

## Your response

Question	Your response
<p><b>Question 1:</b> Do you have any views on our audit-based assessment, including our proposed principles, objectives, and the scoring system? Please provide evidence to support your response</p>	<p>Confidential? - N</p> <p>This consultation came to my attention a scant few hours before the closing time for submissions.</p> <p>In short, it seems clear that the drafting of these proposals opens the way for Ofcom to acquire or implement powers to force communications service providers to break end-to-end encryption in private communications between individuals. As you are no doubt aware, and as will have been emphasized in various other submissions to this consultation, this would force such service providers to choose between ceasing to operate in the UK and creating security vulnerabilities affecting their users worldwide – vulnerabilities that could be exploited not only by the British state imposing universal surveillance of private communications after ostensibly demonstrating the “accuracy” of a given technology at this task, but any number of other malign state and non-state actors for a variety of politically repressive or criminal purposes. The question of audits for “accuracy” also appears to entirely sidestep the fact that this power to require universal surveillance of all online communications for “illegal content” represents, on its face, a gross violation of basic personal rights and freedoms in an open society.</p> <p>An additional factor is that, in addition to being little-advertised, the documentation for this consultation seems to have been written in such a way as to be virtually impenetrable to individuals without legal training – even for someone who has a PhD and many years of experience making sense of specialized texts in many different areas of advanced research.</p>
<p><b>Question 2:</b> Do you have any views on our proposals for independent performance testing, including the two mechanisms for setting thresholds; the approach to testing technologies in categories against particular metrics; and data considerations? Please provide evidence to support your response.</p>	<p>The question of the “performance” of the technologies that fall under the scope of this consultation should not be divorced from the question of the effects of their deployment on privacy rights as set out in the EHCR’s ruling on Podchasov v. Russia.</p>
<p><b>Question 3:</b> Do you have any comments on what Ofcom might consider in terms of how long technologies</p>	

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<p>should be accredited for and how often technologies should be given the opportunity to apply for accreditation? Is there any further evidence we should consider?</p>	
<p><b>Question 4:</b> Do you have any views on how to turn these proposals into an operational accreditation scheme, including the practicalities of submitting technology for accreditation? Is there any additional evidence that you think we should consider? Please provide any information that may be relevant.</p>	
<p><b>Question 5:</b> Do you have any comments on our draft Technology Notice Guidance?</p>	

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