

Benjamin Cronshaw

1

12th February 2022

Submission to the Inquiry into the Treaty: CLOUD ACT

The Internet is a clear example of a system that operates across state borders. There are many benefits to the Internet, but it can also be misused for criminal activities. Hence, one can see the merit of countries cooperation with enabling the sharing of data between their jurisdictions to counter serious crime. This Treaty aims to deepen cooperation between the United States and Australia about countering serious crime, namely making it easier for their respective law enforcement agencies to seek information from tech companies in the other jurisdiction.

A simple explanation can be found in one article that describes the Act as to: "allow Australian and US law enforcement agencies to use existing warrants to demand information from overseas-based companies to prevent, detect, investigate and prosecute serious crime" (Karp 2021). Examples of serious crimes that could be addressed under the Treaty include: "Terrorism, ransomware attacks, the sabotage of critical infrastructure over the internet and child sexual abuse" (Hendry 2021). These are serious crimes that are extremely damaging to people and communities, and should be seriously countered.

Naturally we have safeguards and laws to uphold civil liberties and privacy, and this should extend to the online space. This includes requiring law enforcement agencies to gain a warrant where they want to access private information to prevent or investigate a crime. This deal enables agencies to more easily request pertinent information from tech companies, namely those who are based overseas (in this case, in Australia or the US respectively). While they could access the information before, the time delays could disrupt their ability to effectively counter and investigate serious crime.

On principle, this seems like a reasonable Treaty of cooperation between Australia and the United States. In being more effective and timely in addressing serious crime over the Internet - in enabling warrants to be processed more quickly across our respective jurisdictions - this could enhance our security and address serious crime that can occur over the internet.

Kind Regards,

Benjamin Cronshaw.

References

Paul Karp. 16th December 2021. "Australia and US sign Cloud Act deal to help law enforcement agencies demand data from tech giants." The Guardian.

<https://www.theguardian.com/technology/2021/dec/16/australia-and-us-sign-cloud-act-deal-to-help-law-enforcement-agencies-demand-data-from-tech-giants>

Justin Hendry. 16th December 2021. "Australia and US sign CLOUD Act deal for cross-border data access." IT NEWS.

<https://www.itnews.com.au/news/australia-and-us-sign-cloud-act-deal-for-cross-border-data-access-574128>