is important to him and that he hasn’t taken full cognisance of what the implications of not doing this are. (Davis speaks over/not audible) because he’s getting advice from all sorts of people about saying oh this is wrong, whatever, and I don’t believe he’s really focused on it. (Davis speaks over)

LORD WEST:
If I can just finish very quickly.

EDDIE MAIR:
I wouldn’t mind bringing David Davis in just for a moment.

DAVID DAVIS:
Well if you don’t mind. I mean firstly you started down this process five years before you actually went out of government and never did it because of the practical problems. Secondly, I think it’s really rather cheap to attack the Deputy Prime Minister in this way. I’m not one of his greatest fans. I’m a continuous opponent of his. But on this, he is actually taking a stand on principle - the same stand on principle
taken by David Cameron and indeed by Theresa May before the election. So I don’t think you can actually take that line. What you can’t do is name one case where this would have solved the problems which you don’t have now. Not one case. You’ve got about 95 per cent. There’s not a single case you can point to where this would have been … where it would have been prevented with this information.

LORD WEST:
This is … But this is one of the crucial things that is required in prosecuting serious cases and I just cannot see what the problem is with us maintaining this capability and being able to look at IP.

DAVID DAVIS:
But you’re not maintaining.

LORD WEST:
And indeed in the Queen’s Speech it was mentioned that we would try and get these IP addresses. These things are crucial. We know they’re crucial. David, come on, we know they’re crucial. We know that when we are doing these investigations, being able to identify who people are talking to, where they were, these things are very, very important, and what we’re doing is tying one hand behind their back. Where there is a real problem, I believe, is the people who look into emails and actually lots of private companies do this.

EDDIE MAIR:
Alright, alright. Listen thank you for that. I do want to ask you both briefly about lobbying, which is on the front page of many papers today. Lord West, what do you think of what some of your colleagues appear to have been up to?

LORD WEST:
Well I mean I don’t know the details of it, but it would appear to me that you know if the rules have been broken, then there needs to be action taken. And it does look, it does look awful, I have to say, from the little clips I’ve seen, but you know one needs to know the detail of what’s been going on.
EDDIE MAIR:
And we talked to Douglas Alexander. If wrongdoing has been proved by, for example, members of the House of Lords and you know they get into a lot of trouble for it, should they still be in the House of Lords?

LORD WEST:
I think if people are proved to have broken rules, you know comprehensively broken rules, then I think there should be a mechanism whereby people cease being in the House of Lords. You know there are people who are there now who’ve done things and I think it would be right they should go because I think it makes the average man in the street think well hang on a minute, these are people we should be looking up to. They should maintain certain standards.

EDDIE MAIR:
Thank you for that. David Davis?

DAVID DAVIS:
Yeah, I have some sympathy with the argument. I mean I don’t know the details of the House of Lords expulsion mechanisms at the moment and I don’t want to either comment on the guilt or innocence of the individuals concerned, but clearly it leaves a bad taste. I mean there’s nothing wrong with lobbying - I mean I get lobbied every day by charities, by trade unions, by companies. It’s got to be transparent, it’s got to be open, it’s got to be clear what’s going on. That’s the real requirement, that’s the real requirement.

EDDIE MAIR:
Alright, thank you both very much. Good to see you.

LORD WEST:
Thank you.

INTERVIEW ENDS