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To the Rt Hon Baroness Hallett,

### **Request to provide evidence to the UK Covid-19 Inquiry**

I am writing to request an opportunity for Big Brother Watch to provide evidence to the UK Covid-19 Inquiry ('the Inquiry').

I am the director of Big Brother Watch, the UK privacy and civil liberties NGO formed in 2009. We are an independent, non-partisan and non-profit group that seeks to protect rights, particularly in the context of new technology, by lobbying parliament, investigations, public campaigns, and strategic litigation. We work to inform and empower the public voice so we can collectively reclaim our privacy, defend our civil liberties and protect freedoms for the future. During the pandemic, we produced 14 comprehensive *Emergency Powers and Civil Liberties* reports<sup>1</sup> and scores of policy briefings,<sup>2</sup> circulated to every parliamentarian and where relevant those in devolved administrations, examining emergency powers and focusing on the impact on protected rights, civil liberties, democratic functioning and the rule of law. We gave written evidence to parliament and Government consultations on related matters, and I was called to give oral evidence to the Public Administration and Constitutional Affairs Committee on Covid status certification (an area on which we later took legal action in England and Wales respectively).

Whilst we have relevant evidence to provide broadly in relation to module 2 on core UK decision-making and political governance, we also have specific evidence to provide in relation to module 1 (on the UK's resilience and preparedness) regarding the government's Counter Disinformation Unit (recently retitled the National Security Online Information Team, despite the remit apparently not being restricted to national security matters).<sup>3</sup> In my view, the evidence we can supply to the Inquiry would provide

1 *Emergency Powers and Civil Liberties reports* – Big Brother Watch: <https://bigbrotherwatch.org.uk/emergency-powers-reports/>

2 See under 'Emergency Powers': <https://bigbrotherwatch.org.uk/research/>

3 Named day answer to written question for Department for Science, Innovation and Technology on the Counter Disinformation Unit, UIN 43, 14 November 2023: <https://questions-statements.parliament.uk/written-questions/detail/2023-11-07/43>

important missing context to supplement the evidence provided to you by the Director General for Digital, Technology and Telecoms at the Department for Science, Innovation and Technology (DSIT), Ms Susannah Storey.

Ms Storey provided a witness statement to the Inquiry about the activities of the UK government's Counter Disinformation Unit ('CDU'). In my view, the Inquiry would not have a fully informed picture of the work of the CDU from the information provided by Ms Storey. For instance, Ms Storey provided three examples of the "harmful content" that the CDU was concerned with: "medical information around vaccines", "mis- and disinformation falsely connecting COVID-19 to 5G technology which could lead to physical violence" and "mis- and disinformation targeting minority or vulnerable groups such as claims that a particular ethnic group were responsible for spreading the virus" (Witness Statement of Susannah Storey/hereafter 'WS', para. 3.4).<sup>4</sup> Whilst the CDU may have monitored these categories of information, these examples provide you with a limited and incomplete view of its work.

A long-term investigation by Big Brother Watch, detailed in our January 2023 report *Ministry of Truth: the secretive government units spying on your speech*,<sup>5</sup> found that the CDU routinely recorded the lawful, truthful speech of elected politicians, world-leading academics, high-profile journalists, human rights campaigners and members of the public in so-called "counter disinformation" reports, simply because those people had criticised the government's pandemic policies. The topics monitored spanned criticisms of regional support, pandemic preparedness, vaccine supplies overseas, vaccine mandates, Covid status certificates, lockdown modelling and protest rights. Those affected include Leader of HM Opposition Sir Keir Starmer KC, Manchester Mayor Andy Burnham, Conservative MP and former minister David Davis, Green MP Caroline Lucas, columnist Peter Hitchens, Dr Alex de Figueiredo (Vaccine Confidence Project, London School of Hygiene and Tropical Medicine), Professor Carl Heneghan (Centre for Evidence-Based Medicine, Oxford University), and many others.

