

Observation Affects Reality

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According to the *observer effect* the act of observation changes the phenomenon being observed. This applies to physics, electronics, psychology, as well as to policing. Consequently, requesting investigative data regarding an individual can change the way this individual behaves and influence the relation that this individual has with the third party providing the data, just like a multimeter connected to an electrical circuit adds a load to the circuit and alters the reading from it. This can result in some vital requests for information being delayed, until the investigations are at a stage that open collection of evidence cannot influence the results, while some requests are banned altogether. The research presented in this article aims to improve the investigative data acquisition techniques to mitigate the observer effect and provide greater protection to the person under investigation.

With the advances in digital technologies it is possible to make a request for data without identifying the object of the enquiry to the dataholder. For example an investigator could make a request under RIPA for person's communications or internet data without identifying this person to the relevant service provider. The researchers believe that by hiding the identity of the data subject being investigated the data acquisition request is much less likely to breach the Article 8 of the Council of Europe's Convention on Human Rights (Right to Privacy), as well as being less likely to jeopardise the investigation. For this reason the data acquisition notice could be served at the earlier stages of the investigations, and consequently provide the investigators with the valuable information quicker than it is currently possible. Finally, the data subject and the subject's relation with the third party providing data would be unaffected by such request, and thus the observer effect would be mitigated.

The system, named Investigative Data Acquisition Platform (IDAP), relies on encryption protocols similar to those used by the internet banking websites to secure transmission of data over this public medium. In its basic flavour the platform has two drawbacks. These are: large (from the computer science point of view) processing time required for the enquiry and necessity of sending a large chunk of the third party database to the investigators. It can be proven that it is not possible for the investigators to extract any other information from the third party database, but the records related to the data subject. However, this could be controversial in general public's opinion and costly in terms of the bandwidth used to transmit the data.

The research team is particularly interested in the SIPR member's opinion on the subject and would like to invite you to take part in the survey that will be used to evaluate the findings. Please contribute few minutes of your time to complete the survey hosted at:

www.evidence-acquisition.org/survey.aspx?q=SIPR