

Politics

# Data protection Bill hijacked in Lords ‘threatens to muzzle press’

Former culture secretary warns legislation changes would have made Oxfam Haiti expose ‘impossible’

By Edward Malnick  
WHITEHALL EDITOR

“DEEPLY damaging” changes to data protection legislation by peers threaten press freedom and would have made it “impossible” for newspapers to expose scandals such as the sexual misconduct of Oxfam workers in Haiti, a former Tory culture secretary warns today.

Writing in *The Sunday Telegraph* ahead of an attempt by ministers to overturn House of Lords amendments that “hijacked” a Government bill, John Whittingdale says that the provisions are being used by politicians to “muzzle the press and to subject it to Government controls”.

The Conservative MP singled out Jeremy Corbyn for criticism after a video produced by the Labour leader warned the press “change is coming”.

His intervention came as a Downing

Street spokesman warned that the amendments “would threaten the free press by the back door” and confirmed that the Government would seek to remove them at the next stage of the legislation’s passage through the Commons, after a debate tomorrow.

Last week Matt Hancock, the Culture Secretary, said the Government would not implement the second stage of the Leveson Inquiry, set up by David Cameron after the phone hacking scandal, which was due to examine relations between journalists and the police.

The Conservatives had ruled out the move in their election manifesto but peers inserted an amendment into the Data Protection Bill in January which would require it. The move was opposed by senior figures including Lord Judge and Lord Woolf, the former lords chief justice.

“During its passage through the House of Lords, the Bill was hijacked to include provisions which would be deeply damaging to the freedom of our press,” Mr Whittingdale writes. “The revelations of phone hacking by the *News of the World* and other papers



were shocking. The [Culture] select committee that I chaired at the time played a part in exposing those practices which led to criminal prosecutions and the setting up of the Leveson Inquiry. That inquiry sat for 15 months and cost over £5 million.

“As a result, an entirely new body – IPSO – was set up to adjudicate complaints against the press and to investigate abuse. It is independent and has powers to impose real sanctions including front page corrections and fines.”

He added: “A further Leveson inquiry would not even cover the increasingly powerful news providers which are online and almost entirely unregulated.”

A second, “even more damaging” amendment introduced by the Lords would force newspapers that are not members of the separate Impress regulator, which is approved by the Government, to pay the cost of data protection actions even in cases where the claims are dismissed by courts.

“This clause mimics Section 40 of the Crime and Courts Act which proposed the same penalties in libel and

privacy actions.” Mr Whittingdale writes. “No national or major local newspaper has been willing to join such a regulator and so almost every publisher would be at risk.

“It would have a massive chilling effect on investigative journalism and would make investigations such as the Paradise Papers or the Oxfam scandal impossible to publish.”

Meanwhile, Max Mosley, the former Formula One boss who is bankrolling Impress, said he would apologise for a racist leaflet published in his name if a “West Indian migrant” personally told him they were “really upset”.

Mr Mosley published the election manifesto in 1961. It claimed “coloured immigrants” spread disease.

In an interview with *The Guardian*, he said: “I don’t think I’ve ever been a racist. I know you can say that was a racist leaflet, but I’ve never had a problem about different races.”

He added: “If there was a West Indian immigrant here in this room, who said to me: ‘That really upset me’, I would apologise to them profusely.”

John Whittingdale: Page 19

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## Set example on Facebook abuse, MPs are told

By Harry Yorke  
POLITICAL CORRESPONDENT

IT IS politicians rather than Facebook who need to do more to tackle abuse online, the founder of the organisation’s politics division has said.

“Taking a swipe at “hardline” MPs who use the site irresponsibly, Elizabeth Linder claims that the organisation’s attempts to promote “engaging conversation” have been hampered by politicians who use social media to attack one another. Ms Linder, who

Elizabeth Linder, who founded the social media giant’s politics division, says it has been used for attacks

## Facebook abuse, MPs are told

founded Facebook’s politics division in Europe, the Middle East and Africa, told *The Sunday Telegraph* that the onus was on society’s “leaders” to set an example. She added that their use of divisive rhetoric online was “not only unhealthy for society but also incredibly disappointing”.

Ms Linder, who left Facebook in May 2016, suggested that Jeremy Corbyn has been successful on social media because he appears more authentic than Theresa May. “When people hear Jeremy Corbyn speak, they get a sense

that they are getting the real deal – not a PR team’s practised spokesperson,” she said. “This isn’t about having that perfectly polished message. What really works on these platforms is not only people who are authentic, but amateurs, who talk in a way that is accessible.”

Her comments come amid growing pressure on social media companies to do more to eradicate bullying and harassment online. However, Ms Linder, who has advised leaders including David Cameron and François Hollande,

warned that focusing only on social media firms was akin to “whack-a-mole”. “I think so much of politics is attack mentality. That is one of the biggest challenges of our political system,” she said. “That’s why so many good people don’t go into politics, because they don’t want to be involved in that.”

“I think that is a way that a lot of individuals think they should use social media. The idea that most of these people have is that they should go out there and have their short fast attack lines.”

# Blair is wrong about the UK’s security after Brexit, claims former spy chief

By Edward Malnick  
WHITEHALL EDITOR

POLITICIANS such as Tony Blair talking up the importance of the European Union to Britain’s security fail to grasp the “practical reality” of counter-terror operations, a former spy chief has told *The Sunday Telegraph*.