Recently, the Cabinet Office had to apologise to a journalist, Julia Hartley-Brewer, after counter-disinformation staff<sup>6</sup> wrongly and unlawfully spread misinformation about her in October 2021 to 64 officials across the UK government and even to a US State Department cell designed to counter foreign propaganda and terrorism. Ms Hartley-Brewer, who frequently promoted Covid vaccine benefits on her talkRADIO/talkTV show, was wrongly described as a "known vaccine sceptic" by government officials in

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4 Witness Statement of Susannah Storey to the UK Covid-19 Inquiry, 21 April 2023: <https://covid19.public-inquiry.uk/wp-content/uploads/2023/07/21175218/INQ000183331.pdf>

5 Ministry of Truth – Big Brother Watch, January 2023: <https://bigbrotherwatch.org.uk/wp-content/uploads/2023/01/Ministry-of-Truth-Big-Brother-Watch-290123.pdf>

6 The staff in question were then situated in the Cabinet Office's counter-disinformation team, the 'Rapid Response Unit', which has since been disbanded and absorbed into the government's wider counter-disinformation capacity

a secret “vaccine hesitancy report” after they noted that she had “express(ed) opposition” to a letter in which government ministers suggested children must get vaccinated to avoid losing face-to-face learning. This information was discovered in the course of Big Brother Watch’s investigation. After Ms Hartley Brewer instructed lawyers to take action on her behalf, the government wrote to her to apologise for the unlawful “error” and to acknowledge that the description of her was “inaccurate and not impartial”. We believe such errors were likely widespread.

The evidence compiled in the course of Big Brother Watch’s investigation indicates that the work of counter disinformation teams in the UK government was frequently “inaccurate”, routinely “not impartial”, and certainly stretched far beyond mis- and disinformation, focusing on monitoring speech that scrutinised or criticised government policies. The inaccuracy of the government’s counter-disinformation work is reflected in the few statistics publicly available about this work. Whilst Ms Storey’s witness statement stated that in response to the CDU’s work, “major platforms acted to ensure their terms of service address this (disinformation) and subsequently took action” (WS para. 3.10), the CDU’s work did not always merit platform action. Following pressure, the social media company X, formerly Twitter, revealed in a letter to Big Brother Watch that the majority (58%) of the content flags it received from the Counter Disinformation Unit during the pandemic period (November 2020 – February 2023) did *not* violate the company’s expansive terms of service.<sup>7</sup> Twitter’s terms of service at the time were very broad: on 1<sup>st</sup> April 2020, the platform publicly “broadened” its definition of prohibited “harm” to include speech “that goes directly against guidance from authoritative sources of global and local public health information.”<sup>8</sup> Therefore, according to Twitter/X, 58% of the speech flagged to the platform that the CDU claimed was disinformation that breached the platform’s terms of service did *not* in fact breach the platform’s terms of service, and did *not* contradict authoritative public health guidance. The government has refused to provide us with information about what content was flagged and why.

The UK Government’s counter disinformation activity is highly secretive and Big Brother Watch was only able to obtain the information we have about it with the co-operation of Ms Hartley-Brewer and many other affected individuals and via lengthy legal requests for information to government departments, including by instructing lawyers. We are by no means the only group concerned about the government’s opacity in this regard. In December 2022, Parliament’s Intelligence and Security Committee complained of an “erosion of oversight” as the Government is “refusing” to expand the Committee’s remit to include counter disinformation teams – despite their

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7 Twitter refused majority of removal requests from Covid spying unit – The Telegraph, 10 June 2023: <https://www.telegraph.co.uk/news/2023/06/10/twitter-refused-removal-requests-covid-spy-unit/>

8 [https://blog.twitter.com/en\\_us/topics/company/2020/covid-19#definition](https://blog.twitter.com/en_us/topics/company/2020/covid-19#definition)

close work with the UK intelligence community, as noted in Ms Storey's evidence (WS paras. 1.11, 1.35, 1.45, 2.2, 3.12) - creating a blind spot of secret government activity. As an organisation that has independently sourced important information and insights into this activity, I believe it would benefit the Inquiry if we were given an opportunity to provide evidence that addresses many of the facts omitted in Ms Storey's evidence.

