



Overt surveillance and data gathering of public protest - a question of privacy or disruption?
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The overt surveillance of protest and other assemblies has become commonplace. Police camera teams, dedicated use of CCTV, and a range of other data gathering practices have become 'business as usual' in the policing of public order. The courts have so far been reluctant to impose further restrictions on police discretion in this area, and in the case of *Catt*, Lord Sumption found that overt photography and other forms of data gathering on public protest activity constituted only a 'minor' interference with privacy rights.

It is suggested however, that any understanding of overt surveillance must extend not only to the question of what data is obtained and kept, but to the ways in which individuals become the target of such surveillance, and the impact it has on them – particularly the extent to which such individuals are likely to experience other forms of coercive policing, or policing that is disruptive of lawful activity, or particularly of activity that is protected by Article 10 and 11 ECHR.

Individuals undertaking protest activities are particularly susceptible to overt data-gathering practices and vulnerable to the disruptive impact of surveillance activities at various stages of the surveillance cycle, including the collection, retention, dissemination and ultimate use of information. The operational use of surveillance for disruption and deterrence may impact on lawful, as well as criminal behaviour, in both psychological and physical ways.

This paper will examine the scope of intelligence gathering practices that are used in relation to protest events, the purposes for which such data is collected, and the impact for the individual or protest group concerned. It will present some initial observations from a series of interviews conducted with protesters who have been the target of overt surveillance practices, and explores whether the disruption of lawful activities is an acceptable or necessary element of the surveillance of protest activity.