Sir Richard Dearlove, the former head of MI6, suggested that Mr Blair did not understand key intelligence considerations when he questioned how Britain could fight terrorism without “enhanced integration of intelligence and surveillance”, in a speech last week in which the former prime minister expressed hope that the British people would “change their mind” about Brexit.

In a significant intervention, Sir Richard also called for Britain to increase its defence budget after Brexit, adding his weight to calls by senior Tories lobbying the Treasury for a rise in spending. “We should definitely increase our defence expenditure,” he said. “As part of Brexit we should increase our defence and security contribution to continental Europe. We should say ‘we’re leaving, we’re going to enhance the relationship’.”

“In the end I think this will make a big difference to our position in Europe on a number of other issues.”

Sir Richard’s comments come as Briefings for Britain, a new group of some 40 academics campaigning for a clean break from the EU, publishes a paper by the former spy chief setting out how there is “no reason” Brexit should “disrupt or lessen” any existing

intelligence and security partnerships. Speaking to this newspaper, he said of Mr Blair’s speech last week: “I understand what Tony Blair is saying but he is really talking theoretically – he’s not, in my view, talking practically.”

“On the anti-terrorism side we have a very effective mechanism, which I’ve described in the paper.

“Politicians have never worked in this area and they don’t understand things like source sensitivity, they tend to be ‘excessively tough’ in rhetoric intelligence that’s sensitive you can’t share it simultaneously with 27 [member states].”

Sir Richard writes in the Briefings for Brexit paper: “Everything of importance is exchanged bilaterally rather than through EU fora, which are essentially talking-shops for networkers – useful, perhaps, but not suited to the exchange of actionable intelligence.”

Meanwhile, Liam Fox, the International Trade Secretary, writes in today’s newspaper that remaining in a customs union after Brexit would amount to a “betrayal of Britain’s national interests”. Dr Fox said proposals being pushed by Labour and senior EU figures would lead to Britain “abandon[ing] our global ambitions”.

His intervention came amid signs that some pro-Europe Tories threatening a rebellion over the customs union issue may drop their support for an amendment to the Government’s Trade Bill as a result of the compromise set out by Theresa May. Sarah Wollaston, who was among eight Tories backing an amendment requiring the UK to “participate after exit day in a customs union with the EU”, told BBC Radio 4’s *The Week in Westminster*: “We’re all going to have to accept that we won’t get our way on everything.”

This week the EU will issue its draft negotiating guidelines. Charles Grant, the director of the Centre for European Reform, said he feared “middle of the road” voters perceived the EU’s attitude as “excessively tough” in rhetoric over a future economic relationship.

“People in the EU don’t understand that will make British voters quite hostile to the EU, which is not in its best interests because it will make it harder for British politicians to convince voters of the need for greater cooperation,” he warned. “I don’t think that’s the intention of the EU but there’s certainly a risk of that perception.”

## Remaining in a customs union with the EU would be a betrayal of Britain’s best interests

Comment

By Liam Fox  
INTERNATIONAL TRADE SECRETARY

THERE has been a great deal of discussion in recent days around the concept of some sort of customs union with the EU post-Brexit. The debate has been complicated by a lack of consistency around the terms involved. Some people have been unclear about the difference between the Customs Union, a customs union and customs arrangements. So here goes.

The Customs Union is a legal EU entity. As we are leaving the European Union, necessarily, we cannot remain in the Customs Union which is open only to EU member states. The alternative has been proposed that we enter a new customs union with the EU. This has been proposed by Jeremy Corbyn. The Labour leader is willing to betray millions of Labour Leave voters to try to cause the Prime

Minister additional problems in parliament in a clear demonstration of why he is unfit for office. We have no idea what his customs union would consist of as he seems particularly clueless, even for him, on the details.

But we do know what the general disadvantages of any customs union would be. First, for the goods we sell, we would have to accept EU trade rules without any say in how they were made. That is not what the British people voted for.

Secondly, it would limit our ability to reach new trade agreements with the world’s fastest-growing economies. We would be unable to offer a full range of economic sectors in any future talks so we would be much less attractive partners for any of the major economies where we want to achieve new arrangements. And thirdly, it would limit our ability to develop our trade and development policies that would offer new ways for the world’s poorest nations to trade their way out of poverty. We would have to accept the EU Common External Tariff which sets the rates of duty that developing countries must pay to sell their goods into the EU and the UK. Those who

have campaigned for a fairer deal for developing countries must understand how a customs union would tie our hands for the future.

Moreover, whatever sectors a customs union covered, were the EU to make its own new trade agreements in the future, we would be forced to allow goods from other countries into our market tariff-free, on terms set by Brussels, without guaranteed tariff-free access to the markets of other countries in return. If we were to disagree, Brussels could overrule us.

It would be a betrayal of Britain’s national interests. What we do want to see are new customs arrangements, designed to minimise any unnecessary costs or regulations at our borders so that trade can continue as frictionless as possible. Remaining in a customs union of any type would only make sense if we were to abandon our global ambitions and limit our abilities to shape our trade policy. That we are not willing to do, as we must be free to determine our own trading future taking the opportunity of the huge growth in global markets. In the referendum we voted to take back control. That is what we must deliver.

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