The problems with the UK's counter disinformation activities during the pandemic are multitudinous, but two may stand out as of particular relevance to the Inquiry.

First, the unnecessary, disproportionate, illegitimate and on occasion unlawful activity of the counter disinformation teams necessarily meant that their efforts against genuinely unlawful speech and foreign propaganda were negatively impacted and were neither as focused nor as effective as they could have been. Counter disinformation efforts across government were poorly defined, poorly targeted, and appear to have been politicised to focus more on generating a public opinion feedback loop and protecting the government's reputation than discovering and countering genuine hostile disinformation attacks. To that end, a British Army whistleblower who worked on the Ministry of Defence 77<sup>th</sup> Brigade's counter disinformation project during the pandemic stated that,

"because we were directed to **monitor public sentiment** towards government policies, such as the success of the lockdown policy, **the unit supposedly formed to discover (such) foreign interference would have completely missed it if it were there.** In fact, I developed the impression that **the government were more interested in protecting the success of their COVID-19 policies than uncovering any potential foreign interference (...)**"<sup>9</sup> (emphasis added).

The Ministry of Defence publicly claimed to be undertaking important counter disinformation work that solely focused on serious overseas threats, stating,

"Defence are supporting the Cabinet Office to tackle disinformation and hostile state narratives which seek to undermine the UK's reputation. **All work is internationally focused, and the military do not and have never conducted any kind of action against British citizens**"<sup>10</sup> (emphasis added).

Our investigation confirms that this statement, ironically, was misinformation – it was untrue. In a disinformation presentation made by 77 Brigade for the Cabinet Office as part of this work, which we obtained following months of appeals under the Freedom

9 Ministry of Truth – Big Brother Watch, January 2023, p.67: <https://bigbrotherwatch.org.uk/wp-content/uploads/2023/01/Ministry-of-Truth-Big-Brother-Watch-290123.pdf>

10 COVID Support Force: the MOD's continued contribution to the coronavirus response – Ministry of Defence, 30 October 2020: <https://web.archive.org/web/20210319110130/https://www.gov.uk/guidance/covid-support-force-the-mods-continued-contribution-to-the-coronavirus-response>

of Information Act, the speech logged and monitored was entirely domestic (except one sole reference to a RT article) and, disturbingly, rather than disinformation includes speech of clear democratic importance, from government criticism by Green MP Caroline Lucas to questioned raised on BBC Question Time. For avoidance of doubt, the document's executive summary acknowledged its focus on "narratives (that) question government decision making".<sup>11</sup> Such misuse of military resources must have necessarily impacted the capacity to counter genuine hostile foreign threats.

Second, it is dangerously undemocratic to cast scrutiny of and disagreement with government policies as subversive and deserving of surveillance or even censorship – on the contrary, the scrutiny of a robust, diverse civil society is vital in a rights-respecting country, particularly in a time of extraordinary risks and exceptional powers. Likewise, the job of the Inquiry is precisely to scrutinise the UK government's response to the pandemic so that lessons can be learned for the future. Where such scrutiny and criticism of government policies or actions is baselessly maligned by the government as "disinformation", it is failing in its duties to maintain accountability for power and freedom of expression for the public. The government's willingness to learn lessons for the future from the pandemic relies on a willingness to listen to and reflect on criticism, rather than to cynically dismiss it in the same category as hostile foreign state propaganda.

I contacted the UK Covid-19 Inquiry by email on 21<sup>st</sup> October 2022, 8<sup>th</sup> November 2022, and 31<sup>st</sup> January 2023 to request an opportunity to provide evidence on module 2 regarding UK decision-making and political governance of the pandemic. No such opportunity has been given. Having closely read Ms Storey's written statement, I am again formally requesting an opportunity to provide evidence that I believe fills important gaps in the evidence the Inquiry has thus far received.

I look forward to hearing from you.

Yours sincerely,

Silkie Carlo

Director of Big Brother Watch

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<sup>11</sup> Dismis Daily Report Covid-19 – Cabinet Office, 27 March 2020