



Accepted Papers

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**Where is privacy protected? A media history of secret interception warrants**  
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This paper presents the changing form of the interception warrant as a device revealing differences and continuities in the role that law plays in authorising and controlling practices of interception of communications.

The few warrants available to view in the National Archives date from the late 19th century, and concern the interception of letters and telegrams. These documents reveal themselves to have acted as a means of political communication between cabinet members in which handwritten signatures and instructions on paper act as symbols of sovereign authority under law, but moreover as an organizational technique.

Contemporary pro forma warrant application forms, drafted under RIPA Codes of Practice and available on the Home Office website, are digitized documents divided into a number of boxes each requiring information as to the target information, reasons for interception, collateral intrusion factors, and proper authorization from senior offices. They are machine-ready and the inflict the law upon the operator, who must prove that they are acting lawfully by correctly completing the form. The inputs are then efficiently pulled through to populate a machine-readable database, which forms a key component of the oversight regime when it is analysed by IOCCO.

The legal framework in both eras is implicit in the form of the document, yet the document is primarily an operational device. I suggest that this may be significant for thinking about where the law 'happens', and that this operational phase deserves greater attention in debates about the appropriate means of protecting privacy be it from public or indeed private actors. However the question is particularly acute when the question concerns closed organisations such as the police and intelligence services in which decisions and their effects are intentionally non-transparent